

# **ZONING RESOLUTION**

## **WAYNE TOWNSHIP BUTLER COUNTY, OHIO**

### **WAYNE TOWNSHIP BOARD OF TRUSTEES**

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**ARTICLE 1**

**PURPOSE**

- 1.0 This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and property values; securing the most appropriate use of land, and facilitating adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of the Township, and providing a method of administration and prescribing penalties for the violations of provisions hereafter described - all as authorized by the provisions of Chapter 503 and the Sections there under of the Ohio Revised Code.

**ARTICLE 2**

**TITLE**

- 2.0 This Resolution shall be known and may be cited and referred to as the "Wayne Township Zoning Resolution."

**ARTICLE 3**

**INTERPRETATION OF STANDARDS**

- 3.0 In their interpretation and application, the provisions of this Resolution shall be held to be minimum other provisions of law or by other rules or regulations or resolution, the provisions of this Resolution shall control.
- 3.1 Any use specifically not provided for in the provisions of this resolution shall be assumed to be prohibited. (New)

**ARTICLE 4**

**DEFINITIONS**

- 4.00 Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; and words used in the present tense include the future; the singular number shall include plural, and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used;" and the word "shall" is mandatory and not directory; and the word "may" is permissive.
- 4.01 ACCESSORY BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property subordinate to the principal use of the building on the same lot and serving a purpose customarily incidental to the use of the principal building. An accessory building is to be considered attached to a principal building when connected to the principal building in a substantial manner by walls and a roof.

- 4.02 ACCESSORY STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground which serves a subordinate use to the principal use of the building on the same lot and serving a purpose customarily incidental to the use of the principal building.
- 4.03 ACCESSORY USE. A use subordinate to the principal use of a building on the same lot and serving a purpose customarily incidental to the use of the principal building.
- 4.04 ADULT ARCADE. An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, computer hardware or software that produces pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.
- 4.05 ADULT BOOK AND OR VIDEO STORE. An establishment whose principal business purpose, or significant stock in trade of more than twenty (20) percent, or significant portion of its floor area of more than twenty (20) percent, is allocated to adult material; or having more than twenty (20) percent of their gross receipts derived from the sales or rental of adult material.
- 4.06 ADULT CABARET. A nightclub, bar, restaurant, “bottle club”, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:
- a. person(s) who appear nude or in a state of nudity or semi-nude; or
  - b. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
  - c. films, motion pictures, video cassettes, computer hardware or software that produces pictures, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- 4.07 ADULT ENTERTAINMENT. Any establishment which regularly features or as a continuing course of conduct has performances by a topless and/or bottomless dancer, stripper or similar entertainer(s), where such performances are characterized by the display or exposure of specified anatomical areas.
- 4.08 ADULT ENTERTAINMENT FACILITY. Any Adult Arcade, Adult Book/Video Store, Adult Cabaret, Adult Mini Motion Picture Theater, Adult Motel, Adult Motion Picture Theater, Adult Massage Establishment, Adult Nude Model Studio, Adult Escort Agency, or any other business providing Adult Material, Adult Entertainment or Adult Services.
- 4.09 ADULT MASSAGE. A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

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- 4.10 ADULT MASSAGE ESTABLISHMENT. Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of adult massage facilities shall not include the practice of massage in any licensed hospital, nursing home or medical clinic, nor by any licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barbershop or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.
- 4.11 ADULT MATERIAL. Any book, novelties, sexual paraphernalia, magazine, periodicals, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, computer hardware or software, or other tangible thing, that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.
- 4.12 ADULT MINI MOTION PICTURE THEATER. An enclosed building with a capacity of less than fifty (50) persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 4.13 ADULT MOTEL. A motel, hotel, or similar commercial establishment which:
- A. offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
  - B. offers sleeping rooms for rent for a period of time less than ten (10) hours; or
  - C. allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
- 4.14 ADULT MOTION PICTURE THEATER. An enclosed building with a capacity of fifty (50) or more persons where films, motion pictures, video cassettes, slides, or similar photographic reproductions are shown, and in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.
- 4.15 ADULT NUDE MODEL STUDIO. Any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas, is provided money or any form of consideration to be

observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.

- 4.16 ADULT NUDE OR STATE OF NUDITY. The showing, representation, or depiction of human male or female genitals, bare buttock, anus, or the areola or nipple of the female breast with less than a full, opaque covering of any portion thereof below the top of the areola, or of uncovered male genitals in a discernible turgid state.
- 4.17 ADULT, SEMI-NUDE. A state of dress in which clothing covers no more than the genitals, pubic region, the areola of the female breast, as well as portions of the body covered by the supporting straps or devices.
- 4.18 ADULT SERVICE. Any service which is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.
- 4.19 ADULT, SPECIFIED ANATOMICAL AREAS. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; human male genitals in a discernible turgid state even if completely and opaquely covered.
- 4.20 ADULT, SPECIFIED SEXUAL ACTIVITIES. Human genitals in a state of sexual stimulation or arousal; human acts, real or simulated, of masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts; bestiality.
- 4.21 AGRICULTURE. The use of the land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 4.22 ALLEY. A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
- 4.23 BASEMENT. A story whose floor is more than twelve (12) inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar," which is a story more than one-half (½) below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement and as a half- story for purposes of side yard determination.
- 4.24 BED AND BREAKFAST. A residential facility that serves as a single-family unit for a permanent family and also includes temporary sleeping rooms for tourists and transient guests.
- 4.25 BEGINNING OF CONSTRUCTION. The breaking of ground or the incorporation of labor and materials within the walls of the building, whichever occurs first.

- 4.26 BILLBOARD OR SIGNBOARD. Any structure or portion thereof situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, other than the name and occupation or the user of the premises or the structure of the business conducted thereon or the products primarily sold or manufacture thereon.
- 4.27 BOARD. The Board of Zoning Appeals of Wayne Township.
- 4.28 BOARDING OR LODGING HOUSE. A dwelling or part thereof, other than a hotel or restaurant, where meals and/or lodging are provided for compensation for three (3) or more persons and where no cooking or dining facilities are provided in individual rooms.
- 4.29 BUFFER. A landscaped area adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving, or portion of such land use, for the purpose of screening and softening the effects of the land use.
- 4.30 BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.
- 4.31 BUILDING, HEIGHT OF. The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of flat roof or the deck line of a mansard roof, or to the main height level between eaves and the ridge for gable hip or gambrel roofs.
- 4.32 CELLAR. A story the floor of which is more than one-half (½) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 4.33 CHURCH. A building used principally for religious worship. The word "church" shall not include or mean an undertaker's chapel of a funeral building. Churches shall exist as a place of assembly, and as such, shall meet state and local building codes.
- 4.34 CLEAR AND CONVINCING EVIDENCE. A measure of proof which will produce a firm belief as to the truth of allegations sought to be established.
- 4.35 CLUB. A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.
- 4.36 COMMISSION, PLANNING. County Planning Commission of Butler County, Ohio.
- 4.37 COMMISSION, ZONING. Wayne Township Zoning Commission of Butler County, Ohio.
- 4.38 COMMISSIONERS, COUNTY. Board of County Commissioners of Butler County, Ohio.
- 4.39 CONDITIONAL USE. A use that is permitted only by application and approval by the Wayne Township Board of Zoning Appeals.



- 4.40 CONFERENCE CENTER. A facility designed to provide space for meetings, presentations and seminars. Such facility may also include kitchen facilities and recreational amenities.
- 4.41 COURT. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
- 4.42 COURT, OUTER. A court which extends directly to and opens for its full length on a street or other permanent open space or yard at least twenty-five (25) feet wide.
- 4.43 DAY CARE CENTER. A place where child day care is provided, with or without compensation, for a daily average of five (5) or more infants, pre-school or school-age children (outside of school hours). This number shall exclude children of the owner or administrator of the center.
- 4.44 DENSITY. The number of dwelling units per gross area.
- 4.45 DISTRICT. A portion of the territory of Wayne Township in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance. The term "R-District" shall mean any R-1, R-1A, R-2, R-3, R-4, R-MHP or R-PUD District; the term "B-District" shall mean any B-1, B-2, B-3 or B-4, B-PUD District; the term "M-District" shall mean any M-1 or M-2 District; the term F-1 shall mean flood plain district.
- 4.46 DISTRICT, MORE RESTRICTED OR LESS RESTRICTED. Each of the districts in the following listing shall be deemed more restricted than any of the other districts succeeding it, and each shall be deemed to be less restricted than any of the other districts preceding it: R-1, R-1A, R-2, R-3, R 4, R-PUD, R-MHP, A-1, B-1, B-2, B-3, B-4, M-1, M-2, F-1.
- 4.47 DWELLING. Any building or portion thereof designed or used as the residence or sleeping place of one or more persons including manufactured homes built on a permanent foundation, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.
- 4.48 DWELLING, ACCESSORY. A second dwelling located within a principal structure or on the same lot as a principal structure where such accessory dwelling is without full kitchen facilities and is clearly incidental to the principal dwelling.
- 4.49 DWELLING, SINGLE-FAMILY. A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.
- 4.50 DWELLING, TWO-FAMILY. A building designed or used exclusively by two (2) families or housekeeping units.
- 4.51 DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
- 4.52 DWELLING UNIT. One room or suite of two or more rooms, designed for or used by one family for living or sleeping purposes.

- 4.53 ENGINEER. Any person registered to practice professional civil engineering by the State of Ohio Board of Registration as specified in Section 4733.14 of the Ohio Revised Code.
- 4.54 EROSION. The process by which the land surface is worn away by the action of water, wind, ice, or gravity.
- 4.55 FAMILY. A person living alone, or two or more persons living together as a single housekeeping unit.
- 4.56 FARM ANIMAL. Any animal used in conjunction with a permitted agricultural use..
- 4.57 FENCE. A structure, other than a building, comprised of customary building materials, which serves to form a barrier or boundary for the means of protection, privacy, confinement, or used for decorative purposes.
- 4.58 FLOOD PLAIN. Lands in Wayne Township which would be subject to inundation if the characteristics of the 1913 Miami River flood should be repeated, taking into account the flood control and defense works provided since, based on information available from the Miami Conservancy District, and as defined by and subject to the regulations of the Federal Emergency Management Agency (FEMA).
- 4.59 FOUNDATION – Permanent concrete or masonry walls used to support a structure, such as basement or crawl space walls.
- 4.60 FRATERNITY. A club or social activity officially associated with a recognized national association and supervised by an institution for higher education whose membership is limited exclusively to students of said institution and/or association.
- 4.61 GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used only for the storage of self- propelled passenger vehicles or trailers and incidental personal property by the families resident upon the premises.
- 4.62 GARAGE, PUBLIC. A structure or portion thereof, other than a private garage used for the storage, sale, hire, care, repair or refinishing of self propelled vehicles or trailers; except that a structure or part thereof used only for storage or display of self-propelled passenger vehicles, but not for transients, and at which automobile fuels or oils are not sold and motor driven vehicles are not equipped, repaired or hired, shall not be deemed to be a public garage.
- 4.63 HIGHWAY, PRIMARY. An officially designated, federal or state numbered highway or a county or other road designated as a primary thoroughfare on the official Land Use Plan and/or the official Thoroughfare Plan for Butler County, Ohio.
- 4.64 HIGHWAY, SECONDARY. A county or other road designated as a secondary thoroughfare on the official Land Use Plan and/or the Official Thoroughfare Plan for Butler County, Ohio.
- 4.65 HOME OCCUPATION. An incidental use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to use of the premises as a

dwelling, and is conducted entirely within the dwelling unit or within a totally enclosed accessory building, by members of the immediate family without any significant adverse effect upon the surrounding neighborhood.

- 4.66 HOSPITAL. An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than twenty-four (24) hours, which is open to the general public twenty-four (24) hours each day for emergency care, has a minimum of ten (10) patient beds, an average of two thousand (2,000) patient days per annum, and has on duty a registered nurse twenty-four (24) hours each day.
- 4.67 HOUSE VEHICLE. Motorized recreational type vehicle designed to be used as temporary living quarters.
- 4.68 INOPERABLE VEHICLE. Any transportation device which is unfit for use due to not being currently licensed for use on roads in the State of Ohio or is unfit for travel due to the lack of a part or parts so as to make it not road worthy according to the Ohio Revised Code.
- 4.69 JUNK. Waste, discarded or compiled: metal; paper; tires; building materials or equipment; bottles; glass; appliances; furniture; fixtures; rags; rubber; inoperable: motor vehicles, recreational vehicles, farm equipment or implements not used in conjunction with a permitted farm operation, boats, or parts thereof; except when processed as part of a recycling operation as defined and regulated in the Resolution.
- 4.70 JUNK, AUTOMOBILE. See Inoperable Vehicle.
- 4.71 JUNK YARD. A place where waste and/or discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including house wrecking yards, used lumber yards and places or yards for storage or salvaged house wrecking and structural steel materials and equipment; but not including such places where uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 4.72 KENNEL. Any structure or premises on which five (5) or more dogs and/or cats that are more than five (5) months of age are kept.
- 4.73 LAND USE PLAN. The long range plan, as it applies to Wayne Township, for the desirable use of land as officially adopted and amended from time to time by the Butler County Planning Commission. The purpose of such plan being to serve as a guide in the zoning of land to meet changing community needs.
- 4.74 LOT. A piece or parcel or tract of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Resolution, and having frontage on an improved public street.

- 4.75 LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner."
- 4.76 LOT COVERAGE. That portion of a lot which may be covered with structures including all principal and accessory structures.
- 4.77 LOT, FRONTAGE. That portion of a lot running along the right-of-way line of any adjoining unlimited access public thoroughfare. Where the lot is located on a curve in the road, the lot frontage may be measured along the curved building line provided that the side property lines run radial to the curve.
- 4.78 LOT, INTERIOR. A lot other than a corner lot.
- 4.79 LOT, AREA. The computed area contained within the lot lines.
- 4.80 LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
- 4.81 LOT, LINES. The property lines bounding the lot.
- 4.82 LOT LINE, FRONT. The line separating the lot from a street. The line is defined as the edge of the right of way.
- 4.83 LOT LINE, REAR. The lot line opposite and most distant from the front lot line.
- 4.84 LOT LINE, SIDE. Any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.
- 4.85 LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.
- 4.86 LOT WIDTH. The mean width of the lot measured at right angles to its depth.
- 4.87 LOT OF RECORD. A lot or parcel, the description of which has been legally recorded on a deed or subdivision plat.
- 4.88 MANUFACTURED HOME. Any non-self-propelled vehicle more than thirty (30) feet long, so designed for transportation after fabrication on streets, highways, land, air or water, and arriving at the site where it is to be occupied as a one-family dwelling unit complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations and fixed to the ground with appropriate tie-downs and supports, connections to utilities and the like in an approved, manufactured home park. Not including travel trailers.
- 4.89 MANUFACTURED HOME PARK. An area of land divided into three (3) or more sites with foundations laid out to provide sites for manufactured homes permanently affixed to the land for a period of time exceeding sixty (60) days; including any building or structure, fixture or equipment

that is used or intended to be used in connection with providing that accommodation, including provision of sewer, water, electric and any other similar facilities required to permit occupancy of such manufactured home parks thereon.

- 4.90 MINERAL EXTRACTION. Means all or any part of a process followed in the removal or production of minerals from the earth or from the surface of the land by mechanical surface excavation methods, such as, but not limited to, open pit mining, dredging, placering, or quarrying, and includes the removal of overburden for the purpose of determining the location, quantity, or quality of mineral deposits. Mineral extraction does not include: test or exploration boring; mining operations carried out beneath the surface by means of shafts, tunnels, or similar mine openings; the extraction of minerals, other than coal, by a landowner for his own use where such material is extracted and used in an unprocessed form on the same tract of land; the extraction of minerals, other than coal, from borrow pits for highway construction purposes, provided that the extraction is performed under a bond, a contract, and specifications that substantially provide for and require reclamation practices consistent with the requirements of Ohio Revised Code Chapter 1514, the removal of minerals incidental to construction work, provided that the owner or person having control of the land upon which the construction occurs, the contractor, or the construction firm possesses a valid building permit; activity whose sole purpose is maintenance, is of limited duration, and does not adversely affect adjacent properties.
- 4.91 MINERALS. Means sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but does not include coal or peat.
- 4.92 MOTEL OR HOTEL. A building, or group of buildings comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities and distinct and separate from bed and breakfast, boarding house and dormitory.
- 4.93 NON-CONFORMING USE. A building, structure or premises legally existing and/or used at the time of' adoption of this Resolution, or any amendment thereto, and which does not conform with the use regulations prescribed by this resolution for the district in which located.
- 4.94 NON-CONFORMING LOT. A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the district in which it is located.
- 4.95 OFFICES FOR MEDICAL AND ALLIED HEALTH CARE. A building, structure, or premises used by licensed, professional health care providers for the healing arts and counseling of persons on an out-patient basis. Such offices shall not contain patient beds, nor shall they be used as emergency trauma treatment centers.
- 4.96 OUTDOOR ADVERTISING/BILLBOARDS. Any sign used on the exterior of a building or as a freestanding sign which is over 1,100 square feet in surface area.
- 4.97 OVERBURDEN. Means all of the earth and other materials that cover a natural deposit of minerals and also means such earth and other materials after removal from their natural state.

- 4.98 OWNER. One who hold a right of possession and title to a parcel or tract of land.
- 4.99 PARKING AREA, PRIVATE. An open area for the same uses as a private garage.
- 4.100 PARKING AREA, PUBLIC. An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.
- 4.101 PARKING SPACE. A permanently surfaced area of not less than one hundred sixty (160) square feet, either with a structure or in the open, exclusive of driveways or access drives, required for the parking of one (1) motor vehicle.
- 4.101.5 PENAL OR CORRECTIVE INSTITUTIONS. Any building, dwelling or dwelling unit, boarding or lodging house, day care center, group home, half-way house, hospital, motel, nursing home, rest home or other structure used for the housing or care of one or more persons who are either:
- 1) in the custody or control of the Ohio Department of Rehabilitation and Correction, or a similar agency of another state, by virtue of sentence for commission of crime(s) or other order of a court,
  - 2) in the custody or control of the Ohio Department of Youth Services, or a similar agency of another state, by virtue of commitment by a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult;
  - 3) subject to placement in any facility by order of detention prior to disposition by, or by disposition order of, a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult.
- 4.102 PERSON. Any individual, corporation, partnership, joint venture, agency, unincorporated association, municipal corporation, township, county, state agency, the federal government, or any combination thereof.
- 4.103 PLANNED UNIT DEVELOPMENT. A development that is planned to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provision for open spaces, common areas, utilities, public improvements, and collateral uses.
- 4.104 PUBLIC BUILDING. Any structure owned by a government entity or public agency for use as a public building.
- 4.105 PUBLIC UTILITY. An enterprise deemed a public utility by statute and possesses the power of eminent domain.
- 4.106 RECREATIONAL VEHICLES PARK. An area of land containing two (2) or more travel trailers or providing space where two (2) or more travel trailers are harbored or parked or intended to be harbored or parked for a period of sixty (60) days or less, either free of charge or for remuneration purposes, and shall include any building, structure, tent, vehicle or enclosure, used or intended for use as a part of the equipment of such park, and providing sewer, water, electric or other similar facilities required to permit occupancy of such travel trailers.

- 4.107 RECREATIONAL VEHICLES. Any vehicle or mobile structure less than forty (40) feet long which is designed for highway travel on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle; and any house car, camp car, "piggy-back" camper, or self-propelled motor vehicle which is designed for sleeping or commercial purposes, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on jacks, connections to utilities, and the like.
- 4.108 REST HOMES/NURSING HOMES. An establishment that provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and who, by reason of chronic illness or infirmity, are unable to care for themselves. Neither care for the acutely ill nor surgical or obstetrical services shall be provided in such a home; a hospital shall not be construed to be included in this definition.
- 4.109 ROAD. See "street."
- 4.110 ROADSIDE STAND. A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.
- 4.111 ROW HOUSE. See "Town House."
- 4.112 SECOND-STORY RESIDENTIAL. A dwelling unit or units above a first-story commercial use.
- 4.113 SCHOOL, PRIMARY, SECONDARY, COLLEGE, OR UNIVERSITY. Any primary, secondary, college or university school, or seminary, technical or vocational institute, having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio.
- 4.114 STABLE, PRIVATE. A structure wherein an owner or occupant of the premises may keep such horses and ponies as said owner or occupant owns, and no others.
- 4.115 STABLE, PUBLIC. A structure for the keeping of horses and ponies that is used by the general public either free of charge or for remuneration purposes as a commercial establishment.
- 4.116 STORY. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.
- 4.117 STORY, HALF. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposed, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 4.118 STORY, FIRST. The lowest story or the ground story of any building the floor of which is not more than twelve (12) inches below the average contact ground level at the exterior walls of the

building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed the first story.

- 4.119 STREET. A maintained public right-of-way which provides means or access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
- 4.120 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment or something having a permanent location on the ground.
- 4.121 STRUCTURE, PRINCIPAL. A building in which the primary use of the lot on which the building is located, is conducted.
- 4.122 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams or girders.
- 4.123 THOROUGHFARE PLAN. The official Thoroughfare Plan as adopted and as amended from time to time, by the Planning Commission establishing the general location and official right-of-way width of the primary and secondary highways and thoroughfares in Butler County, on file in the office of the County Recorder and the Planning Commission.
- 4.124 TOURIST HOME. A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.
- 4.125 TOWN HOUSE. A structure containing three (3) or more attached single-family dwellings in a continuous row, each such dwelling designed and erected as a unit on an individual lot and separated from adjoining units by an approved fire separation wall or walls.
- 4.126 TRAILER. A structure standing on wheels, or meant to stand on wheels, that is towed or hauled by another vehicle. For the purpose of this Resolution the term "trailer" shall include: utility trailers and construction trailers.
- 4.127 TRAILER, CONSTRUCTION. A vehicular type portable structure, without permanent foundation, primarily designed to be used as an on-site construction office and or to store or haul construction machinery, tools and equipment.
- 4.128 TRAILER, TRAVEL. See Recreational Vehicle.
- 4.129 TRAILER, UTILITY. A trailer designed or intended to carry, haul or transport materials, goods, boats, motorcycles, objects, animals or equipment.
- 4.130 TRUSTEES. The Trustees of Wayne Township, Butler County, Ohio.
- 4.131 USE, FIRST PERMITTED IN "X" DISTRICT. A use which in the sequence of successively; less restricted districts occurs as a permitted use for the first time in the "X" district.



- 4.132 TELECOMMUNICATION TOWER. Any free standing structure, or any structure such as a building, propose to be owned or principally used by a public utility engaged in the provision of telecommunication services in the unincorporated area of Wayne Township, Butler County, Ohio, which area is zoned by Wayne Township, A1, B1, 2, 3, 4, M1, or M2, and which is proposed at a height greater than that permitted within the applicable zone or an attached structure proposed at a height greater than either the height of the build or structure to which it is attached or that is permitted within the applicable zone and proposed to have attached to it radio frequency transmission or reception equipment.
- 4.133 YARD, FRONT. An open space extending the full width of the lot between a building and the front lot line, edge of right of way, unoccupied and unobstructed from the ground upward as hereinafter specified.
- 4.134 FRONT YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building other than such parts hereinafter excepted, and the front lot line, which is the edge of the right of way.
- 4.135 FRONT YARD, LEAST DEPTH, HOW MEASURED. Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way, line of such street as designated on said Thoroughfare Plan.
- 4.136 YARD, REAR. An open space extending the full width of the lot between a building and the rear lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.137 REAR YARD, LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.
- 4.138 YARD, SIDE. An open space extending from the front yard to the rear yard between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.139 SIDE YARD, LEAST WIDTH. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.
- 4.140 SIDE YARD, LEAST WIDTH, HOW MEASURED. Such widths shall he measured from the nearest side lot line and, in case the nearest lot line is a side street lot line from the right of way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall he measured from the right-of-way of such street as designed on the Thoroughfare Plan.
- 4.141 VARIANCE. A modification of one or more requirements of this Resolution for a particular property approved by the Wayne Township Board of Zoning Appeals.

- 4.142 ZONING CERTIFICATE. A document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.
- 4.143 ZONING INSPECTOR. The Zoning Inspector or his authorized representative, appointed by the Wayne Township Trustees.
- 4.144 ZONING MAP. The Zoning Map of Wayne Township and Butler County, Ohio, dated November 19<sup>th</sup>, 1991, and November 17, 1956, together with all amendments and updates subsequently adopted.
- 4.145 ZONING PLAN. The Zoning Resolution of Wayne Township and Butler County, Ohio, dated November 19, 1991, and November 17, 1956, together with all amendments and updates subsequently adopted.

**ARTICLE 5**

**DISTRICTS AND BOUNDARIES THEREOF**

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

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

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

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

5.04 Where a district boundary line as established in this Section or as shown on the Zoning Map or Maps divides a lot which was in a single ownership and of record at the time of enactment of this Resolution, the use authorized thereon and the other district requirements applying to the least restricted portion of such lot under this Resolution shall be considered as extending to the entire lot, provided the more restricted portion or such lot is entirely within fifty (50) feet of said dividing district boundary lines. The use so extended shall be deemed to be conforming.

- 5.05 Question concerning the exact location of a district boundary line shall be determined by the Board as provided in Section 25.10 and in accordance with rules and regulations which may be adopted by it.
- 5.06 Whenever any street or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all resolutions of the extended district or districts.
- 5.07 In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Wayne Township by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an A-1 District, until otherwise classified.

## ARTICLE 6

### GENERAL PROVISIONS

- 6.01 CONFORMANCE REQUIRED. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the District in which it is located, as pursuant to 24.03.
- 6.02 CONTINUING EXISTING USES. Except as hereinafter specified, any lawful use, building or structure, existing as the time of the enactment of this Resolution may be continued, even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.
- 6.03 AGRICULTURE.(Except as authorized by Section 519.21(B) of the Ohio Revised Code) Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building, or structure.
- 6.04 RETAIL ESTABLISHMENTS AND PLACES OF ENTERTAINMENT. Nothing contained in this Resolution shall confer any power to prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.
- 6.041 LOT DEPTH TO FRONTAGE REQUIREMENTS. To provide for the best and most orderly use of land, any lot in the A-1 or R-Districts on which a residential dwelling or dwellings is to be constructed shall be proportioned as follows: The front twenty-five (25) percent (one-fourth (1/4) ) or the depth of the lot must be at least as wide as the required road frontage.
- 6.05 PUBLIC SEWER AND WATER SERVICE. All uses on lots less than one (1) acre shall be provided with public water and sewer service. Where lots are not serviced by public water and sewer service they shall be serviced through private methods that are approved by the County Board of Health.
- 6.051 EXEMPTED RADIO TOWERS AND PUBLIC UTILITIES. Non-cellular radio towers and antennas licensed by the Federal Communications Commission, and public utilities licensed by Public Utility Commission of Ohio (PUCO) are exempted from the requirements of this Resolution.
- 6.052 TELECOMMUNICATIONS TOWERS. In those instances where a telecommunications tower is made subject to Wayne 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.

#### Location, Co-location or Shared Use

1. Prior to the approval of tower location, the applicant shall provide documentation that the proposed tower has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration or other federal or state authority, as applicable.

2. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a 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 tower sharing preclude co-location.

Structural Integrity

1. 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.

2. 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:

- a. mono-pole towers            every ten (10) years
- b. self support towers        every five (5) years
- c. guyed towers                every three (3) years

Inspections are the sole responsibility of the 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.

Setbacks

Towers shall be setback from all property lines a minimum distance equal to the height of the tower.

Screening and Landscaping

Existing on-site vegetation shall be maintained to the greatest extent possible. In addition, at a minimum, the perimeter of the site shall be planted with a staggered row of deciduous trees, not less than 1.5 inches in diameter measured one (1) foot above grade at the time of planting, and/or evergreen trees, a minimum of six (6) feet in height, at time of planting, spaced not more than ten (10) feet on center.

Equipment Buildings

1. Equipment shall be automated to the greatest extent possible to reduce traffic and congestion. These facilities 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. 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.

2. Where there is co-location of equipment upon 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.

Off-Street Parking

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

Lighting

Telecommunication towers shall not be artificially lighted unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 foot candles.

Security

A six (6) foot tall fence, including a locked gate, shall be erected along the perimeter of the site. "NO TRESPASSING" signage shall be prominently posted. If electrified fencing is employed, signs shall be posed every twenty (20) linear feet, reading, "DANGER – HIGH VOLTAGE". No razor or barbed wire is permitted.

Abandonment

An unused telecommunication tower may stand no longer than twelve (12) months following abandonment. All costs associated with demolition of the tower, equipment buildings, and other associated structures shall be borne by the most recent owner of the tower.

- 6.06 OUTDOOR ADVERTISING. Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry and business, trade, or lands used for agricultural purposes, subject to the provisions of Section 22.10 and the applicable district regulations.
- 6.07 FLOOD PLAIN DISTRICT. Nothing herein provided shall be so construed as to prohibit the owner or lands within in "F-I" District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion, in ways that are consistent with applicable FEMA Regulations. The Board shall determine the type and height of any material used.
- 6.08 NON-CONFORMING USES OR BUILDINGS. No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:
- 6.081 SUBSTITUTION OR EXTENSIONS. When authorized by the Board, in accordance with the provisions of subsection 25.05, the substitution for a non-conforming use may be made if the new or extended use is more consistent with the provisions of this Resolution for the district in which the use is located, as determined by the Board of Zoning Appeals pursuant to Section 25.041 of this code.

- 6.0811 Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.
- 6.0812 When authorized by the Board, in accordance with the provisions of subsection 25.05, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for such use prior to the date when such use or building became non-conforming, if no structural alterations, except those required by law, are made within.
- 6.082 DISCONTINUANCE. No building, structure or premises where a non-conforming use has ceased for two (2) years or more shall again be put to a non-conforming use.
- 6.083 REPLACING DAMAGED BUILDINGS. Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God may be restored or reconstructed and used as before such happening provided that it shall be done within twelve (12) months of such happening and building size not increased.
- 6.084 REPAIRS AND ALTERATIONS. Such repairs and maintenance work as required to keep it in a sound condition may be made to a non-conforming building, or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.
- 6.09 CONVERSION OF DWELLINGS. The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only where the resulting occupancy will comply with the requirements governing new construction in such district.
- 6.10 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICTS. Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Resolution, shall have a minimum width and depth equal to the average of the required minimum widths or depths for such side yards, rear yards or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum width or depth of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth required for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.
- 6.11 ACCESSORY BUILDINGS IN R-DISTRICTS AND OR RECORDED PLATTED SUBDIVISIONS. One accessory building per lot, not to exceed fifteen hundred (1,500) square feet in size may be erected detached from the principal building. Except as provided in Subsection 23.04, no accessory building shall be erected in any required yard or court, except a rear yard and shall not occupy more than thirty-five percent of a required rear yard. Accessory buildings shall be distant at least six (6) feet from any dwelling situated on the same lot, unless an integral part thereof, and at least six (6) feet from all lot lines of adjoining lots which are in an R-District or recorded residential subdivision.



- 6.111 In any R-District or recorded residential subdivision where a corner lot adjoins the rear yard of a lot fronting on the side street, no part of an accessory building on such corner lot shall be nearer a side street lot line than the least depth of front yard required along such side street for a dwelling on such adjoining lot, and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
- 6.112 Front Yard. An Accessory Building may be located in the front yard of any lot five (5) acres in size or larger and shall be no closer than 200 feet from the right-of-way of any public or private street and shall be no closer to the side lot line than the minimum distance required for the Principal Structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.113 Side Yard. An Accessory Building, if located in a side yard, shall be no closer to the side lot line than the minimum distance required for the Principal Structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.114 Rear Yard. An Accessory Building, if located in a rear yard, shall be no closer than 10 feet from the rear lot line, no closer to the side lot line than the minimum distance required for the principal structure and shall be at least six (6) feet from any residential dwelling or other accessory building situated on the same lot, unless an integral part thereof.
- 6.115 In any A – district or R – district, an accessory building or structure may be constructed on a lot prior to the construction of a principal building or structure so long as the use of such building or structure would be customarily incidental to the intended use of the principal building or structure. When applying for a zoning certificate for such a accessory building or structure, the applicant shall state on the application the intended use of the proposed principal building or structure. If the applicant fails to construct the proposed principal building or structure within two (2) years of the issuance of the zoning certificate for the accessory building or structure, the Zoning Certificate for the accessory building or structure, shall terminate and the continued use of the accessory building or structure shall be a violation of this Resolution.
- 6.12 STREET FRONTAGE REQUIRED. Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts on a public street for at least the minimum required distance of the applicable zoning district. There shall be no more than one (1) principal use for such frontage. Notwithstanding the foregoing, a lot of record which existed prior to the adoption of this resolution may be used for any principal permitted use within the applicable zoning district even though it fails to abut on a public street for at least the minimum required distance for the zoning district in which the lot is located. There shall be no more than one (1) principal use for such frontage.
- 6.121 On a cul-de-sac roadway, of a dedicated public street, the required frontage may be reduced to forty (40) feet. The required forty (40) foot street frontage shall be measured at the street right-of-way completely on the ball of the cul-de-sac.
- 6.122 Frontage along limited-access, interstate roadways shall not be considered as part of the required street frontage in any zoning district.

- 6.123 In any A-, or R-District, a parcel, adjacent to a recorded subdivision, adjoining a stubbed street or adjoining a lot that has been designated for a future street, may use the end of the existing or proposed right-of-way as the required frontage, provided that only one (1) single-family dwelling be allowed on said parcel and provided said parcel meets all other requirements of the District in which it is located.
- 6.124 Private driveways shall be six (6) feet from the side property line in all agriculture and residential districts.
- 6.13 TRAFFIC VISIBILITY ACROSS CORNER LOTS. In any R-District or recorded residential subdivision on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" so as to interfere with traffic visibility across the corner.
- 6.14 COURT REQUIREMENTS. Where a court is provided for the purpose of furnishing light and air to rooms, such court shall be an outer court, the least dimensions of which shall be as follows:
- 6.141 Least Width: Sum of heights of buildings opposite one another, but less than fifty (50) feet.
- 6.142 Least Length: One and one-half (1 ½) times the width.
- 6.15 REQUIRED AREA OR SPACE CANNOT BE REDUCED. No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than the minimum required by this Resolution; and, if already less than the minimum required by this Resolution, said area or dimensions shall not be further reduced. No part of a yard, court, parking area, or other space provided about, or for, any building or structure for the purpose of complying with the provisions of this Resolution, shall be included as part of a yard, court, parking area or other space required under the Resolution for another building or structure.
- 6.16 OFF-STREET PARKING AND LOADING. In any district, spaces for off-street parking and for loading and unloading shall be provided in accordance with the provisions of Article 22 of this Resolution.
- 6.161 The parking of any travel trailers, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted provided no living quarters shall be maintained or any business conducted while vehicle is so parked.
- 6.17 UNSAFE BUILDINGS. Nothing in this Resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.
- 6.18 PENDING APPLICATIONS FOR BUILDING PERMITS. Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development, building structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six- (6) month period, and not discontinued until completion, except for reasons beyond the builders' control.
- 6.19 MINIMUM LOT WIDTH. Any lot used for residential purposes may reduce the lot width to not less than twenty-five (25) feet so long as the lot meets the frontage requirement of the District in which it is

located and such required frontage width shall extend for not less than fifty (50) feet perpendicular to the right-of-way.

- 6.20 LIMITATION ON PRINCIPAL STRUCTURES. In any A- or R-District, unless otherwise provided, no more than one (1) Principal Structure may be constructed per lot.
- 6.21 ZONING CERTIFICATES – EFFECTIVE PERIOD. Any building or modification, for which a Zoning Certificate has been issued, according to the provisions of this Resolution, shall be in progress before a period one (1) year of has elapsed or said Zoning Certificate shall be void.
- 6.22 ACCUMULATION OF JUNK PROHIBITED. Unless otherwise permitted by this Resolution, no inoperable vehicle, unlicensed trailer or junk shall be permitted to remain exposed on any lot for more than ten (10) days unless stored in a completely enclosed building. Specific demolition and rehabilitation projects requiring the placement of a dumpster, temporary and portable storage units on the lot shall be exempted from these regulations so long as they remain on the lot no longer than thirty (30) days.
- 6.23 PENAL OR CORRECTIVE INSTITUTIONS shall be prohibited from all Agricultural Districts and all Residential Districts.
- 6.24 PERMITTED USE. Permitted uses are only the uses specifically permitted in each district.

**ARTICLE 7**

**A-1 AGRICULTURAL DISTRICT**

- 7.01 PURPOSE. The intent of the A-1 Agricultural District is to reserve land exclusively for agricultural cultivation, very low density residential development and other activities that are basically rural in character.
- 7.02 PRINCIPAL PERMITTED USES.
- 7.021 Agricultural and Farms including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.
- 7.022 One-family detached dwellings. No more than one single family dwelling shall be permitted on a single lot.
- 7.023 Churches, and other similar places of worship, provided that any such building shall be located not less than two hundred (200) feet from any other lot.
- 7.024 Schools and colleges located not less than two hundred (200) feet from any other lot.
- 7.025 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any lot in an R-District or a recorded residential subdivision.
- 7.026 Riding stables; provided that any building or enclosure in which animals are kept shall comply with the distance requirements in subsection 7.047.
- 7.027 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 7.028 Wireleses and Cellular Telecommunication Facility.
- 7.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 25.04 and 25.05 of this Resolution.
- 7.031 Country clubs, golf courses and other recreation areas and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 7.032 Hospitals, religious or charitable institutions not including penal or corrective institutions.

- 7.033 Clubs, Fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.
- 7.034 Travel Trailer Parks for transients.
- 7.035 Cemeteries.
- 7.036 Airports and landing fields.
- 7.037 Commercial hog, fur, or other commercial animal farms.
- 7.038 Commercial mines, quarries and gravel pits, temporary sawmill cutting timber grown on the premises.
- 7.039 Animal hospitals and veterinary clinics.
- 7.0310 Nursing Homes.
- 7.0311 Child Care Facilities.
- 7.0312 Garden stores or garden supply centers.
- 7.0313 Bed and Breakfast.
- 7.0314 Storage and sale of grain, livestock feed or fuel.
- 7.0315 Home Occupations, subject to the provisions of Article 25.07.
- 7.0316 Kennels, subject to the provisions of Article 25.08.
- 7.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
  - 7.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.
  - 7.042 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7.043 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 22.
  - 7.044 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
  - 7.045 ACCESSORY BUILDINGS. On any lot used principally for residential purposes, two (2) Accessory Buildings per lot, not to exceed 2500 square feet in size each, may be erected detached

from the principal building on any lot five (5) acres or less in size which is not in a recorded subdivision. Two (2) Accessory Buildings per lot, not to exceed 3,500 square feet in size each, may be erected detached from the principal building on any lot more than five (5) acres in size. Accessory buildings shall meet all of the front, side, and rear yard requirements of the Principal Structure. Accessory buildings may not be used for a residential dwelling.

- a) Accessory Buildings, Structures, or Sheds regardless if they are portable in nature or attached to the ground two hundred (200) square feet or less do not require a zoning certificate. However they must meet all other provisions contained in the Zoning Resolution with regards to Accessory Buildings, Structures, and or Sheds.

7.046 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.

7.047 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.

7.048 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.

7.05 REQUIRED CONDITIONS.

7.051 HEIGHT REQUIREMENTS. No structure in this district shall be more than 2½ stories or 30 feet in height, except as provided in Section 23.03.

7.052 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 23.01

A-1 AGRICULTURAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>		<u>Rear Yard Depth</u>	<u>Lot Coverage</u>
			<u>One Side Yd.</u>	<u>Both Side Yd.</u>		
Customary Agricultural uses, as specified in Subsection 7.021; other principal uses where larger area not specified Here in above - 5 acres or less.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single family dwellings- 2 acre minimum	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Churches and public buildings – 5 acres minimum and all other permitted and conditional uses - 5 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	100 ft.	20%

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

## ARTICLE 8

### R-1 SUBURBAN RESIDENCE DISTRICT

- 8.01 PURPOSE. The intent of the R-1 Suburban Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 1.9 units per acre. . Thirty-five percent (35%) of the development will be set aside for open space. These areas will constitute areas of sound residential development and will remain semi-rural in character.
- 8.02 PRINCIPAL PERMITTED USES.
- 8.021 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 8.022 One-family detached dwellings.
- 8.023 Churches, and other similar places of worship.
- 8.024 Schools and colleges located not less than two-hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 8.025 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 8.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in sections 25.04 and 25.05 of this code.
- 8.031 Country clubs, golf courses and other recreation areas and facilities including swimming pools.
- 8.032 Nursery schools and child care centers.
- 8.033 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 8.034 Cemeteries.
- 8.035 Nursing Homes.
- 8.036 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses.
- 8.037 Home Occupations. Subject to the provisions of Article 25.



8.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:

8.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.

8.042 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 22.

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

8.044 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.

8.045 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.

8.046 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.

8.05 PROHIBITED USES.

8.051 Kennels and Riding Stables.

8.06 REQUIRED CONDITIONS.

8.061 HEIGHT REGULATIONS. No principal structure or use shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 23.03.

8.062 AREA, FRONTAGE AND YARD REQUIREMENTS.

The gross density for a single-family development shall be 1.9 units per acre (max.). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Wayne Township Resolution. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 8.07 are to be met.

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

<u>Lot Areas</u>	<u>Lot</u>					
	<u>Frontage</u> Per Principal <u>Building</u>	<u>Front</u> Yard <u>Depths</u>	<u>Side Yard</u> One <u>Side Yd.</u>	<u>Widths</u> Both <u>Side Yds.</u>	<u>Rear</u> Yard <u>Depth</u>	<u>Lot</u> <u>Coverage</u>
Single-family dwellings -- 20,000 sq. ft. (1).	150'	40'	15'	30'	45'	40%
Other permitted and conditional uses -- 1 acre, or as specified in Section 26.5.	200'	35'	20'	40'	45'	35%

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

**8.07      OPEN SPACE REQUIREMENTS**

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

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

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

## ARTICLE 9

### R-1A SUBURBAN RESIDENCE DISTRICT

- 9.01 PURPOSE. The intent of the R-1A Suburban Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 2.4 units per acre where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing. 35% of the development will be set aside for open space.
- 9.02 PRINCIPAL PERMITTED USES.
- 9.021 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 9.022 One-family detached dwellings.
- 9.023 Churches, and other similar places of worship.
- 9.024 Schools and colleges located not less than two hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 9.025 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 9.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 25.04 and 25.05 of this code.
- 9.031 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 9.032 Nursery schools and child care centers.
- 9.033 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 9.034 Cemeteries.
- 9.035 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses.
- 9.036 Nursing Homes.
- 9.037 HOME OCCUPATIONS. Subject to the provisions of Article 25.07.

- 9.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the 9999aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
- 9.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.
- 9.042 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 22.
- 9.043 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 9.044 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 9.045 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 9.046 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.
- 9.05 PROHIBITED USES.
- 9.051 Kennels and Riding Stables.
- 9.06 REQUIRED CONDITIONS.
- 9.061 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 23.03.
- 9.062 AREA, FRONTAGE AND YARD REQUIREMENTS.

The gross density for a single-family development shall be 2.4 units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Wayne Township Resolution. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 9.07 are to be met.

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

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

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

9.07 OPEN SPACE REQUIREMENTS

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

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

## ARTICLE 10

### R-2 SINGLE-FAMILY RESIDENCE DISTRICT

- 10.01 PURPOSE. The intent of the R-2 Single-Family Residence District is to reserve certain land areas for one-family homes at a gross maximum density of 4.1 units per acre. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium densities.
- 10.02 PRINCIPAL PERMITTED USES.
- 10.021 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 10.022 One-family detached dwellings.
- 10.023 Churches, and other similar places of worship.
- 10.024 Schools and colleges located not less than two hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 10.025 Neighborhood and community park land, open space, provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 10.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in sections 25.04 and 25.05 of this code.
- 10.031 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 10.032 Nursery schools and child care centers.
- 10.033 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 10.034 Cemeteries.
- 10.035 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses.
- 10.036 Nursing Homes.
- 10.037 HOME OCCUPATIONS. Subject to the provisions of Article 25.07.



- 10.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted or conditional uses, subject to the restrictions in Article 6, including:
- 10.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.
- 10.042 Temporary real estate, political and small announcement signs, subject to the provisions specified in Article 22.
- 10.043 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 10.044 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 10.045 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 10.046 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.
- 10.05 PROHIBITED USES.
- 10.051 Kennels and Riding Stables.
- 10.06 REQUIRED CONDITIONS.
- 10.061 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 23.03.
- 10.062 AREA, FRONTAGE AND YARD REQUIREMENTS.

The gross density for a single development shall be 4.1 units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Wayne Township Resolution. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 10.07 are to be met.

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

<u>Lot Areas</u>	Lot Frontage Per Principal <u>Building</u>	Front Yard <u>Depths</u>	<u>Side Yard Depths</u>		Rear Yard <u>Depth</u>	Lot <u>Coverage</u>
			<u>One Side Yd.</u>	<u>Both Side Yds.</u>		
Single-family Dwelling - 10,000 sq. ft. (1).	85'	30'	10'	20'	40'	40%
Other permitted and conditional uses 1 (1) acre	200'	30'	20'	40'	40'	40%

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

10.07 OPEN SPACE REQUIREMENTS

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

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

## ARTICLE 11

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

- 11.01 PURPOSE. The intent of the R-3 One- and Two-Family Residence District is to reserve certain land areas for one-family or two-family homes, or a mixture there of at a gross maximum density of 6.3 dwelling units per acre. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium densities.
- 11.02 PRINCIPAL PERMITTED USES.
- 11.021 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 11.022 One-family detached dwellings.
- 11.023 Two-family dwellings.
- 11.024 Churches, and other similar places of worship.
- 11.025 Schools and colleges located not less than two hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 11.026 Neighborhood and community park land, open space, provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 11.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Sections 25.04 and 25.05 of this code.
- 11.031 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 11.032 Nursery schools and child care centers.
- 11.033 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 11.034 Cemeteries.
- 11.035 Rest homes or nursing homes for convalescent patients.
- 11.036 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards, or warehouses.

- 11.037 HOME OCCUPATIONS. Subject to the provisions of Article 25.07.
- 11.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:
  - 11.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.
  - 11.042 Temporary real estate, political and small announcement signs subject to the provisions specified in Article 22.
  - 11.043 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
  - 11.044 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
  - 11.045 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
  - 11.046 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.
  - 11.05 PROHIBITED USES.
    - 11.051 Kennels and Riding Stables.
  - 11.06 REQUIRED CONDITIONS.
    - 11.061 HEIGHT REQUIREMENTS. No principal structure shall exceed two and one-half (2½) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1½) stories or twenty (20) feet in height, except as provided in Section 23.03.
    - 11.062 AREA, FRONTAGE AND YARD REQUIREMENTS.

The gross density of a single family, two-family or mixed development shall be 6.3 dwelling units per acre (max). Lot sizes are permitted to vary but will be established by the recorded subdivision plat or plat of survey. Which ever is appropriate per the Wayne Township Resolution. All lots must front on

a public road. Only one principal structure per lot. The single-family or two-family designation for each lot shall also be established on the appropriate plat. (1) All provisions in 11.07 are to be met.

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

<u>Lot Areas</u>	Lot Frontage Per Principal Building	Front Yard Depths	<u>Side Yard Depths</u>		Rear Yard Depth	<u>Coverage</u>
			One Side Yd.	Both Side Yds.		
Single-family dwellings -- 9,000 sq. ft.	75'	30'	10'	20'	35'	40%
Two-family dwellings -- 12,000 sq. ft.	90'	30'	10'	20'	45'	40%
Other permitted uses, 1 acre.	200'	30'	20'	40'	50'	40%

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

11.07 OPEN SPACE REQUIREMENTS

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

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

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

## ARTICLE 12

### R-4 MULTIPLE-FAMILY RESIDENCE DISTRICT

- 12.01 PURPOSE. The intent of the R-4 Multiple-Family Residence District is to reserve certain land areas for multiple-family residential development as well as mixture of 1, 2, 3, 4 & multi-family units. 35% of the development will be set aside for open space. These areas will constitute areas of sound residential development at medium-high densities.
- 12.02 PRINCIPAL PERMITTED USES.
- 12.021 Agricultural and Farms, including any customary agricultural use, building or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or recorded residential subdivision.
- 12.022 One-family detached dwellings.
- 12.023 Two-family dwellings.
- 12.024 Multiple-family dwellings; garden apartments, row dwellings, town houses.
- 12.025 Churches, and other similar places of worship.
- 12.026 Schools and colleges located not less than two hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 12.027 Neighborhood and community park land, open spaces.
- 12.03 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in sections 25.04 and 25.05.
- 12.031 Country clubs, golf courses and other recreation areas and facilities, including swimming pools.
- 12.032 Nursery schools and child care centers.
- 12.033 Hospitals, religious or charitable institutions not including penal or corrective institutions.
- 12.034 Cemeteries.
- 12.035 Rest homes or nursing homes for convalescent patients.
- 12.036 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair garages, storage or repair yards or warehouses.
- 12.037 Office uses.



- 12.038 HOME OCCUPATIONS. Subject to the provisions of Article 25.07.
- 12.04 ACCESSORY USES. Accessory uses, buildings and structures customarily incidental to any of the aforesaid permitted uses, subject to the restrictions in Article 6, including:
  - 12.041 A private garage or off-street parking area, subject to the requirements of Article 6 and Article 22.
  - 12.042 Temporary real estate, political and small announcement signs subject to the provisions specified in Article 22.
  - 12.043 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 12.044 KEEPING OF ANIMALS. The keeping of up to four (4) animals customarily considered house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, nor shall these regulations prohibit the keeping of any number of fish in aquaria.
- 12.045 KEEPING OF FARM ANIMALS. On any lot **used principally for residential purposes**, the keeping of farm animals is considered an accessory use subject to the following conditions: on any parcel with two hundred (200) feet or more of frontage and a minimum of two (2) acres, one farm animal per acre is allowed. Any building in which five (5) or less farm animals are kept, not including fowl or rabbits, which shall be penned, shall be located not less than fifty (50) feet from any lot line. Any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, recorded residential subdivision or lot containing a dwelling other than a farm dwelling.
- 12.046 SWIMMING POOLS. In-ground swimming pools may be located in a rear yard no closer than ten (10) feet from any lot line, and shall be fenced as specified in Article 23.
- 12.05 PROHIBITED USES.
  - 12.051 Kennels and Riding Stables.
- 12.06 REQUIRED CONDITIONS.
  - 12.061 HEIGHT REQUIREMENTS. No principal structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 23.03.
  - 12.062 AREA, FRONTAGE AND YARD REQUIREMENTS.

The gross density of a single-family, two-family or mixed 1 and 2 family developments shall be 7.7 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded subdivision plat or plat of survey. Whichever is appropriate per the Wayne Township Resolution. Once established, this minimum lot size for the development may not

be altered. The single-family or two-family designation for each lot shall also be established on the appropriate plat. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 12.07 are to be met.

The gross density of a three-family, four-family or mixed 1,2,3 & 4 family development shall be 13.5 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded subdivision plat or plat of survey. Whichever is appropriate per the Wayne Township Resolution. Once established, this minimum lot size for the development may not be altered. The 1, 2, 3 or 4-family designation for each lot shall also be established on the appropriate plat. All lots must front on a public road. Only one principal structure per lot. (1) All provisions in 12.07 are to be met.

The gross density of a multi-family development or a mixed-residential development which includes multi-family structures shall be 17.4 dwelling units per acre (max.). Lot sizes are permitted to vary but a minimum lot size will be established by the recorded plat or plat of survey. Whichever is appropriate per the Wayne Township Resolution. Once established, this minimum lot size for the development may not be altered. The 1, 2, 3, 4 and multi-family designation for each lot shall be established on the appropriate plat. All lots must front on a public road. (1) All provisions in 12.07 are to be met.

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

<u>Lot Areas</u>	<u>Lot Frontage Per Principal Building</u>	<u>Front Yard Depth</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>	<u>Coverage</u>
			<u>One Side Yd.</u>	<u>Both Side Yds.</u>		
Single-family dwellings – 7,000 square feet.	60'	25'	10'	20'	35'	30%
Two-family dwellings -- 8,000 sq. ft.	70'	25'	10'	20'	40'	35%
Three-family dwellings -- 9,000 sq. ft.	80'	25'	15'	30'	40'	40%
Four-family dwellings -- 10,500 sq. ft.	90'	25'	15'	30'	45'	40%
Multi-family dwellings (over 4 families - 2,500 sq. ft. per dwelling).	110'	25'	20'	40'	50'	40%
Other permitted and conditional uses as specified in Section 25.05 (1).	200'	30'	20'	40'	50'	40%

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

12.07 OPEN SPACE REQUIREMENTS

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

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

- 12.073 The open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Open space shall be interconnected with existing open space or potential open space on adjacent parcels.
- 12.074 Included in this common open space may be such uses as pedestrian walkways, parkland, open area, retention and detention areas, and other lands of essentially open character, exclusive of off street parking areas, (unless directly related to a designated recreation area) and, street right-of-ways. Open space may also include landscaped medians that are at least 15 feet wide and 25 feet long as well as round-a-bouts that are 20 feet in diameter or greater, as well as landscaped island in parking areas that are at least 15 feet wide and 50 feet long. Other similar and smaller features are permitted, but they cannot be counted toward the open space requirement.
- 12.075 Maintenance of this common open space shall be the responsibility of homeowners' association, conservation trust, park board, the commercial management entity of the development or any other entity willing to maintain the property.
- 12.076 Documents are to be recorded establishing the maintenance and liability for all open space lots and facilities therein. Approval by the Wayne Township Zoning Commission is necessary prior to recording.

## ARTICLE 13

### PLANNED UNIT DEVELOPMENT DISTRICTS

- 13.01 STATEMENT OF INTENT. The following Planned Unit Development regulations are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects with many amenities.
- 13A. R-PUD PLANNED UNIT DEVELOPMENT DISTRICT.
- 13A.01 PURPOSE. The Residential-Planned Unit Development District (R-PUD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Unit Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary PUD Plan and subsequently detailed Final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines, dwelling types and "cluster" type site planning whereby provisions for maximum overall "gross" density are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.
- 13A.02 PRINCIPAL PERMITTED USES.
- 13A.021 One-Family detached dwellings, including approved modular housing.
- 13A.022 Two-family detached dwellings.
- 13A.023 Multiple-family dwellings, garden apartments, row dwellings, town houses.
- 13A.024 Churches and other similar places of worship.
- 13A.025 Neighborhood and community parkland, private parks and common open space, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District, or a recorded subdivision.
- 13A.026 Schools.
- 13A.027 Public Buildings.
- 13A.028 Country Clubs.
- 13A.029 Golf Courses.
- 13A.0210 Hospitals.

13A.0211 Child Care, Nursery Schools.

13A.0212 Cemeteries.

13A.0213 Public Utilities.

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

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

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

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

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

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

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

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

13A.033 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 35%. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open

space may be such uses as pedestrian walkways, parkland, open areas, golf courses, bridle paths, 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 Wayne Township and proper legal documents necessary for such transfer or dedication shall be approved by the Wayne 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 Planning Commission.

13B B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

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

13B.02 PRINCIPAL PERMITTED USES.

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

13B.021 Restaurants, including drive-in restaurants, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.

13B.022 Financial institutions, including drive-in institutions. Manufacturing and research facilities that are permitted in the M-I District.

13B.023 Nursery Schools and Child Care Facilities.

13B.024 Office Uses.

13B.025 Office for Medical and Allied Health Care.

13B.026 Commercial Entertainment.

13B.027 Theaters.

13B.028 Hotels/Motels.

- 13B.029 Animal Hospitals, Veterinary Clinics, Kennels.
- 13B.0210 Building Materials and Retail Lumber Yards.
- 13B.0211 Commercial Recreation.
- 13B.0212 Outdoor Advertising/Billboards.
- 13B.0213 Laboratories.
- 13B.0214 Hospitals.
- 13B.0215 Dwellings when located on upper level(s) of commercial structure.

13B.03 DESIGN STANDARDS.

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

- 13B.031 MINIMUM LOT AREA. The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.
- 13B.032 YARD REQUIREMENTS. The perimeter of the lot shall maintain a minimum of fifty (50) feet for side and rear yard setback requirements. A minimum of twenty (20) feet is required between unattached buildings, and a minimum of fifty (50) feet is required between residential zoning districts and all commercial buildings. No structure shall be allowed closer than twenty (20) feet from a public right-of-way.
- 13B.033 LOT COVERAGE. The total lot coverage of a Business-Planned Unit Development shall be no more than eighty (80) percent for projects under 10 acres and sixty-five (65) percent for all other projects; percent shall be calculated for the total development area.
- 13B.034 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 25% for all tracts. This common open space shall not consist of isolated or fragmented pieces of land which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way. Maintenance of this common open space shall be the responsibility of the commercial management entity of the development.
- 13B.035 PARKING AND LOADING REQUIREMENTS. Parking and loading requirements shall be calculated as per Section 22.01 through 22.09 of these regulations for each intended use in the development. The



total number of required spaces may be reduced by up to 10% if the Wayne Township Zoning Commission determines that all uses can adequately be served by shared parking spaces. Loading requirements may be varied as deemed appropriate by the Township Zoning Commission if provisions are adequately addressed through a shared facility; however, no uses shall address their loading needs from the front of the structure.

13B.036 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 23.03. Any project consisting of a building or buildings more than two and one-half (2½) stories may be allowed. However, open space requirements and building height shall be determined by the Wayne Township Zoning Commission for such projects prior to preparing the Preliminary PUD Plan or Final PUD Plan.

13B.037 SCREENING. A landscaped and/or mechanical screen shall be provided at the rear and side lot lines of the project as approved by the Wayne Township Zoning Commission.

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

The owner/developer(s) are encouraged to engage in informal consultation with the Wayne Township Zoning Commission and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Commission or Planning Commission shall be binding upon the Wayne 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 Wayne Township Zoning Commission and Trustees for their consideration. The Preliminary PUD Plan shall include the following items:

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

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

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

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

13.025 Proposed density levels of each residential area and/or locations and sizes of commercial uses.

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

13.027 Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan.

13.028 Location of schools, parks and other community facility sites, if any. The Planning Commission may, if it determines that the magnitude of the project will exceed the capacity of existing public facilities, require school and/or fire station sites be reserved.

13.029 Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period.

13.03 PROCEDURE.

13.031 The owner/developer(s) shall submit his application for PUD zoning and the Preliminary PUD Plan for the proposed development to the Wayne Township Zoning Commission for its review and recommendation. The Wayne Township Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 519.08. Following the public hearing, the Wayne Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Wayne 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, Section 519.12 and those specified in Sections 13.04 and 13.05 of this Resolution.

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

13.04 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN.

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

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

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

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

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

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

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

- 13.048 That the Preliminary PUD Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Wayne Township, Ohio.
- 13.05 WAYNE TOWNSHIP TRUSTEES' ACTION.
- 13.051 If, from the facts presented, the Wayne 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 Township Trustees may deny the Preliminary PUD Plan or may recommend approval of said plan subject to specified modifications.
- 13.052 At the time of adopting any resolution establishing an R-PUD or a B-PUD District, the Wayne Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common open space as shown on the approved Preliminary PUD Plan.
- 13.053. TIME LIMITS AND EXTENSIONS. The Preliminary PUD Plan shall become null and void unless within three (3) years the Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Planning Commission in accordance with the conditions for approval specified in Sections 13.06 and 13.08 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 13.054 An extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the Wayne 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. as well as the recommendation of the Planning Commission.
- 13.06 FINAL PUD PLAN APPROVAL PROCEDURE.
- 13.061 Once the R-PUD or B-PUD Zoning district and the Preliminary PUD Plan have been approved by the Wayne 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 Wayne Township Trustees prior to the issuance of any zoning certificates by the Zoning Inspector.
- 13.062 The detailed Final PUD Plan(s) shall be in accordance with the approved Preliminary PUD Plan; shall be prepared for the owner/developer(s) by a professionally competent urban planner, professional engineer, architect or landscape architect; and shall include the following:
- 13.063 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.

- 13.064 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.
- 13.065 Preliminary building plans, including floor plans and exterior elevations.
- 13.066 Landscaping plans including quantity, size and variety of landscaping.
- 13.067 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
- 13.068 All necessary legal documentation relating to the incorporation of a Homeowner's Association in the case of an R-PUD or other similar association in the case of a B-PUD, for the purpose of maintaining the specified common open space or common tenant space within the Planned Unit Development.
- 13.069 Copies of any restrictive covenants that are to be recorded.
- 13.07 MAJOR CHANGES. Should the formulation of the detailed Final PUD Plan(s) for any section of the total Planned Unit Development landholding necessitate a major change in the original Preliminary PUD Plan, reconsideration and approval by the Wayne Township Zoning Commission shall be required in accordance with the procedures specified in Sections 13.03 through 13.08 inclusive. Major changes shall include but not be limited to:
  - 13.071 An increase in density.
  - 13.072 Changes in the outside boundaries of the Planned Unit Development Landholding.
  - 13.073 Major changes in the location or amount of land designated for specific land uses including open space.
  - 13.074 Major changes in the internal street and thoroughfare locations or alignments.
- 13.08 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PUD PLAN(S).
  - 13.081 Upon receipt of the detailed Final PUD Plan(s) for each section of the Planned Unit Development landholding, the Planning Commission shall study and review the detailed Final PUD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
    - 13.082 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD or B-PUD District are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.
    - 13.083 That each individual unit of the development can exist as an independent unit which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

- 13.084 That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission and the Wayne Township Zoning Commission, left in its natural state.
- 13.085 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final PUD Plan(s), in accordance with the adopted policy of the Planning Commission and the Wayne Township Zoning Commission.
- 13.086 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 13.087 That the detailed Final PUD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Wayne Township, Ohio.

**ARTICLE 13C**

**PLANNED CONSERVATION DEVELOPMENT DISTRICTS**

- 13C.01 STATEMENT OF INTENT. The following Planned Conservation Development regulations are intended to provide an optional development alternative to property owners and developers who are developing larger tracts under single or common ownership in a unified way with the intent of conserving large portions of the natural environment. These regulations are designed to provide the flexibility to use sites efficiently and to create innovative projects.
- 13C.02 PURPOSE. The Residential-Planned Conservation Development District (R-PCD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Conservation Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary PCD Plan and subsequently detailed Final PCD Plan for each section of the total landholding. The planning and development of the Planned Conservation Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned conservation tract and its surrounding areas. Planned Conservation Development typically features varied setback lines, dwelling types and "cluster" type site planning whereby provisions for maximum overall "gross" density are established to permit preservation of conservation areas without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.
- 13C.03 PRINCIPAL PERMITTED USES.
- 13C.031 One-Family detached dwellings.
- 13C.032 Two-family detached dwellings.
- 13C.033 Multiple-family dwellings, garden apartments, row dwellings, town houses.
- 13C.034 Churches and other similar places of worship.
- 13C.035 Neighborhood and community parkland, private parks and common open space, provided that any principal building or swimming pool shall be located not less than one hundred (200) feet from any other lot in any R-District, or a recorded subdivision.
- 13C.036 Schools.
- 13C.037 Public Buildings.
- 13C.038 Country Clubs.
- 13C.039 Golf Courses.
- 13C.0310 Hospitals.

13C.0311 Child Care, Nursery Schools.

13C.0312 Cemeteries.

13C.0313 Public Utilities.

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

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

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

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

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

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

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

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

13C.043 COMMON CONSERVATION AREAS. There shall be reserved, within the tract to be developed a 50% minimum percentage of land area of the entire tract for use as common conservation area. This common conservation area shall not consist of isolated or fragmented pieces of land which serve no

useful purpose. It shall consist of natural features as well as items of historic or cultural significance. This might include but is not limited to areas of woods, hedgerows, natural vegetation, meadows, hillsides, streams, wetlands, lakes, ponds, archeological features, historic structures, etc.... Included in this common conservation area may be such uses as pedestrian walkways, bike paths, parkland, open areas, bridle paths, drainage ways, storm water management facilities and other lands of essentially open character, exclusive of off-street parking areas (unless directly related to a designated recreation area), and street right-of-ways. Landscaped islands located in parking lots are not considered common conservation areas. These common conservation areas shall be interconnected throughout the development as well as with existing or potential conservation areas on adjacent parcels. Where reasonably possible, after taking into account such items as existing topography, creeks and vegetation and as approved by Planning Commission, the lots shall be arranged at an appropriate distance with mounding and vegetative screening to minimize the view of the structures from the existing road. The only exception to this will be existing historic structures that are to remain. Said screening must be in place prior to the issuance of a zoning certificate for the purpose of obtaining a building permit for the site. The ownership and maintenance of this common conservation area shall lie with either a legally established homeowners' association, conservation trust, park board, or the commercial management entity of the development, or any other entity willing to maintain the property.

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

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

- 13C.051 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses.
- 13C.052 Boundaries of the tract to be developed on a planned basis.
- 13C.053 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.
- 13C.054 Location of different general land use areas proposed to be developed.
- 13C.055 Proposed density levels of each residential area and/or locations and sizes of commercial uses.
- 13C.056 Proposed treatment of existing topography, drainage ways and tree cover, and soil surveys that may be required to be taken at the site.
- 13C.057 Proposed general location of major vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan.



- 13C.058 Location of schools, parks and other community facility sites, if any. The Planning Commission may, if it determines that the magnitude of the project will exceed the capacity of existing public facilities, require school and/or fire station sites be reserved.
- 13C.059 Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period.
- 13C.06 PROCEDURE.
- 13C.061 The owner/developer(s) shall submit his application for R-PCD zoning and the Preliminary PCD Plan for the proposed development to the Wayne Township Zoning Commission for its review and recommendation. The Wayne Township Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 519.12. Following the public hearing, the Wayne Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Wayne Township Trustees, who shall advertise and hold a public hearing and approve, modify or disapprove the application and Preliminary PCD Plan in accordance with the procedures outlined in the Ohio Revised Code, Section 519.12 and those specified in Sections 13.04 and 13.05 of this Resolution.
- 13C.062 The Planning Commission may explicitly impose special conditions relating to the Planned Conservation Development with regard to the type and extent of public improvements to be installed, as well as to landscaping, development, improvement and maintenance of common open space, and other pertinent development characteristics.
- 13C.07 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PCD PLAN.
- 13C.071 Upon receipt of the report of the Wayne Township Zoning Commission, the Wayne Township Trustees shall study and review the proposed R-PCD application and Preliminary PCD Plan to (1) see that all requirements have been satisfied, and (2) ascertain that the following specific conditions are fully met:
- 13C.072 That the R-PCD District is in conformance with the Land Use Plan for Butler County.
- 13C.073 That the total density and/or lot coverage proposed for the development does not exceed the maximum density or lot coverage allowed for the Planned Conservation Development as a whole.
- 13C.074 That the use(s) proposed will not be detrimental to present and potential surrounding uses but will have a beneficial effect which could not be achieved under other zoning districts.
- 13C.075 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
- 13C.076 That the internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated on the Butler County Thoroughfare Plan.

- 13C.077 That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association, park board, conservation trust or commercial management group.
- 13C.078 That the Preliminary PCD Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Wayne Township.
- 13C.08 WAYNE TOWNSHIP TRUSTEES' ACTION.
- 13C.081 If, from the facts presented, the Township Trustees are unable to make the necessary findings, the rezoning application shall be denied. Approval of the rezoning and Preliminary PCD Plan shall be limited to the general acceptability of the land uses proposed, proposed general density levels and their inter-relationship, and shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility which are to be determined in the subsequent preparation of the detailed Final PCD Plan(s). Approval of the Preliminary PCD Plan shall constitute the creation of a separate R-PCD Planned Conservation Development Zoning District. In taking action, the Township Trustees may deny the Preliminary PCD Plan or may recommend approval of said plan subject to specified modifications.
- 13C.082 At the time of adopting any resolution establishing an R-PCD District, the Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common conservation areas as shown on the approved Preliminary PCD Plan.
- 13C.083 TIME LIMITS AND EXTENSIONS. The Preliminary PCD Plan shall become null and void unless within three (3) years the Final PCD Plan for the first section of the plan has been formally approved by the Planning Commission in accordance with the conditions for approval specified in Sections 13.06 and 13.08 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.
- 13C.084 An extension of time limit or the minor modification of the Preliminary PCD Plan may be approved by the 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 PCD Plan. as well as the recommendation of the Planning Commission.
- 13C.09 FINAL PCD PLAN APPROVAL PROCEDURE.
- 13C.091 Once the R-PCD Zoning district and the Preliminary PCD Plan have been approved by the Township Trustees, the owner/developer(s) shall proceed with the preparation of the detailed Final PCD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the Wayne Township Trustees prior to the issuance of any zoning certificates by the Zoning Inspector.
- 13C.092 The detailed Final PCD Plan(s) shall be in accordance with the approved Preliminary PCD Plan; shall be prepared for the owner/developer(s) by a professionally competent urban planner, professional engineer, architect or landscape architect; and shall include the following:
- 13C.093 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.

- 13C.094 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, and vehicular circulation.
- 13C.095 Preliminary building plans, including floor plans and exterior elevations.
- 13C.096 Landscaping plans including quantity, size and variety of landscaping.
- 13C.097 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, and utility improvements, and extensions as necessary.
- 13C.098 All necessary legal documentation relating to the incorporation of a Homeowner's Association or other similar association, for the purpose of maintaining the specified common open space or common tenant space within the Planned Development.
- 13C.099 Copies of any restrictive covenants that are to be recorded.
- 13C.10 MAJOR CHANGES. Should the formulation of the detailed Final PCD Plan(s) for any section of the total Planned Conservation Development landholding necessitate a major change in the original Preliminary PCD Plan, reconsideration and approval by the Wayne Township Zoning Commission shall be required in accordance with the procedures specified in Sections 13C.06 through 13C.11 inclusive. Major changes shall include but not be limited to:
  - 13C.101 An increase in density.
  - 13C.102 Changes in the outside boundaries of the Planned Development Landholding.
  - 13C.103 Major changes in the location or amount of land designated for specific land uses including conservation area.
  - 13C.104 Major changes in the internal street and thoroughfare locations or alignments.
- 13C.11 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PCD PLAN(S).
  - 13C.111 Upon receipt of the detailed Final PCD Plan(s) for each section of the Planned Conservation Development landholding, the Planning Commission shall study and review the detailed Final PCD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:
    - 13C.112 That the proposed detailed Final PCD Plan(s) for the individual section(s) of the overall R-PCD District are in conformance with the approved Preliminary PCD Plan, and the Land Use Plan Map and text of Butler County.
    - 13C.113 That each individual of the development can exist as an independent which is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

- 13C.114 That any part of the Planned Conservation Development not used for structures, parking and loading areas, or streets, shall be left in its natural state; or if approved by the Planning Commission, landscaped or otherwise improved.
- 13C.115 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final PCD Plan(s), in accordance with the adopted policy of the Planning Commission and the Township Trustees.
- 13C.116 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 13C.117 That the detailed Final PCD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Wayne Township, Butler County, Ohio.

**ARTICLE 13D**

**SPECIAL PURPOSE DEVELOPMENT DISTRICT (SPD)**

- 13D.01 PURPOSE. The intent of the Special Purpose Development District (SPD) is to reserve certain land areas for those uses pertaining to the disposal and recycling of waste and debris.
- 13D.02 PRINCIPAL PERMITTED USES.
- 13D.021 Solid Waste Landfills.
- 13D.022 Construction and Demolition Debris Landfills.
- 13D.023 Solid Waste Transfer Stations.
- 13D.024 Recycling Facilities.
- 13D.025 Other solid waste facilities as defined by Chapter 37 of the Ohio Revised Code.
- 13D.03 REQUIRED CONDITIONS.
- 13D.031 All Facilities.

A. Outside Permits, Plans and Regulations.

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

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

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

Facility locations shall not conflict with local zoning ordinances or land use plans adopted by the Board of Butler County Commissioners or Wayne Township.

B. General Siting Criteria.

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

C. Roads and Transportation.

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

Department of Transportation. All road improvement needed for the operation of the facility will be the responsibility of the applicant.

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

D. Ground Water.

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

E. Surface Water.

- a) Facilities shall not be located within two hundred (200) feet of any lake, pond, river or perennial, intermittent or ephemeral stream.
- b) Facilities shall not be located within the boundaries of a FEMA defined 100 year floodplain or any area lying along blue line streams as shown on the USGS quadrants of which Butler County is contained and/or areas with flood prone

soils which are contiguous to blue line streams as shown on the Butler County Flood Prone Soils Map. Facilities shall not be located in wetlands.

- c) The applicant shall submit a surface water runoff management plan.
- d) All surface water runoff which leaves the facility site is to be monitored for contamination. Including but not limited to ammonia, pH, turbidity, oil and grease.

F. Equipment.

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

G. Buffering and Screening.

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

H. Bonding and Financing.

- a) In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed operation in accordance with the plans and specification submitted. Financial assurance requirement: Any owner/operator shall provide adequate assurance of financial responsibility as specified herein, prior to issuance of a zoning certificate. The operator must demonstrate tangible net worth of a least \$10 million, and a ratio of total liabilities to net worth of 2.5 times or less, and a ratio of current assets to current liabilities of 1.2 times or greater. The two ratio requirements must be met for the past year, and documented for the four (4) years preceding the past year. Explanations should be included for any year where the ratios fall below the stated limits.



- b) To guarantee the restoration, rehabilitation and reclamation of areas, every applicant granted a zoning certificate as herein provided shall furnish a reclamation bond running to Wayne Township, Butler County, Ohio, in an amount of not less than fifty-thousand dollars (\$50,000) per acre of area to be restored as a guarantee that such applicant, in restoring, reclamation and rehabilitating such land.
- c) In order to insure the clean up of any potential contamination, every applicant granted a permit shall furnish a contamination clean up bond running to Wayne Township, Butler County, Ohio in an amount of not less than \$100,000 per acre of the facility.

13D.032 Solid Waste and Construction and Demolition Debris Landfills.

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

13D.04 PROCEDURE.

13D.041 The owner/operator(s) shall submit an application for SPD zoning and the Preliminary Development Plan for the proposed development to the Wayne Township Zoning Commission for its review and recommendation. The development plan is to show how all of the required conditions are being met. The Wayne Township Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 519. Following the public hearing, the Wayne Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Wayne Township Trustees, who shall advertise and hold a public hearing and approve, modify or disapprove the application and Preliminary Development Plan in

accordance with the procedures outlined in the Ohio Revised Code, Section 519 and those specified in this Resolution.

- 13D.042 The Planning Commission may explicitly impose special conditions relating to the development.
- 13D.05 CONDITIONS FOR APPROVAL OF THE PRELIMINARY DEVELOPMENT.
- 13D.051 Upon receipt of the report of Wayne Township Zoning Commission, the Wayne Township Trustees shall study and review the proposed application and Preliminary Development Plan to (1) see that all requirements have been satisfied, and (2) ascertain that the following specific conditions are fully met:
- 13D.052 That the Special Purpose District (SPD) is in conformance with the Land Use Plan for Butler County.
- 13D.053 That the use(s) proposed will not be detrimental to present and potential surrounding uses.
- 13D.054 That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses.
- 13D.055 That the Preliminary Development Plan is consistent with the intent and purpose of this Resolution: to promote public health, safety and general welfare of the residents of Wayne Township, Butler County, Ohio.
- 13D.06 WAYNE TOWNSHIP TRUSTEES' ACTION.
- 13D.061 If, from the facts presented, the Wayne Township Trustees are unable to make the necessary findings, the application shall be denied. Approval of the Preliminary Development Plan shall be limited to the general acceptability of the land uses proposed, the proposed general layout, and that the required conditions have been met. This shall not be construed to endorse precise location of uses, configuration of parcels or engineering feasibility. These are to be determined in the subsequent preparation of the detailed Final Development Plan(s). Approval of the Preliminary Development Plan shall constitute the creation of a separate SPD Zoning District. In taking action, the Township Trustees may deny the Preliminary Development Plan or may approve said plan subject to specified modifications.
- 13D.062 At the time of adopting any resolution establishing SPD, the Wayne Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the approved Preliminary Development Plan.
- 13D.07 TIME LIMITS AND EXTENSIONS. The Preliminary Development Plan shall become null and void unless within three (3) years the Final Plan for the first section of the facility has been formally approved by the Planning Commission in accordance with the conditions for approval specified.
- 13D.071 An extension of time limit or the minor modification of the Preliminary Development Plan may be approved by the Wayne 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 Development Plan, as well as the recommendation of the Planning Commission.

13D.08 FINAL SPD PLAN APPROVAL PROCEDURE.

13D.081 Once the SPD zoning district and the Preliminary Development Plan have been approved by the Wayne Township Trustees, the owner/operator shall proceed with the preparation of the detailed Final Development Plan(s). The detailed Final Development Plan(s) must be reviewed and approved by the Wayne Township Trustees prior to the issuance of any zoning certificates by the Zoning Inspector.

13D.082 The detailed Final Development Plan(s) shall be in accordance with the approved Preliminary Development Plan, shall be prepared for the owner/operator by a professionally competent urban planner, professional engineer, architect or landscape architect.

13D.083 In written and in graphic form the Development Plan must illustrate how all conditions of approval are being met.

13D.09 MAJOR CHANGES. Should the formulation of the detailed Final Development Plan(s) for any section of the total facility necessitate a major change in the original Preliminary Development Plan, reconsideration and approval by the Wayne Township Zoning Commission shall be required in accordance with the procedures specified in this Article. Major changes shall include but not be limited to:

13D.091 Changes in the outside boundaries of the facility.

13D.092 Major changes in the location or amount of land designated for specific land uses including buffer areas.

13D.10 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL DEVELOPMENT PLAN(S).

13D.101 Upon receipt of the detailed Final Development Plan(s) for each section of the facility landholding, the Wayne Township Trustees shall study and review the detailed Final Development Plan(s) and shall approve, modify or disapprove the Plan(s) on the basis (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:

13D.102 That the proposed detailed Final Development Plan(s) for the individual section(s) of the overall SPD District are in conformance with the approved Preliminary Development Plan, and the Land Use Plan Map and text of Butler County.

13D.103 That each individual unit of the development can exist as an independent unit which is capable of creating an environment of sustained stability, or that adequate assurance will be provided that such objective can be obtained.

- 13D.104 That any part of the Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
- 13D.105 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final Development Plan(s), in accordance with the adopted policy of the Planning Commission and the Wayne Township Zoning Commission.
- 13D.106 That the detailed Final Development Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Wayne Township, Butler County, Ohio.

**ARTICLE 14**

**R-MHP MANUFACTURED HOME PARK DISTRICT**

- 14.01 PURPOSE. The intent of the R-MHP Manufactured Home Park District is to specify the conditions under which manufactured home parks may be established on tracts of land with a minimum of fifteen (15) acres that have formerly been zoned agriculture.
- 14.02 GENERAL PROVISIONS.
- 14.021 No one may apply for a Zoning Certificate and Building Permit for a Manufactured Home Park without first obtaining an approval of plans from the State of Ohio, Environmental Protection Agency.
- 14.022 Any manufactured home not located within a manufactured home park is privileged to remain at its present location and shall be allowed to be replaced under conditions approved by the Board provided no conditional use permit has been previously granted by said Board.
- 14.023 No existing manufactured home park may be expanded without making application for a Building Permit and meeting the requirements of this Article. Any manufactured home park existing prior to the enactment of this resolution shall be exempt from the requirements of this Article. Any addition to said park shall meet the requirements of this Article.
- 14.024 The parking of any recreational vehicles, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted, providing no living quarters shall be maintained or any business conducted while vehicle is so parked.
- 14.03 PRINCIPAL PERMITTED USES.
- 14.031 Manufactured homes on individual sites within a Manufactured Home Park.
- 14.032 Private parks and common open space, provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any other lot in any R-District, or a recorded residential subdivision.
- 14.033 Related accessory communal facilities such as management, maintenance and storage of grounds keeping equipment and coin-operated laundry and drying facilities.
- 14.04 MANUFACTURED HOME PARK PLAN FILING PROCEDURE AND REQUIREMENTS.
- 14.041 The owner/developer(s) shall file a Manufactured Home Park Plan for a proposed manufactured home park located within an R-MHP District with the Zoning Inspector and with the Board of Zoning Appeals. The Mobile Home Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information.

- 14.042 The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.
- 14.043 Proposed location, size and use of the nonresidential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
- 14.044 Proposed provisions for water, sanitary sewer, surface drainage and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.
- 14.045 Proposed traffic circulation pattern, including location of public and private streets, walks and other access ways showing their relationship to existing streets and topographic features.
- 14.046 Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.
- 14.047 Names and addresses of the owner of all properties lying within three (300) feet of any part of the tract proposed for R-MHP zoning.
- 14.048 Deed restriction, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.
- 14.05 DESIGN STANDARDS.
- 14.051 The tract of land to be developed shall contain a minimum of fifteen (15) acres and located in a R-MHP district.
- 14.052 Before a manufactured home park may be occupied, it shall be a condition that at least forty (40) percent of the manufactured home sites be completed and ready for occupancy; completion shall include but not be limited to the installation of roadways and drives, sidewalks, lighting, public utilities, service and management buildings.
- 14.06 MINIMUM SITE SIZE, MAXIMUM SITE COVERAGE AND SITE FRONTAGE.
- 14.061 Every manufactured home hereafter placed in a manufactured home park shall be on a lot having an area of not less than five thousand (5,000) square feet; and every mobile home park shall contain a density of not more than seven (7) mobile homes per "gross" acre.
- 14.062 Each manufactured home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty (50) percent of the area of the manufactured home site on which it is placed. A typical manufactured home site plan shall be submitted.
- 14.063 Every manufactured home placed on a mobile home site and/or every manufactured home site shall front upon an interior street, and said interior street shall be a dedicated public roadway or a private roadway with a public easement.
- 14.064 YARD REQUIREMENTS. No manufactured home shall be placed on a manufactured home site unless the following yards are provided and maintained in connection with such mobile home dwellings:

- 14.065 FRONT YARD. Each manufactured home site shall have a front yard of not less than ten (10) feet.
- 14.066 SIDE YARD. Each manufactured home site shall have a side yard on each side of not less than fifteen (15) feet, except for corner sites which shall be not less than twenty (20) feet.
- 14.067 REAR YARD. Each manufactured home site shall have a rear yard of not less than twenty (20) feet.
- 14.07 STREETS, SIDEWALKS AND PARKING.
- 14.071 Every manufactured home park shall provide a main entrance drive not less than thirty-six (36) feet wide. No street shall have a usable travel width less than twenty-four (24) feet.
- 14.072 All streets shall be paved and shall be maintained in good condition and lighted at night.
- 14.073 All drives shall be protected at the edges by curbs, gutters, or other suitable edging. as determined by the County Engineer to provide for the stabilization of the pavement and for adequate drainage.
- 14.074 All manufactured home sites shall abut a driveway.
- 14.075 Every manufactured home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such manner that walks can be added later. Individual walks from each manufactured home stand to its paved parking shall also be provided.
- 14.08 UTILITY REQUIREMENTS.
- 14.081 WATER. Every manufactured home park shall be served by a central water system which has been inspected and improved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health, which provides adequate pressure and appropriate water connections for domestic usage.
- 14.082 FIRE PROTECTION. For fire protection purposes, there shall be domestic water under adequate pressure in standard fire hydrants approved by the Butler County Sanitary Engineer, hydrants shall be located within five hundred (500) feet of every manufactured home site within the manufactured home park.
- 14.083 SANITARY SEWERS. Every manufactured home park shall be served by a sanitary sewerage system that provides appropriate connections for manufactured home usage. Such system shall have been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health. Connection between storm water drainage systems and sanitary sewage disposal systems shall not be permitted.
- 14.084 STORM DRAINAGE. Adequate storm drainage for each mobile home site connected the main storm drainage system shall be provided.
- 14.085 REFUSE COLLECTION. Where refuse collection is not carried out on an individual site basis, there shall be refuse disposal receptacles located within two hundred (200) feet of each manufactured

home site. The type, size and location of such receptacles shall be approved by the Butler County Board of Health.

- 14.086 LIQUEFIED PETROLEUM GAS OR FUEL. When liquefied petroleum gas or fuel is used in the manufactured home park, the containers for such gas or fuel shall be the container approved by the Butler County Board of Health, according to the gas's or fuel's intended use.
- 14.087 FUEL OIL SUPPLY. When fuel oil systems are used, they shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks or cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.
- 14.088 NATURAL GAS SYSTEMS. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each manufactured home site provided with piped natural gas shall have an approved manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with an approved method to prevent accidental discharge of gas when the outlet is not in use.
- 14.09 MANUFACTURED HOME STAND. Each manufactured home dwelling shall be placed on a concrete stand designed to carry the load placed thereon, and shall be secured with appropriate tie-downs.
- 14.10 COMMUNAL FACILITIES. In all manufactured home parks, the following facilities shall be provided and available to residents:
  - 14.101 Management and maintenance offices including storage facilities for grounds keeping equipment.
  - 14.102 Laundry and drying facilities in a permanent structure which shall be in a convenient, accessible location and which shall also provide laundry trays and slop sinks.
  - 14.103 Safe, usable, conveniently located recreation area or areas shall be located in each manufactured home park, and shall comprise an area equal to eight (8) percent of the gross area of the manufactured home park tract, or one-half (½) acre, whichever is greater.
- 14.11 PERIPHERAL BUFFER. All manufactured home park tracts which are adjacent an "R" Zoning District or a recorded residential subdivision shall provide a visual barrier to be approved by the Board.
- 14.12 CONDITIONS OF APPROVAL. The basis for the approval of a Manufactured Home Park: application shall be:
  - 14.121 That the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Resolution.
  - 14.122 That the proposed development meets all the minimum requirements specified in the Design Standards section.
  - 14.123 That the proposed development is in conformity with the Butler County Land Use Plan or portion thereof as it may apply.



- 14.124 That the proposed development advances the general welfare of the Township and the immediate vicinity.
- 14.125 That the design character and improved site arrangement justify the location and size proposed in the development.
- 14.126 That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.
- 14.127 The approval shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction as described is initiated within the one (1) year time limit, the approval shall be voided and all the land shall revert to the last previous zoning district, except if an application for a time extension is submitted and approved by the Board of Zoning Appeals.
- 14.128 The Board of Zoning Appeals, upon making an affirmative finding with regard to the above criteria, will authorize the Zoning Inspector to issue a zoning certificate to the applicant. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the manufactured home park to be occupied.
- 14.13 FEE. There shall be a fee of twenty-five dollars (\$25.00) per mobile home site payable to the Wayne Township Zoning Department.
- 14.14 FRONTAGE REQUIREMENT. Any manufactured home park shall have a minimum of four hundred (400) feet of lot frontage.

**ARTICLE 15**

**B-1 NEIGHBORHOOD BUSINESS DISTRICT**

- 15.01 PURPOSE. The intent of the B-1 Neighborhood Business District is to reserve certain land areas for convenience, commercial or personal services and certain types of business and professional uses. These areas will constitute concentrations of neighborhood business uses located in convenient and close relationship to areas of surrounding development.
- 15.02 PRINCIPAL PERMITTED USES.
- 15.021 Any retail and/or service uses including, but not limited to, grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.
- 15.022 Restaurants, not including drive-in or drive-through restaurants.
- 15.023 Automobile service stations, garages doing only minor repair work not including body work; subject to the provisions specified in Section 22.13.
- 15.024 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, not including drive-in or drive-through facilities.
- 15.025 Nursery Schools and Child Care Facilities.
- 15.026 Any other local convenience retail and/or service establishment which is determined by the Board to be of the same general character as the above permitted uses; but not including those uses which are permitted in the B-2 District, or any uses which are prohibited in the B-2 District.
- 15.03 ACCESSORY USE.
- 15.031 A private garage or parking area.
- 15.032 Exterior signs which pertain only a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded residential subdivision. All signs must comply with Section 22.10.
- 15.033 Directional or 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 other similar establishment, provided such signs do not extend over street rights-of- way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 15.034 Temporary real estate, political and small announcement signs, subject to the provisions specified in 22.10.

- 15.035 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 15.036 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 15.037 Wireless and Cellular Telecommunication Facility.
- 15.04 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 15.041 Residential dwelling units if a part of a principal building subject to provisions specified in Section 22.11, 22.12, 22.14.
- 15.042 Bed and Breakfast.
- 15.05 REQUIRED CONDITIONS.
- 15.051 The maximum building size on the ground floor shall be seven thousand (7,000) square feet in any B-1 District.
- 15.052 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building except for off-street automobile parking and off-street loading.
- 15.053 In any B-1 District fronting directly across from any A-1, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least thirty (30) feet from the established street right-of-way line and the buildings and structures at least seventy (70) feet from the said right-of-way line.
- 15.054 Goods for sale shall consist primarily of new merchandise, antiques excepted
- 15.055 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 15.056 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 15.057 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 15.06 PROHIBITED USES.
- 15.061 Any use which is first permitted or which is prohibited in the B-2 District.

15.07 HEIGHT REQUIREMENTS. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, except as provided in Section 23.03.

15.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 23.

B-1 NEIGHBORHOOD BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
			<u>One Side Yd.</u>	<u>Both Side Yds.</u>	
Non-residential buildings – 7,000 square feet.	none	25'	10'	20'	20'
Commercial-Residential District (1)	60'	25'	10'	20'	35'

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

(1) See Section 22.14.

## ARTICLE 16

### B-2 COMMUNITY BUSINESS DISTRICT

- 16.01 PURPOSE. The intent of the B-2 Community Business District is to reserve certain land areas for community and highway oriented retail and service establishments which serve the residents of a number of neighborhoods.
- 16.02 PRINCIPAL PERMITTED USES.
- 16.021 Any retail and/or service uses including, but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, business and professional offices and the like, supplying commodities or performing services primarily for the residents of a portion of the Township..
- 16.022 Restaurants, including drive-in restaurants; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments, provided that: 1) such uses are conducted entirely within an enclosed building, and 2) such uses that are in buildings less than two hundred (200) feet from any R District or recorded residential subdivision shall be within buildings which have no openings other than stationary windows, required doors or required fire exists.
- 16.023 Automobile service stations, including body shops.
- 16.024 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales, including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows, required doors or required fire exits when located within two hundred (200) feet of any R-District, or a recorded residential subdivision.
- 16.025 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, including drive-in or drive-through institutions.
- 16.026 Nursery Schools and Child Care Facilities.
- 16.027 Hospitals, Nursing Homes, Retirement Centers, Assisted Living and Hospice Care Facilities.
- 16.028 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstering; 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 two hundred (200) feet of any R-District, or recorded residential subdivision shall have no openings other than stationary windows, required doors or required fire exits.
- 16.029 Garden stores, supply centers, and greenhouses.

- 16.0210 Churches and other similar places of worship.
- 16.0211 Any other local convenience retail and/or service uses are prohibited unless determined by the Board to be of the same general character as the above permitted uses; but not including those uses which are permitted in the B-3 District, or any uses which are prohibited in the B-3 District.
- 16.0212 Wireless and Cellular Telecommunication Facility.
- 16.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 16.031 Hotels and motels subject to the requirements set forth in Sections 25.04 and 25.05 of this code.
- 16.032 Residential dwelling units if a part of a principal building subject to provisions specified in Section 22.11 and 22.14.
- 16.033 Schools, including primary, secondary, college or university.
- 16.04 ACCESSORY USES.
- 16.041 A private garage or parking area.
- 16.042 Exterior signs which pertain only to a permitted use on the premises; are either internal with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District, or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded residential subdivision.
- 16.043 Outdoor advertising signs and structures are subject to the provisions specified in Section 22.10.
- 16.044 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 16.045 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 22.10.
- 16.046 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 16.047 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.

16.05 REQUIRED CONDITIONS.

- 16.051 The maximum building size on the ground floor shall be fifty thousand (50,000) square feet in any B-2 District.
- 16.052 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- 16.053 In any B-2 District fronting directly across the street from any A-1, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least thirty (30) feet from the established street right-of-way line and the buildings and structures at least seventy (70) feet from said right-of-way line.
- 16.054 Goods for sale shall consist primarily of new merchandise, antiques excepted.
- 16.055 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 16.056 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 16.057 Such uses are conducted entirely within an enclosed building.
- 16.058 Where such uses are in buildings adjacent any R-District or recorded residential subdivision, such buildings shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.
- 16.059 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.

16.06 PROHIBITED USES.

- 16.061 Any use which is first permitted or which is prohibited in the B-3 District or as stated in Section 16.0211.
- 16.062 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

16.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 23.03.

16.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 23.

Any B-2 use must be located at least two hundred (200) feet from any lot in an R district or recorded residential subdivision.

B-2 COMMUNITY BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Widths</u>		<u>Rear Yard Depth</u>
			<u>One Side Yd.</u>	<u>Both Side Yds.</u>	
Non-residential buildings -- none.	None	25'	None, except where adjoining R-District, or recorded residential subdivision-then not less than 35 feet each side yard.		20'
Motels & Motor Hotels -- <u>2</u> acre min.; 500 sq. ft. per bedroom. (1)	150'	25'	15'	30'	50'
Residential Uses (2)	Same as required for single-family in R-4 District.				

(1) See Sections 25.04 and 25.05.

(2) See Section 22.11 and 22.14.



## ARTICLE 17

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

- 17.01 PURPOSE. The intent of the B-3 General Business District is to reserve certain land areas for central commercial uses which serve the general and service needs of the residents of the county. Their locations shall accommodate the most intensive commercial and office development and shall reflect areas of sound, organized development.
- 17.02 PRINCIPAL PERMITTED USES.
- 17.021 Any retail and/or service uses including but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, laundromats, business and professional offices and the like, supplying commodities or performing services for residents of the Township and beyond.
- 17.022 Restaurants, including drive-through windows, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.
- 17.023 Automobile service stations, including body shops.
- 17.024 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales including sales lots and repair of automobiles, trucks, trailers and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows, required doors or required fire exits when located within two hundred (200) feet of any R-District, or a recorded residential subdivision.
- 17.025 Financial institutions, and automated teller machines (ATM), when it is a part of the principal structure, including drive-in or drive-through institutions.
- 17.026 Nursery Schools and Child Care Facilities.
- 17.027 Hospitals, Nursing Homes, Retirement Centers, Assisted Living and Hospice Care Facilities.
- 17.028 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstering; antique stores, auction stores; flea markets; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within three hundred (300) feet of any R-District, or recorded residential subdivision shall have no openings, other than stationary windows, required doors or required fire exits.
- 17.029 Garden stores, supply centers or commercial green houses.
- 17.0210 Drive-in restaurants, summer gardens including entertainment and dancing; provided that any principal building shall be located not less than three hundred (300) feet from any R-District or a recorded residential subdivision.

- 17.0211 Theaters, including drive-in theaters, when authorized by the Board in accordance with provisions specified in subsection 25.041; provided that all parts of such drive-in theaters shall be located not less than three hundred (300) feet from any R-District, or recorded residential subdivision; and further provided that the movie screen shall be so located as not to be visible from adjacent streets or highways, and shall be set back not less than two hundred (200) feet from the established right-of-way of said street or highway. A lesser distance may be imposed by the Board when, in its opinion, visibility would not be adversely affected or there is no interference with traffic visibility.
- 17.0212 Animal hospitals, veterinary clinics or kennels; provided any building or area on the premises used for such purposes shall be located not less than three hundred (300) feet from any R-District, or recorded residential subdivision; and two hundred (200) feet from any B-1 or B-2 District.
- 17.0213 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academies, amusement parks, or similar recreation uses and facilities; provided that such buildings or principal uses shall be located not less than three hundred (300) feet from any lot in an R-District or a recorded residential subdivision.
- 17.0214 Laundry, clothes cleaning and/or dyeing establishments. wholesale business, storage or warehouses provided that any such building or principal use shall be located not less than two hundred (200) feet from any lot in any R-District, or a recorded residential subdivision.
- 17.0215 Bottling of soft drinks and milk; distribution stations; provided that any such building used for such processing and distribution shall be located not less than two hundred (200) feet from any R-District, or a recorded subdivision.
- 17.0216 The following uses - (1) when conducted wholly within a completely enclosed building, but not located within two hundred (200) feet of any R-District, or recorded residential subdivision; or (2) when conducted within an area enclosed on all sides with a solid wall of uniformly painted solid board fence, not less than eight (8) feet high, but not within three hundred (300) feet of any R-District, or a recorded residential subdivision.
- 17.0217 Building material sales yard, not including concrete mixing.
- 17.0218 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor.
- 17.0219 Trucking and motor freight station or terminal.
- 17.0220 Retail lumber yard, including mill work only when incidental.
- 17.0221 Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.
- 17.0222 Carting, express or hauling establishments, including storage of vehicles.

- 17.0223 Stone or monument works not employing power driven tools or if employing such tools then only within a completely enclosed building at least two hundred (200) feet from any R-District, or a recorded subdivision.
- 17.0224 Outdoor advertising signs and structures; subject to the provisions specified in Section 22.10.
- 17.0225 Churches and other similar places of worship.
- 17.0226 Any other general business and/or service use which is determined by the Board to be of the same general character as the above permitted uses, but not including any use which is not permitted, or which is prohibited in the M-1 District.
- 17.03 ACCESSORY USES.
- 17.031 A private garage or parking area.
- 17.032 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in any R-District, or recorded residential subdivision. Such signs may be supported by free standing structures, and may be located anywhere on the premises except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in any R-District, or recorded residential subdivision.
- 17.033 Directional and other incidental signs not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 17.034 Temporary real estates, political and small announcement signs, subject to the provisions specified in Section 22.10.
- 17.035 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 17.036 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 17.037 Wireless and Cellular Telecommunication Facility.
- 17.04 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 17.041 Hotels and motels subject to the regulations set forth in Section 25.04 and 25.05 of these regulations.
- 17.042 Residential Uses.

- 17.043 Schools, including primary, secondary, college or university.
- 17.05 REQUIRED CONDITIONS.
- 17.051 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building, except for the sale of automotive fuel, lubricants and fluids at service stations and except for off-street automobile parking and off-street loading.
- 17.052 In any B-3 District fronting directly across the street from any A-1, R-1, R-1A, R-2, R-3, or R-4 District, the parking and loading facilities shall be distant 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.
- 17.053 Goods for sale shall consist primarily of new merchandise, antiques excepted.
- 17.054 All produce produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 17.055 Process and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 17.056 All outdoor storage shall be located in the rear yard and shall be contained within an eight (8) foot fence.
- 17.057 Where such uses are in buildings adjacent any R-District or recorded residential subdivision such buildings shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.
- 17.058 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 17.06 PROHIBITED USES. Any use which is first permitted or which is prohibited in the M-1 District or as stated in Section 17.0226.
- 17.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height except as provided in Section 23.03
- 17.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 23.

B-3 GENERAL BUSINESS DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard One Side Yd.</u>	<u>Side Yard Both Side Yds.</u>	<u>Widths Both</u>	<u>Rear Yard Depth</u>
Non-residential buildings -- none.	None	25'	None, except where adjoining R-District, or recorded residential subdivision-then not less than 20 feet each side yard.			20'
Motels & Motor Hotels (1) -- 2 acre min.; 500 sq. ft. per bedroom.	<u>150'</u>	25'	15'	30'	50'	
Residential Uses (1)						

(1) See Section 25.05.

## ARTICLE 18

### B-4 OFFICE DISTRICT

- 18.01 PURPOSE. The intent of the B-4 Office District is to provide space in the Township for office development and research facilities. It is also intended to provide space for appropriate small-scale office uses in areas where a transition between residential uses and other more intensive uses is necessary. The limited number of uses permitted in this district is designed to allow the Township to designate areas of transition which are compatible with residential uses and areas which can accommodate larger employment centers without congestion. Large scale office districts should be in clustered, open settings with adequate access to a primary thoroughfare.
- 18.02 PRINCIPAL PERMITTED USES.
- 18.021 Office uses and research and development facilities.
- 18.022 Schools and colleges.
- 18.023 Public buildings and properties of an administrative, cultural, recreational or service type.
- 18.03 ACCESSORY USES.
- 18.031 Private garages or other parking areas.
- 18.032 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises except within the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded subdivision.
- 18.033 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of a parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 18.034 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 22.10.
- 18.035 Temporary buildings for uses incidental to construction work that shall be removed upon completion or abandonment of the construction work.
- 18.036 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 18.037 Wireless and Cellular Telecommunication Facility.

- 18.04 CONDITIONAL USES REQUIRING BOARD APPROVAL. Laboratories subject to the regulations set forth in Sections 25.04 and 25.05 of these regulations.
- 18.05 REQUIRED CONDITIONS.
- 18.051 All business, service or processing and materials used in the business shall be conducted and stored wholly within a completely enclosed building except for off-street automobile parking and off-street loading.
- 18.052 In any B-4 District fronting directly across the street from any A-1, R-1, R-1A, R-2, R-3, or R-4 District, the parking and loading facilities shall be distant at least twenty-five (25) 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.
- 18.053 Process and equipment employed and goods processed shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.
- 18.054 A landscaped buffer shall be provided and maintained along all side and rear lot lines which are adjacent to any R-District or recorded residential subdivision. Where the parcel width is greater than 100 feet, the buffer shall be 20 feet wide and 8 feet high. Where the parcel width is 100 feet or less, the buffer shall be 10 feet wide and 6 feet high.
- 18.06 PROHIBITED USES. Any use which is first permitted or which is prohibited in the M-I District.
- 18.07 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 23.03.
- 18.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 23.

B-4 OFFICE AND RESEARCH DISTRICT

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

**ARTICLE 19**

**M-1 LIGHT INDUSTRIAL DISTRICT**

- 19.01 PURPOSES. The intent of the M-1 Light Industrial District is to reserve certain land areas for industrial development, wholesaling and warehousing uses, and limited commercial use, which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities and commercial use as specified in subsection 19.0218.
- 19.02 PRINCIPAL PERMITTED USES.
- 19.021 Except for uses and processes prohibited as specified in subsection 19.06, permitted uses include the manufacturing, compounding, processing, packaging and assembling of products such as:
- 19.022 Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats or oils.
- 19.023 Products from the following previously prepared material: bone, canvas, cellophane, cloth, Amended cork, feathers, fiber, fur, glass, hair, horn, leather, pager, 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.
- 19.024 Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
- 19.025 Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.
- 19.026 Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- 19.027 Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.
- 19.028 Laboratories - experimental film or testing; provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- 19.029 The following uses; provided no part of a building occupied by such uses shall have any openings other than stationary windows or required fire exits within one hundred (100) feet of any R-District, or a recorded residential subdivision.
- 19.0210 Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise-producing operating tools.
- 19.0211 Foundry, casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.
- 19.0212 Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.



- 19.0213 Ice manufacturing and cold storage plant; creamery and bottling plant.
- 19.0214 Warehouses, trucking and motor freight station or terminal.
- 19.0215 Offices, business and professional.
- 19.0216 The following uses, when located not less than two hundred (200) feet from any R-District, or a recorded residential subdivision.
- 19.02161 Inflammable liquids underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.
- 19.02162 Building materials sales yards including concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.
- 19.0217 Any other use that is determined by the Board, as provided in Article 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, or which is prohibited in said district under Article 19.
- 19.0218 Any use permitted as regulated in the B-1, B-2, B-3 and B-4 Districts when located within three hundred (300) feet of any road right of way, or projects being developed for multiple uses which general overall plan is submitted and approved, prior to the enactment of this resolution.
- 19.0219 Display and sales establishments, provided that all such uses are part of a manufacturing and/or warehousing establishment and that all products for sale are made on the site, and where display space does not exceed 25% of the total square footage of the structure.
- 19.0220 Wireless and Cellular Telecommunication Facility.
- 19.0221 Adult entertainment facility as defined in Section 4.08 and subject to provisions in Section 22.15.
- 19.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 19.031 Automobile wrecking yards, junk yards; subject to the provisions specified in Section 25.05.
- 19.04 ACCESSORY USES.
- 19.041 Retail Uses which are incidental to the principal use and comprise less than 1/4 of the space of use.
- 19.042 A private garage or parking area.
- 19.043 Exterior signs which pertain only to a permitted use on the premises; are either integral with an attached flat against the building, or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in any R-District or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises, except within the required front or side

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

- 19.044 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of any automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 19.045 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 22.10.
- 19.046 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 19.047 Other uses and structures customarily accessory and incidental to a principal permitted use except for uses not otherwise permitted in an M-1 District.
- 19.048 When authorized by the Board, any use permitted in an M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District; subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become objectionable or offensive.
- 19.05 REQUIRED CONDITIONS.
- 19.051 All uses, except for loading and unloading operations and parking, shall be conducted wholly within a completely enclosed building provided that uses specified in Subsection 19.03 shall not be subject to this provision.
- 19.052 No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary windows or required fire exits, within two hundred (200) feet of any R-District, or recorded residential subdivision; and any space used for loading or unloading commercial vehicles in connection with such an operation shall not be within two hundred (200) feet of any R-District, or recorded residential subdivision.
- 19.053 A landscaped buffer of not less than 20 feet in width and 8 feet in height shall be provided along all lot lines which are adjacent to or directly across the street from any R-District or recorded residential subdivision.
- 19.06 PROHIBITED USES.
- 19.061 Any use which is first permitted in the M-2 District or which is prohibited in said District under subsection 20.06, unless as an accessory use which is necessary and incidental to a principally permitted M-1 use.
- 19.062 No use shall be permitted or authorized; to be established or maintained which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements

prescribed by the Board, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, reuse matter or water carried waste.

- 19.063 Dwellings and residences including motels, 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; any variance or series thereof granted by the Board of Appeals prior to the adoption of this amendment or any subsequent and duly approved amendment thereof. For the purposes of this section, said residential uses shall not be considered to be non-conforming and the Board of Appeals shall continue to have continuing jurisdiction over said previously approved variances as if this amendment had not been adopted.
- 19.07 HEIGHT REQUIREMENTS. Within two hundred (200) feet of any R-District, or recorded residential subdivision; no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street; except as provided in Section 23.03.
- 19.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions or Article 20.

Any M-1 use is required to be not less than three hundred (300) feet from any lot in an R District or a recorded residential subdivision.

M-1 LIGHT INDUSTRIAL DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depths</u>	<u>Side Yard One Side Yd.</u>	<u>Widths Both Side Yds.</u>	<u>Rear Yard Depth</u>
Non-Residential Structures - none	None	25'	None, except where adjoining R-District, or recorded residential subdivision - then not less than 20' ft. side yard.		1-story-30' 2-story-40' 3-story-50' Five (5) ft. more each story

## ARTICLE 20

### M-2 GENERAL INDUSTRIAL DISTRICT

- 20.01 PURPOSE. The intent of the M-2 General Industrial District is to reserve certain land areas for general industrial, manufacturing, processing and related operations which are compatible with residential and commercial development. These areas are to be reserved exclusively for general industrial and related development to provide suitable sites for such activity.
- 20.02 PRINCIPAL PERMITTED USES.
- 20.021 Any use permitted in certain parts of said District; or permitted in certain parts subject to Board authorization; or which are not prohibited in the M-2 District by this Article or by any other law or resolution.
- 20.022 Any use principally permitted in M-I Districts.
- 20.023 Any of the following uses, when located not less than four hundred (400) 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 an F-1 District:
- A. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  - B. Acid manufacture, except corrosive acids as specified as a conditional use in subsection 25.0518.
  - C. Automobile assembly.
  - C1. Automobile salvage/wrecking yards, subject to the requirements of Section 25.0516.
  - D. Bleaching, cleaning and dyeing of large scale production.
  - E. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
  - F. Brewing or distilling of liquors.
  - G. Brick, pottery, tile and terra cotta manufacturing.
  - H. Bulk station.
  - I. Candle or sperm oil manufacturing.
  - J. Coal yards, excepting such as permitted in subsection 25.0517.
  - K. Cooperage works.
  - L. Dextrin, starch or glucose manufacturing.
  - M. Disinfectant manufacturing.
  - N. Dye and dyestuff manufacture.
  - O. Enameling, lacquering or japanning.
  - P. Emery cloth or sandpaper manufacturing.
  - Q. Fats and oils rendering or refining.
  - R. Felt manufacturing
  - S. Flour or grain mill.
  - T. Forge or foundry works.
  - U. Gas - generation or storage for illumination or heating.
  - V. Grain drying or poultry feed manufacturing.

- W. Hair or hair products manufacturing.
- X. Lime or lime products manufacturing.
- Y. Linoleum, oil cloth or oil good manufacturing.
- Z. Match manufacturing.
- AA. Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in subsection 20.031.
- BB. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
- CC. Offices, business and professional.
- DD. Paper and pulp manufacturing.
- EE. Perfume manufacturing.
- FF. Pickle, sauerkraut or sausage manufacturing.
- GG. Plaster manufacturing.
- HH. Poultry packing and storage for wholesale; but not slaughter houses, specified as a conditional use in subsection 20.031.
- II. Printing ink manufacturing.
- JJ. Sandblasting or cutting.
- KK. Sawmill, the manufacture of excelsior work fiber or sawdust products.
- LL. Sewage disposal plant.
- MM. Shoddy manufacturing.
- NN. Shoe blacking or polish or stove polish manufacturing.
- OO. Soap manufacturing.
- PP. Steam power plant, except where necessary to a permitted principal use.
- QQ. Stone and monument works employing power-driven tools unless complying with provisions in subsection 20.051.
- RR. Storage, drying, rags, glass, cloth, paper or clipping, including sorting, refining, baling, wood pulling and scouring.
- SS. Sugar refining.
- TT. Tar distillation or manufacturing.
- UU. Vinegar manufacturing.
- VV. Wire or rod drawing - nut, screw or bolt manufacturing.
- WW. Warehouses, trucking and motor freight station or terminal.
- XX. Yeast manufacturing.
- YY. Any other use which, in the opinion of the Board, is of a similar character to those specified above.
- ZZ. Wireless and Cellular Telecommunication Facilities.

20.024 Any other use that is determined by the Board, as provided in Article 25, to be of the same general character as the above permitted uses.

20.025 Adult entertainment facility as defined in Section 4.08 and subject to provisions in Section 22.15

20.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.

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

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

- A. Ammonia chlorine or bleaching powder manufacture.
- B. Animal black, lamp black, bone black or graphite manufacture.
- C. Asbestos manufacturing.
- D. Celluloid or pyroxyline products manufacturing or storage.
- E. Cement, lime gypsum or plaster of parts manufacture.
- F. Crematory.
- G. Creosote manufacture or treatment.
- H. Distillation of coal, petroleum, refuse, grain, wood or bones, except in the manufacture of gas.
- I. Explosives manufacture or storage for small arms ammunition.
- J. Fertilizer, compost (manufacture or storage).
- K. Fish curing, smoking or packing, fish oil manufacture or refining
- L. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.
- M. Glue manufacturing, size or gelatin manufacturing where the processes include the refining or recovery of products from fish, animal or offal.
- N. Hog farm.
- O. Insecticide manufacturing.
- P. Livestock.
- Q. Petroleum or inflammable liquids production, refining and storage above ground.
- R. Poison manufacturing.
- S. Radium extraction.
- T. Rubber, caoutchouc or gutta percha manufacture and treatment from crude or scrap material or the manufacture of balata.
- U. Slaughtering of animals or stock yards.
- V. Smelting of ferrous or non-ferrous ores.
- W. Storage curing or tanning of raw, green or salted hides or skins.
- X. Sulphurous, sulfuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacture.
- Y. Junk yards; subject to the provisions specified in Section 25.0516.
- Z. Processing medical or infectious waste.
- AA. Open storage.
- BB. Any other use which in the opinion of the Board is of a similar character to those specified above.

20.04 ACCESSORY USES.

20.041 A private garage or parking area.

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

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

- 20.043 Directional and other incidental signs, not exceeding four (4) square feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way nor otherwise obstruct or impair the safety of pedestrians or motorists.
- 20.044 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 22.
- 20.045 Temporary buildings for uses incidental to construction work shall be removed upon completion, or abandonment of the construction work.
- 20.046 Other uses and structures customarily accessory and incidental to a principal permitted use, except of a type which is permitted only subject to Board authorization.
- 20.047 Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive.
- 20.05 REQUIRED CONDITIONS.
- 20.051 The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under subsection 19.02 in the M-1 District. Any such use may be conducted in the M-2 District within or without a building or enclosure, subject to any applicable distance limitations set forth in Article 20.
- 20.052 All junk yards shall be enclosed by a solid board fence or wall not less than eight (8) feet high; or a screen of natural material that furnishes year-round screening may be used in place of such fence.
- 20.053 A landscaped buffer of not less than 25 feet in width and 10 feet in height shall be provided along all lot lines which are adjacent to or directly across the street from any R-District or recorded residential subdivision.
- 20.06 PROHIBITED USES.
- 20.061 Dwellings and residences of any kind including motels, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted principal use; provided, however, that any of the aforesaid uses legally existing in the M-2 District at the time of adoption of this Resolution, or any amendment thereto, shall not be classified as a nonconforming use as defined in subsection 4.93.
- 20.062 No use shall be permitted or authorized to be established or maintained which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements

prescribed by the Board, is or may become hazardous, noxious or offensive due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste.

20.07 HEIGHT REQUIREMENTS. Within two hundred (200) feet of any 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 of any street; except as provided in Article 23.

20.08 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed, except as modified by provisions of Article 23.

M-2 GENERAL INDUSTRIAL DISTRICT

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



## ARTICLE 20MU

### MUO-MIXED USE OVERLAY DISTRICT

- 20MU.01 PURPOSE. The MUO District supplements the standards of the underlying Zoning Districts through the use of an Overlay District in certain areas where a specific Urban Design Plan has been adopted by the Wayne Township Trustees.
- 20MU.012 The MUO District, and supplementary/Urban Design Plan, which is incorporated into the MUO regulations, provide design standards which are unique to a particular area. The standards are created specifically to address the unique existing and desired physical and architectural characteristics which are inherent to a particular area in order to:
- a) mitigate the detrimental effects of intensity of use within the area upon the safety of residents and the use and enjoyment of their property;
  - b) preserve and enhance the streetscape along the roadway, in order to maintain the character and to promote safe pedestrian movement;
  - c) promote the mixing of land use types as well as promote and improve the compatibility between them;
  - d) improve the appearance, usefulness and signage;
  - e) help reduce traffic congestion and improve access.
- 20MU.02 PRINCIPAL PERMITTED USES. Any use which is permitted in the Zoning District or Districts underlying an MUO District shall be permitted with either a Permitted or Conditional Use Zoning Certificate pursuant to the procedures and requirements of Subsection 20MU.07 of this Article.
- 20MU.03 PROCEDURES FOR MUO DISTRICT DESIGNATION. The Wayne Township Trustees, County Planning Department, and the Wayne Township Zoning Commission, or owners or lessees of property within the area proposed for an MUO District, in accordance with the procedures for amending the Zoning Map set forth in Article 26, may designate a specific area as an MUO District. Such amendment shall include the area to be included within the MUO District and an Urban Design Plan containing the information pursuant to Subsection 20MU.04 of this Article setting for the supplemental development provisions for the area within the MUO District.
- 20MU.04 REQUIRED CONTENTS OF AN URBAN DESIGN PLAN. The designation of any area as an MUO District shall require the preparation and adoption (in accordance with the provisions of Subsection 20MU.04 + 20MU.05) of an Urban Design Plan. Such plan shall contain the following information:
- A. A survey of the area to be included in the MUO District, showing property lines, existing Zoning District boundaries, and property ownership of all parcels to be included with the MUO.

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

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

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

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

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

or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and the proposed use to be made of the lot. The plans should also indicate all other applicable information as required by the Design Plan.

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

20MU.08 IMPROVEMENTS EXEMPT FROM THE REQUIREMENTS OF THE MUO DISTRICT. Interior remodeling and exterior maintenance work and repairs (new roofs, painting, etc.) shall be exempt from the requirements of this Article.

**ARTICLE 21**

**F-1 FLOOD PLAIN DISTRICT**

- 21.01 PURPOSE. The intent of the F-1 Flood Plain District is to protect storm water channels so they can carry abnormal flows of water in time of high water and flooding; to prevent encroachment into those areas in which development will materially obstruct the flow of flood water, thereby increasing the magnitude of the flooding; and to prevent the loss of life and excessive property damage in the areas of greatest flood hazard, as specified in the FEMA regulations and herein.
- 21.02 PRINCIPAL PERMITTED USES. Agriculture and farms, not including commercial animal or poultry farms or kennels; provided that any building in which farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District, or a recorded residential subdivision.
- 21.03 CONDITIONAL USES, REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations set forth in Section 25.05 of this Resolution.
- 21.031 Neighborhood and Community Parkland, open space.
- 21.032 Country clubs, golf courses and other private noncommercial recreation.
- 21.033 Open storage of floatable material.
- 21.034 Resource and mineral extraction activities.
- 21.04 ACCESSORY USES.
- 21.041 A private garage, parking area or stable.
- 21.042 The selling of bait and the selling or leasing of boats and fishing equipment.
- 21.043 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
- 21.044 Temporary real estate, political and small announcement signs subject to the provisions specified in Section 22.10.
- 21.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 21.046 Any other accessory use that is determined by the Board, as provided in Article 25, to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.
- 21.05 REQUIRED CONDITIONS.

- 21.051 Approval by the Board and compliance with FEMA regulations will be required for construction of any building, enclosure or any type of material storage.
- 21.052 All uses and buildings or premises, for which compliance with the distance requirements in this subsection is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling, or by any school, church or institution for human care.
- 21.06 HEIGHT REQUIREMENTS. No structure shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, except as provided in Section 23.03.
- 21.07 AREA, FRONTAGE AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 23.

F-1 FLOOD PLAIN DISTRICT

<u>Lot Areas</u>	<u>Lot Frontage</u>	<u>Front Yard Depth</u>	<u>Side Yard Width</u>		<u>Rear Yard Depth</u>	<u>Lot Coverage</u>
			<u>One Side Yd.</u>	<u>Both Side Yd.</u>		
Customary Agricultural uses, as specified in subsection 7.021; other principal uses where larger area not specified herein-above - 5 acres.	200 ft.	40 ft.	50 ft.	100 ft.	50 ft.	10%
Single family dwellings- 2 acre minimum	200 ft.	40 ft.	25 ft.	50 ft.	50 ft.	25%
Churches and public buildings – 5 acres minimum and all other permitted and conditional uses - 5 acres minimum.	200 ft.	40 ft.	50 ft.	100 ft.	100 ft.	20%

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

**ARTICLE 22**

**SPECIAL PROVISIONS**

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

22.02 OFF-STREET LOADING SPACE.

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

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

22.023 Subject to the limitations in subsection 22.024, such space may occupy all or any part of any required yard or court space.

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

22.03 OFF-STREET PARKING SPACE.

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

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

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

22.04 FLOOR AREA DEFINED. For the purpose of applying the requirements in subsection 22.054, "floor area," in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, client or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair. processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings for toilet or rest rooms, for utilities or for dressing rooms, fitting or alteration rooms.

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

22.051 Residential Uses:

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

22.052 Institutional Uses:

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

22.053 Recreational Uses:

Public Parks Spaces are required cumulatively according to facilities included or fraction thereof

Athletic Fields 8.0 per acre

Community Center 10.0 per facility

Tennis Courts 5.0 per court

Golf Course 8.0 per hole

22.054 Commercial Uses:

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

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

Bowling Lanes 5.0 per alley

Theaters or Assembly Halls Fixed Seating 1.0 per 6 seats

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

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

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

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

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

Drive-In Theaters 1.0 per speaker

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

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

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



Hotels, Motels and Lodging Houses	1.0 per sleeping room, plus 1.0 per 100 sq. ft. of office space and 1.0 per 150 sq. ft. of restaurant and lounge space.
Automobile Service and Repair	1.0 per 800 sq. ft. of floor space
Gasoline Service Stations	1.0 per 800 sq. ft. of floor space
Commercial Recreational Baseball Fields	8.0 per acre
Medical or Dental Clinics	1.0 per 200 sq. ft. of floor area
Golf Driving Ranges	1.0 per tee
Carpenter Shops	1.0 per 300 sq. ft. of floor area
Electrical, Plumbing and Heating Shops	1.0 per 300 sq. ft. of floor area
Furniture and Appliance Stores	1.0 per 400 sq. ft. of floor area
Car Wash, Self-Cleaning	1.0 per bay/stall; 20.0 stacking spaces stall
Car Wash, Conveyor	20.0 stacking spaces per conveyor 10.0 stacking spaces per conveyor at exit
22.055 <u>Industrial Uses:</u>	
Wholesale and Warehousing	1.0 per 3,000 sq. ft. of floor area
Carpenter Shops	1.0 per 300 sq. ft. of floor area
Electrical, Plumbing and Heating	1.0 per 300 sq. ft. of floor area
Furniture Upholstering	1.0 per 300 sq. ft. of floor area
Automobile Service and Repair	1.0 per 800 sq. ft. of floor area
Industry and Manufacturing Establishments	1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations space plus 1.0 per 500 sq. ft. of storage space
Research and Development	1.0 per 1,200 sq. ft. of floor area

## Establishments

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

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

- a. - Screening and Landscaping. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any R District or recorded residential subdivision, or institutional premises, by a masonry wall or solid fence of acceptable design. Such wall or fence shall be neither less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the side lot line adjoining premises, or the front lot line facing premises, in any R District or recorded residential subdivision shall be landscaped with grass, hardy shrubs, or ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall or solid fence of acceptable design.
- b. Minimum Distance and Setbacks. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an unpierced masonry wall or acceptable design. If not in an R District or recorded residential subdivision but adjoining such district, the parking area shall not be located within twenty-five (25) feet from the established street right-of-way line within fifty (50) feet of any R District or recorded residential subdivision.
- c. Surfacing. Any off-street parking area for more than five (5) vehicles shall be surfaced with an asphaltic or Portland cement or other impervious surface pavement binder so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide an orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to a surfacing shall not apply to a parking area in an M District if more than four hundred (400) feet distant from any R District or recorded residential subdivision, except that a dustless surface shall be provided in any case.
- d. Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District, or recorded residential subdivision.

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

22.07 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING AREAS. The Board of Appeals may authorize, as a conditional use, subject to the provisions of subsection 25.041, the establishment and

operation of an off-street parking area for ten (10) or more automobiles in such parts of any A-, R- or F-District that abut at least fifty (50) feet either directly or across an alley, from a B- or M-District, subject to the following conditions and requirements.

- a. The parking lot shall be accessory to, and for use in connection with, one or more businesses or industrial establishments located in an adjoining B- or M-District.
- b. Each entrance and exit to and from such parking lot shall be at least twenty (20) feet distant from any adjacent property located in any R-District or recorded residential subdivision.
- c. The parking lot shall be subject to all the requirements of subsection 22.03; and any additional conditions or requirements in respect to development, maintenance and operation which the Board deems necessary or desirable for the protection of adjacent property or the public interest.
- d. No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on such parking lot.
- e. No commercial repair work or services of any kind shall be conducted on such parking lot.
- f. No charge shall be made for parking in such parking lot.
- g. Any person, firm or corporation desiring to secure permission to establish and maintain a restricted business or industrial parking lot within the meaning of this subsection shall make application to the Board, accompanied by a plan which clearly indicates the proposed development, including the location, size, shape, design, landscaping, curb cuts, and other features and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all the owners of all properties within the same block as the proposed parking lot and all properties separated therefrom by not more than one (1) street, any part of any one (1) of which properties is within two hundred (200) feet from any part of said proposed parking lot and is located in an R District or a recorded residential subdivision.
- h. Before making its final determination, the Board shall hold a public hearing, notice of which shall be given to owners of property as described above. If the Board approves the aforesaid application, the Zoning Inspector shall thereafter issue a zoning certificate in accordance therewith, subject to any modifications of the foregoing requirements and to any additional requirements that may be stipulated by the Board.
- i. Any permit authorized by the Board and issued by the Zoning Inspector may be revoked at the time that the aforementioned requirements are not complied with.

22.08 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS.

- a. No gasoline filling station, parking lot for twenty-five (25) or more motor vehicles, or parking garage or automobile repair shop shall have an entrance or exit for vehicles within two hundred (200) feet along the same side of a street of any school, public playground, church, hospital,

public library, or institution for dependents or for children, except where such property is in another block or on another street which the lot in question does not abut.

22.09 PARKING OF TRUCKS IN RESIDENTIAL DISTRICTS.

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

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

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

22.102 General Regulations.

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

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

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

22.106 Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.

22.107 No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control and directional signs. Signs directing traffic and parking on private property but bearing no advertising matter shall be permitted on any property. On corner lots, no sign shall be located in the required sight triangle.

22.108 Regulation of signs along interstates and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

22.109 Measurement of Sign Area. The sign area shall be the area of the smallest combination of rectangles which can encompass all words, letters, figures, emblems and other elements of the sign message.

Frames and structural members that are not advertising matter shall not be included in computation of surface area, but in no instance shall this supporting structure exceed by more than twenty percent the area of the sign.

- 22.1010 Sign Illumination. Any illuminated sign or lighting device shall emit only a constant intensity of light, and no sign shall be illuminated by or contain flashing intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be direct or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- 22.1011 Non-conforming Signs. The continuance of an existing sign that does not meet the regulations and requirements of this Chapter shall be deemed a non-conforming sign, which shall terminate by abandonment. A sign shall be considered abandoned when;
- a. The sign is associated with an abandoned use.
  - b. The sign remains after a business has been closed to the public for at least ninety (90) consecutive days. Seasonal businesses are exempt from this determination.
- a. The sign is not maintained and together with all supports, braces, guys and anchors is in a state of disrepair.
  - b. Based upon these definitions, abandonment shall be determined by the Zoning Administrator. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminate immediately.
- 22.1012 Sign Placement And Size.
- 22.1013 Outdoor advertising signs and structures, where permitted, shall be set back from the established right-of-way line of any street or highway, at least as far as the required front yard depth for a principal building in such district. In any A- District, the minimum setback shall be at least fifty (50) feet from the established right-of-way, except that at all intersections the minimum setback shall be at least one hundred (100) feet from the established right-of-way.
- 22.1014 No such billboard, sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any R-District, or recorded residential subdivision, within one hundred (100) feet, of such lot line. No outdoor advertising signs or structures shall be permitted within three hundred (300) feet of any of the following: entrance to a public park, public or parochial school, library, church, museum, historic monument or safety rest area.
- 22.1015 Adjacent to primary highways no outdoor advertising sign or structure shall be erected within three hundred (300) feet of another sign structure on the same side of the highway. All distances between signs shall be measured along the nearest edge of the pavement directly opposite the signs, along each side of the highway. On-premise signs shall nor be considered in determining space requirements.

- 22.1016 The maximum area for any outdoor advertising, sign shall be six hundred seventy-two (672) square feet per side/facing exclusive of any border, trim, base, support, etc. The sign structure may contain one (1) or two (2) advertisements per side/facing. Each side/facing shall not exceed the maximum area. Double-sided/faced structures and rotating billboards will be permitted with the maximum 672 square feet area being allowed for each side/facing.
- 22.1017 One (1) ground sign, the height of which is no more than six (6) feet above the ground and provided such sign is no closer than ten (10) feet from the right-of-way line of the street, not exceeding one hundred (100) square feet in area and that the sole purpose of the sign is to advertise products sold on the premises or to identify the business located on the premises shall be permitted. This includes reader boards and electronic message boards. Reader boards and electronic message boards are considered as part of the permitted display area of a sign. Each separate message copy must be displayed a minimum of five (5) seconds. These message boards shall not incorporate motion while the message is being displayed.
- 22.1018 Real estate signs advertising the sale, rental, or lease of the premises on which they are maintained, shall set back from every street right-of-way a distance of ten (10) feet. No real estate sign shall exceed nine (9) square feet in area.
- 22.1019 Small announcement or professional signs where permitted shall not exceed one (1) square foot in area; except that a church, school, community center or other public or institutional building may have for its own use an announcement sign or bulletin board not over fifty (50) square feet in area which is not attached flat against a building, 15 feet from all right-of-way lines.
- 22.1020 Temporary political signs are permitted in all districts, provided there is no interference with traffic visibility and that said political signs shall be posted no more than sixty (60) days before an election and shall be removed within seven (7) days following election day.
- 22.1021 Prohibited Signs.
- 22.1022 Animated signs that employ flashing lights, blinking lights or other elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention other than electronic message board pursuant to the requirements of article 22.1017.
- 22.1023 The above section does not apply to any sign that has at least ninety (90) percent of the sign face devoted to performing a public service function of indicating time, temperature or some other similar service.
- 22.11 SINGLE-FAMILY RESIDENCES. A single-family residence may be located in an M-1 District if such residence is an accessory to a principal permitted use in such district and the Board determine that such use is proper.
- 22.12 B-3 USES PERMITTED IN THE M-1 AND M-2 DISTRICTS. Any use permitted in the B-3 District and located within a parcel of land containing not less than 15 contiguous acres under single ownership and located within one mile (5,280 feet) from a U.S. interstate highway shall be allowed as a principal permitted use in any existing M-1 or M-2 District.

- 22.13 PARKING, REBUILDING AND STORAGE OF CAMPERS, TRUCKS, TRAILERS OR OTHER VEHICLES. In any district, where not permitted, the repairing, rebuilding, dismantling, or storage of more than one (1) inoperative vehicle outside of an enclosed building shall be prohibited. No dismantled vehicle or any vehicle in process of being dismantled shall be kept over thirty (30) days without being in an enclosed building.
- 22.14 RESIDENTIAL USE IN COMMERCIAL DISTRICTS. In any B-1 or B-2 District, a dwelling or dwellings may be permitted if such dwelling is made a part of the principal building and approved by the Board.
- 22.15 ADULT ENTERTAINMENT FACILITIES.
- 22.151 Adult Entertainment Facilities as defined in Article 4 are permitted in any M-1 Light Industrial District or M-2 General Industrial District subject to the regulations set forth in this section.
- 22.152 Adult Entertainment Facility Requirements:
- A. The above uses shall have frontage on a principal or minor arterial, or major or minor collector street, as defined by the Butler County Thoroughfare Plan, by which access to the Adult Entertainment Facility is exclusively provided.
  - B. One parking space per 150 sq. ft. of floor area shall be provided as specified in Article 22.
  - C. Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
  - D. All building openings, entries, windows, etc. for adult uses shall be located, covered or serviced in such a manner as to prevent a view into the interior from any exterior public or semi-public area, sidewalk or street.
  - E. Displays or promotional items of Adult Material shall not be visible from exterior public view. This prohibition shall not extend to advertising of the existence or location of such adult entertainment facility.
  - F. Only one (1) sign, which shall not contain adult material, advertising the existence or location of such adult entertainment facility shall be allowed as regulated in Article 22, no more than fifty (50) square feet in size mounted flat against the building.
  - G. A landscaped buffer of not less than ten (10) feet in width and six (6) feet in height shall be provided along all side and rear lot lines.
  - H. All Adult Entertainment Facilities shall have a minimum lot area of twenty-thousand (20,000) square feet.
  - I. All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot: in any R-District; recorded residential subdivision; church or similar place of worship; public building; school; day care center; public park, playground, or other recreation facility attended by person(s) under the age of eighteen; hotel; motel; pawn shop; pool hall; video game or pinball arcade; dance hall; or

business selling alcohol for consumption on the premises, whether within this or any other political subdivision. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.

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

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

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

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



## ARTICLE 23

### EXCEPTIONS AND MODIFICATIONS

- 23.01 PREFACE. The requirements and regulations specified herein above of this Resolution shall be subject to the following exceptions, modifications and interpretations:
- 23.02 EXISTING LOTS OF RECORD. In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Resolution, irrespective of its area or width, the owner of which does not own any adjoining property provided:
- 23.021 In no case shall the width of any side yard be less than ten (10) per cent of the width of the lot, and provided that on a corner lot the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) per cent of the frontage, whichever is the greater.
- 23.022 The depth of the rear yard of any such lot need not exceed twenty (20) per cent of the depth of the lot, but in no case shall it be less than ten (10) feet.
- 23.03 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Resolution shall not apply:
- 23.031 To barns, silos or other farm buildings or structures on farms; to church spires, belfries, cupolas and domes, monuments, water towers, fire and hose towers, observation towers, transmission towers, windmills, chimneys, smokestacks, flag pole, radio tower, sand and gravel processing plants, masts and aerials; to parapet walls extending not more than four (4) feet above the limiting height of the building.
- 23.032 To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that these places of public assembly are located on the first floor of such buildings and provided that for each three (3) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.
- 23.033 To bulkheads, elevator penthouses, water tanks, monitor and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose tower, cooling towers, grain elevators, gas holders, or other structures where the manufacturing process required a greater height. Provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) per cent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line, not a street lot line.
- 23.04 FRONT YARD MODIFICATIONS.
- 23.041 In any R-District or recorded residential subdivision, where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block front is less or greater than the least front yard depth prescribed elsewhere in this Resolution, the required depth of the yard on such lot shall be modified. In such case, this shall not be less than

the average depth of said existing front yards on the two (2) lots immediately adjoining or in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet and need not exceed fifty (50) feet.

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

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

23.07 SIDE YARD MODIFICATIONS.

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

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

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

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

23.08 PROJECTIONS INTO REQUIRED YARDS.

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

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

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

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

23.083 Subject to the limitations in subsection 23.082, the above named features may project into any required side yard adjoining an interior side lot line a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

23.084 Subject to the limitations in subsection 23.082, the features named therein may project into any required rear yards or into any required outer court the same distances they are permitted to project into a front yard.

23.085 Fences, walls and hedges and living fences may be located in required yards, up to but not including the lot line of residential lots as follows:

- A. If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located anywhere within the lot up to but not including the lot line, subject to the road –right- of –way as a yard is defined in section four (4).
- B. If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, beginning no farther forward than the front of the residence as a yard is defined in section four (4). This includes up to but not including the lot line, subject to any road right-of way. Provided on a corner lot as follows:

1. On a corner lot the property is interpreted to contain two front yards, being those yards which border the streets and two side yards, being those yards which boarder the adjacent yards. To facilitate traffic safety, any fence greater than four (4) feet in height shall be placed as follows:

a) In the actual front yard, being the front yard from which the main entry door of the house is accessed, no farther forward than the front of the house in the first side yard, and no farther forward than the rear of the house in the second front yard.

b) In the side yard bordering the street, which is considered the second front yard, no closer to the right-of-way than twenty-five (25) feet.

c) In the first side yard, being the traditional side yard, the fence may be placed anywhere up to, but not including the lot line and extend no farther forward than the front of the house.

d) In the second side yard, being the traditional back yard, the fence may be placed anywhere up to, but not including the lot line and shall extend no closer to the street than twenty-five (25) feet.

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

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

- 23.09 EXEMPTED PUBLIC UTILITY TELECOMMUNICATION TOWERS.  
 Except as otherwise provided in this section, nothing in this Resolution shall confer any power on the Wayne Township Trustees or the Board of Zoning Appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, use or enlargement of any Telecommunication Tower by a public utility or railroad for the operation of its business.
- 23.10 TELECOMMUNICATION TOWER DEFINED. As used in this section, the term Telecommunication Tower shall mean any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria:
- A. The free-standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunication services.
  - B. (i) The free-standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the District in which it is located.  
  
 (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure within the District in which it is located.
  - C. The free-standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.
- 23.11 PROCEDURES TO DETERMINE ZONING APPLICABILITY. Any person who plans to construct a Telecommunications Tower in any District, shall provide both of the following notices by certified mail:
- A. Written notice to the board of township trustees of the township in which the tower is proposed to be constructed and to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language: (i) The person's intent to construct the tower; (ii) A description of the property sufficient to identify the proposed location; (iii) That, no later than fifteen days after the date of the mailing of the notice, the Board of Township Trustees or any such property owner may give written notice requesting that Section 519.211 of the Ohio Revised Code apply to the proposed location of the tower as provided in the Wayne Township Zoning Resolution. If the notice to the Board of Township Trustees or to a property owner is returned unclaimed or refused, the applicant shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
  - B. Written notice to the Board of Township Trustees of the information specified in Section 23.12 paragraph A. The notice to the Board of Township Trustees also shall include verification that the applicant has complied with all of the requirements stipulated in Section 23.12 paragraph A.

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

For the purpose of the aforementioned notification requirement, a public utility telecommunication tower shall have the same meaning as Section 23.10, except that the proposed location of the free-standing or attached structure may be an area other than an unincorporated area of a township, in an area zoned for residential use.

**ARTICLE 24**

**ENFORCEMENT**

24.01 **ENFORCEMENT BY ZONING INSPECTOR.**

24.011 There is hereby established the Office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions.

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

24.02 **FILING OF PLANS.**

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

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

24.03 **ZONING CERTIFICATE.**

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

- 24.032 A zoning certificate shall be issued by the Zoning Inspector, only when plans, specifications and the intended use conform to the provisions of this Resolution.
- 24.033 The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Resolution within thirty (30) days after these are filed in full compliance with all the applicable requirements as specified under subsection 25.02. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.
- 24.034 Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building.
- 24.035 Under written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution, certifying, after inspection, the extent and kind of use made of the building,, or premises and whether such use conforms to the provisions of this Resolution.
- 24.04 FEES.
- 24.041 Fees to be charged for the issuance of any zoning certificate and for any approvals provided by this Resolution shall be established from time to time by resolution of the Board of Trustees. All fees shall be non-refundable and shall be paid at the time an application for a zoning certificate or other request for permits or authorization is submitted.
- 24.05 VIOLATIONS, PENALTIES AND REMEDIES.
- 24.051 It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building, structure, sign, or land in violation of any of the provisions of this Resolution, or any amendment or supplement thereto adopted by the Board of Wayne Township Trustees. Any person, firm, or corporation, violating any of the provisions of this Resolution or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than five hundred dollars (\$500.00). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance of use continues may be deemed a separate offense.
- 24.052 In case any building, structure, or sign is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Board of Wayne Township Trustees, the Prosecuting Attorney of Butler County, the Zoning Inspector, or any adjacent or neighboring property owner who would be specially damaged by such violations, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action(s), proceeding(s), to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.



## ARTICLE 25

### BOARD OF ZONING APPEALS

25.01 APPOINTMENT. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members who shall be residents of the unincorporated territory of Wayne Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board may be removable for non-performance of duty, misconduct in office or other causes, by the Township Trustees upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by having the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Township Trustees and shall be for the unexpired term.

25.02 PROCEDURE.

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

A) Alternate Members. There shall be up to two (2) alternate members who shall reside in the unincorporated area of Wayne Township and shall be appointed by the Board of Trustees, for the terms to be determined by the Board of Trustees, Pursuant to Ohio Revised Code 519.04. When attending a meeting on behalf of an absent member the alternate member may vote on any matter on which the absent member is authorized to vote.

B) Procedure for use of Alternate members. Alternate members(s) of the Board shall, unless excused by the chairman or vice chairman, be present at all hearings and be seated at the table with other Board Members. Should the alternate(s) be needed they will be used on a rotating basis commencing with the first used being determined by the first to respond to the hearing notice that they will be in attendance. If the alternate is not needed to substitute for an absent member, the Chairman or his designee may excuse the member from sitting at hearing table, in which case the member may sit with the public and make their opinions known during public speaks portion of the hearing. However, in all other instances, they shall not participate in any manner in the hearing, nor make their opinion known, nor enter a vote unless called upon to do so by the Chairman or Vice Chairman either at the beginning of the session, or at the beginning of the hearing on a particular amendment

C) Conflict of Interest. If it is determined by any Board Member or by the Chairman or Vice Chairman in the absence of the Chairman that conflict of interest exists with any Board Member, such Board Member shall recuse himself or herself from hearing and voting on the amendment. In the event of such recusal, the Board Member may sit with the public and address the Board during the public input portion of the hearing.

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

25.03 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.

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

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

25.033 Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice in writing to the parties in interest and giving notice of such public hearing by one (1) publication in one (1) or more newspapers in general circulation in the county at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check, payable to the Wayne Township Department of Zoning, in an amount to be determined by the Board of Appeals, to cover the cost of publishing and/or posting and mailing the notice of the hearing or hearings and other expenses in conjunction therewith. At the hearing any party may appear in person or by attorney. Any person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County on the ground that the decision was unreasonable or unlawful. A notice of appeal shall be accompanied with a check made payable to the Wayne Township Trustees in an amount to be determined by the Board of Zoning Appeals to cover the cost of preparing a transcript of the proceedings. The Court may affirm, reverse, vacate or modify the decision being appealed.

25.034 Conduct of Hearing.

25.035 Appeals. In the case of an appeal from an action of the Zoning Inspector, the Zoning Inspector shall first present a description of the action taken and may also present documents (including but not limited to maps, photographs, letters, etc.) and witnesses to explain the reason(s) for the Zoning

Inspector's action. Upon conclusion of the Zoning Inspector's presentation, the appellant may ask questions of the inspector to clarify or question the reasons for his action. Thereafter, the appellant shall present evidence in support of the appeal; the appellant may also call witnesses in support of the appeal.

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

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

- 1) The Board shall provide for the making of a complete and accurate record of its proceedings. No other recording of the proceeding shall be regarded as the official record.
- 2) In the event that an interested party desires that a method, other than that employed by the Board, be used to record the proceedings, such party shall make such request to the Chair of the Board in writing not less than ten (10) days prior to the hearing; such request shall describe the alternate recording method.
- 3) Such request may be allowed in the discretion of the Chair of the Board provided that the party making the request agrees to be responsible for any additional cost associated with the alternate method requested, and prior to the hearing, makes a deposit with the Secretary in an amount determined by the Chair of the Board.
- 4) All persons presenting testimony shall swear or affirm that their testimony is true to the best of their knowledge and belief. Notwithstanding the foregoing, the Zoning inspector, and any attorney representing a client in the course of a hearing, shall be deemed to be under oath and need not be separately sworn, but shall be advised that all testimony is being presented under penalty of perjury.
- 5) All testimony must be based upon the witness's personal knowledge. An attorney may present a statement on behalf of his client, provided that the client is present at the hearing.
  - any such statement shall be deemed to be the testimony of the client; and
  - the client shall be subject to cross-examination as provided herein.
- 6) A witness may testify to an opinion if either;
  - the witness would qualify as an expert witness if his testimony were being presented in a court proceeding under the Ohio Rules of Evidence; or

— the witness is not an expert but his opinion is rationally based on the perception of the witness and is helpful to a clear understanding of his testimony or the determination of a fact in issue.

- 7) Any witness presenting testimony in opposition to an appeal or application shall be subject to cross-examination by the appellant/applicant. Any witness presenting testimony in support of an appeal or application shall be subject to cross-examination by the Zoning Inspector. In the discretion of the Chair, cross-examination may also be permitted by any other person whose interest is adverse to the testimony of the witness.
- 8) The Board may, in its discretion, receive signed, written statements, either sworn or unsworn, from persons who are not present at the hearing. However, because any such statement is not subject to cross-examination, the statement shall not be received for the truth of any information contained in the statement, but only to indicate the persons support or opposition to the appeals or application.
- 9) The Chair of the Board shall determine whether any testimony or evidence shall be received into the record of the hearing, provided that the Chair may consult with other members of the Board, or with legal counsel for the Board, prior to making any ruling. In the event that the Chair decides that testimony or evidence shall not be received, the person offering the testimony or evidence shall be permitted to proffer the same.
- 10) Pursuant to R.C. 519.15, at the written request of either the appellant/applicant, or the Zoning Inspector, the Chair of the Board, on behalf of the Board, shall issue a subpoena commanding the appearance of any witness at the hearing. The request shall be filed with the Secretary of the Board not less than seven (7) days prior to the date of the hearing and shall set forth the name and address of the witness to whom the subpoena is to be issued; the request may also describe documents, or other tangible evidence, which the witness shall be directed to produce at the hearing.
- 11) Any person, who is denied any of the foregoing rights concerning the conduct of the hearing, shall be deemed to have waived any such denial unless an objection is raised during the hearing in time for the denial to be cured.

25.038 Decision of the Board.

25.039 The Board shall decide all applications and appeals within ten (10) days after the final hearing.

25.0310 A certified copy of the Board's decision shall be transmitted to the applicant or appellant and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

25.0311 A decision of the Board shall not become final until the expiration of ten (10) days from the date of such decision unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

25.0312 After the decision is final, the applicant or appellant has thirty (30) days to appeal the decision to the Butler County Court of Common Pleas.

25.0313 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeals shall have been filed with him, that by reasons of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause be granted by the board on application after notice to the Zoning Inspector, or by judicial proceedings.

25.04 POWERS OF THE BOARD OF ZONING APPEALS.

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

25.05 CRITERIA FOR GRANTING CONDITIONAL USES.

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

25.052 REQUIRED CONDITIONS FOR APPROVAL OF ALL CONDITIONAL USES.

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

- 1) Uses shall be located in districts where they are designated as conditional uses by these regulations.
- 2) Uses shall not adversely impact the health, safety, comfort and general welfare of the surrounding area. In determining this, the Board shall consider the following:
  - A) The compatibility with the surrounding uses and compatibility with the surrounding neighborhood, including, but not limited to, consideration whether adjacent property values will be adversely affected.

- B) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood.
- C) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area.
- D) The number of transient movements generated by the proposed use and relationship to the amount of traffic on abutting streets in the surrounding neighborhood, not in terms of the streets capacity to absorb the additional traffic, but rather in terms of any significant increase in hourly or daily traffic levels.
- E) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood.
- F) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel.
- G) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood.
- H) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives and parking areas in terms of water runoff.
- I) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused.
- J) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.
- K) The presence of any potential or real fire or other hazards created by the proposed use which are in excess of the individual demand of adjacent land use in the terms of emergency service protection.

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

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

- 1) The above uses shall have direct access to a major arterial or to a collector street and shall not use local residential streets as their principal access route.
- 2) The building orientation and parking layout should be consistent with the surrounding uses.
- 3) A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site.

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

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

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

25.057 Churches and Other Similar Places of Worship.

- 1) The above uses shall have direct access to a major arterial or collector street.
- 2) Where more than ten (10) parking spaces are required, there shall be a hard surface parking area.
- 3) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 4) All such uses shall be located not less than two hundred (200) feet from any lot or dwelling in an R-District or recorded residential subdivision.

- 5) All of these uses shall have a minimum lot size of two (2) acres.
- 6) Where both public water and public sewer are available, the minimum lot area shall be one (1) acre.

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

- 1) The above uses shall have direct access to a major arterial or a collector street.
- 2) Where more than ten (10) parking spaces are required, there shall be a hard surface parking area provided.
- 3) A landscape buffer may be provided at the side and rear boundaries of the site at a height appropriate to the intensity of use. The front boundary may be required to be buffered in some way if the Township deems it necessary.
- 4) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 5) All associated buildings, pools and playing fields shall be a minimum of two hundred (200) feet from any other lot in an R-District or a recorded residential subdivision.

25.059 Clubs, Fraternities, Lodges and Conference Centers.

- 1) These uses shall have direct access to a major arterial or to a collector street.
- 2) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- 3) All associated buildings shall be located a minimum of two hundred (200) feet from any lot or dwelling in the A-1 District, the R-Districts and any recorded residential subdivision.
- 4) All of these uses shall have a minimum lot area of two (2) acres.
- 5) Where public water and public sewer are available, the minimum lot area shall be one (1) acre.

25.0510 Manufactured Home Parks and Recreational Vehicles Parks.

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



proposed. The consent for any property shall be represented by the approval of all owners of such property.

25.0511 Airports.

- 1) All airports and landing fields shall be in compliance with applicable airport zoning regulations.
- 2) All requests for an airport or landing field conditional use permit must be accompanied by demonstrated approval from the appropriate County, State and Federal agencies with jurisdiction. This approval is a requirement for the application but should not be construed to indicate conditional use approval.

25.0512 Nursery Schools and Day Care Centers.

- 1) All structures and play lots associated with these uses shall be located a minimum of two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.
- 2) All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
- 3) One (1) sign no more than five (5) square feet shall be allowed.

25.0513 Group Homes

- 1) All such uses shall be subject to the lot and dimension requirements of single-family or two-family dwelling units in the district where they are conditionally permitted.
- 2) All such uses shall be required to obtain or demonstrate that they can obtain a license from the appropriate agencies with jurisdiction.

25.0514 Bed and Breakfast.

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

25.0515 Motels and Motor Hotels.

- a. General Requirements. The sanitary regulations prescribed by the State of Ohio Environmental Protection Agency or other authority having jurisdiction, the regulations of the Building Code of Butler County, Ohio, and as may be otherwise required by law shall be complied with in addition to the following regulations:

- b. Area And Yard Requirements. Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
- c. Lot Area Occupancy. The buildings in any motel or motor hotel, together with any non-accessory buildings already on the lot, shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot.
- d. Parking. All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
- e. Entrance To Motels And Motor Hotels. No vehicular entrance to or exit from any motel or motor hotel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children except where such property is in another block or another street which the premises in question does not abut.
- f. Peripheral Buffer. All motels and motor hotels which are adjacent an "R" zoning district or a recorded residential subdivision shall provide a twenty- (20) foot wide planting strip which extends along all outside boundaries contiguous to the "R" zoning district or the recorded residential subdivision. The strips shall be planted with trees and shrubs that will provide a dense screen at all times and that will be mature within a five- (5) year period.
- g. Enlargement - Board Approval. Any enlargement or extensions to any existing motel or motor hotel shall require application for a zoning certificate as if it were a new establishment.
- h. Enlargement - Existing Facilities To Comply. No enlargement or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

25.0516 Auto Salvage/Wrecking Yards and Junk Yards.

Community Approval plan is to be submitted showing proposed property to be used along with the written consent of fifty-one (51) percent, by number and street frontage of all owners of all properties within two thousand six hundred forty feet (one-half mile), measured along roads, from the property line of the premises where such use is being proposed.

- a. A site shall contain not less than fifteen (15) acres.
- b. A solid fence, or approved material, not less than eight (8) feet high that is well maintained, has no advertising, if approved by the Board and is located a minimum of six hundred (600) feet from any lot in an R-District or recorded residential subdivision.
- c. Stacking of automobiles will not be permitted.
- d. Storage of any automobile, automobile parts or junk will be prohibited outside the fence.

- e. Any accessory building will be approved by the Board.

25.0517 Mines, Quarries, Gravel Pits.

- a. Any owner, lessee or other person, firm or corporation interested in mineral extraction lands shall file an application with and secure a permit from the Board of Zoning Appeals for authorization to extract minerals therefrom, provided, however, the applicant shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
  - 1. Each of these uses shall be on a lot not less than twenty (20) acres in size.
  - 2. Any power-driven or power-producing machinery used in the operation of this facility shall be located a minimum of five hundred (500) feet from any lot in any R-District, any recorded residential subdivision, or any dwelling in an A-District.
  - 3. No operation shall be carried on or any stock pile placed closer than one hundred (100) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation
  - 4. In the event that the site of the operation is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation.
  - 5. Fencing shall be erected and maintained where in the opinion of the Board such fencing is necessary for the protection of the public safety or for a visual or sound barrier; this fencing shall be of a type and height specified by the Board.
  - 6. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
  - 7. The crushing, washing and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the District in which the operation is located.
  - 8. In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed operation in accordance with the plans and specifications submitted.

9. An application for such operation shall set forth the following information: (1) names of the owner or owners of land from which removal is to be made; (2) names of the applicant making request for such a permit; (3) name of the person or corporation conducting the actual removal operation; (4) location, description and size of the area from which the removal is to be made; (5) location of processing plant uses; (6) type of resources or materials to be removed; (7) proposed method of removal and whether or not blasting or other use of explosives will be required; (8) method of rehabilitation and reclamation of the mine area; (9) expected frequency and duration; (10) permits required and secured.
10. Upon receipt of such application, the Board shall set the matter before a public hearing, which shall be advertised in a newspaper of general circulation at least ten (10) days prior to the date of hearing. Written notice shall also be sent by the Board to all adjacent property owners.
11. The Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. The Board shall either approve, deny or approve with conditions said application. Any person or corporation aggrieved by the action of the Board shall have the right to appeal to the Common Pleas Court of Butler County, Ohio, pursuant to law.
12. To guarantee the restoration, rehabilitation and reclamation of areas, every applicant granted a permit as herein provided shall furnish a reclamation bond running to Wayne Township in an amount of not less than twenty-five thousand dollars (\$25,000) per acre of area to be restored as a guarantee that such applicant, in restoring, reclamation and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board meet the following minimum requirements. For those instances when ODNR requires a reclamation bond it will suffice. However, evidence must be provided to Wayne Township to assure that the bond has been posted.
  - a. Where the Board finds it appropriate, all excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or back-filled with non-noxious, non-inflammable and non-combustible solids, to ensure (a) that the excavated area shall not collect and permit to remain therein stagnant water or (b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
  - b. Where the site is reclaimed by creating a body of water, the current and subsequent property owners shall be responsible for protecting the groundwater table from contamination as much as possible.
    1. The body of water shall be surrounded by a berm or channels to cause storm water runoff to run away from the area.

2.The body of water shall be fenced to ensure limited access to prevent unauthorized dumping.

3.Groundwater monitoring shall be undertaken on a regular basis, and annual tests shall be submitted to the Health District annually to ensure the quality of the groundwater.

- c. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said area where such area is not to be submerged under water as herein above provided.
- d. The banks of all excavations not back-filled shall be sloped to the water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said bank shall be seeded.
- e. In addition to the foregoing, the Board may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mineral extractions as the Board may deem necessary for the protection of adjacent properties and the public interest. These may include, but are not limited to, hours of operation and the duration of the conditional use permit.
- f. The said conditions and the amount of reclamation bond shall be determined by the Board prior to issuance of the permit.
- g. Where the Board finds it appropriate, it may establish a maximum depth for mineral extraction based on sound hydrological practices and principles. A neutral hydrologist of the Board's choosing may be hired to evaluate the application and assist the Board in reviewing the application.

13. If a 404 permit must be obtained from the U.S. Army Corps of Engineers and/or a 401 permit must be obtained from EPA;

- A. The terms and conditions of any 404 or 401 permit shall also be considered to be part of any conditional use permit granted by the Board of Zoning Appeals. Thus, in the event of a violation of a state or federal permit, it shall also be a violation of these regulations and the Wayne Township Zoning Resolution.
- B. Failure to secure a needed state or federal permit is also a violation of the Wayne Township Zoning Resolution.
- C. Mineral extraction which cannot be shown to be done pursuant to the required state or federal permits or in compliance with the permit shall be rebuttably presumed to be in violation of the Wayne Township Zoning Resolution and therefore prohibited.

25.0518 Conditional Industrial Uses.

1. All conditionally permitted industrial uses shall be a minimum of six hundred (600) feet from any R-District and any recorded residential subdivision and shall be a minimum of two hundred (200) feet from any other non-manufacturing district or Flood Plain District.
2. The following minimum standards shall apply to all conditionally permitted industrial uses within their designated districts.
  - a. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  - b. Air Pollution. No emission of air pollutants shall be permitted that violates the Clean Air Amendments of 1977 as enforced by the Ohio Environmental Protection Agency, and must adhere to the standards and regulations of the Butler County Health District.
  - c. Glare, Heat, and Exterior Light. Any operation producing intense light or heat, such as high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
  - d. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  - e. Liquid or Solid Wastes. No discharge at any point into any public sewer, private disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  - f. Vibrations and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
  - g. Odors. No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor-causing substances in such

concentrations as to be readily perceptible at any point at or beyond the lot lines of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to, as shall the standards and regulations of the Butler County Health District.

- h. Toxic Materials. No emission of toxic or noxious matter which is injurious to human health, comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
- i. Chemicals. The storage, use, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
  - 1) No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
  - (2) The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
  - (3) All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion. as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage shall be enclosed in fireproof vaults.
  - (4) The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the

Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

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

- (1) The applicable regulations of the Department of Energy.
- (2) The applicable regulations of any agency of the State of Ohio.

3. Commercial Animal Farms.

- a. All such uses shall have a minimum lot area of twenty (20) acres.
- b. All associated principal and accessory buildings used for holding animals shall be a minimum of six hundred (600) feet from any lot in an R-District and any recorded residential subdivision.

4. Conditional Flood Plain Uses.

- a. All such uses shall comply with the specific provisions of Article 25.05 required for the particular use.
- b. In addition, all principal and accessory structures shall not be located in any area subject to flooding.
- c. Any storage of floatable materials must be enclosed by an open wire fence properly anchored to restrain such materials from floating downstream during times of high water.

5. Residential Dwelling Units.

- a. All such uses shall be located in the upper stories of structures.
- b. All such uses shall have a separate entrance and shall be provided with the required number of parking spaces as per Article 22.03 for residential structures.

6. Office Uses.

- a. All uses shall maintain at a minimum the setback and dimension requirements of a single-family dwelling and at a maximum the setback and dimension requirements of a four-family dwelling in the district where the use is conditionally permitted.
- b. All uses shall be arranged on the lot and constructed or converted using building types and materials that are compatible with the surrounding residential uses.



- c. All parking associated with these uses shall be provided in the side or rear yard and no more than ten (10) spaces shall be required.
- d. Dwelling units may be permitted in part of a conditionally permitted office structure, provided that a separate entrance and parking area is designated.
- e. One sign no larger than six (6) square feet shall be permitted, provided that it is attached flat against the building or on a ground sign no more than six (6) feet from the ground.

25.06 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY, NOT EXEMPT UNDER ARTICLE 23.09.  
Application Requirements.

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

General Requirements for all Wireless and Cellular Telecommunication Facilities

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

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

- 1) The applicant must co-locate except where they can demonstrate by clear and convincing evidence that its telecommunication antennas or equipment can not be located on any other Wireless and Cellular Telecommunication Facility, in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the clustering of more than two facilities within two hundred (200) feet of each other. In determining whether

a tower antenna can or cannot be located on another communication tower, building or structure, the Board shall consider the space available on the existing structure, the technological practicality and other factors deemed appropriate by the Board.

- 2) Wireless and cellular facilities should be designed to accommodate public telecommunication needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- 3) Applicants wishing to construct Wireless and Cellular Telecommunication Facilities which have satisfactorily demonstrated to the Board that they are unable to co-locate, are encouraged to locate new towers, antenna or equipment on public property, subject to the restrictions of this Section.
- 4) The applicant will hold the Township harmless against all claims, demands, suits, causes of action and judgments due to any damage caused by the operation or construction of the facility.

Design Standards for Free-Standing Towers.

- 1) All such uses shall be prohibited from locating in any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 2) All such uses shall be located not less than two hundred and fifty feet (250) from the right of way of any public street.
- 3) All such uses shall be located not less than five hundred feet (500) from any R-District, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- 4) All such uses shall be located no closer to any lot line than fifty (50) percent of the height of the proposed tower.
- 5) The Wireless and Cellular Telecommunication Facility shall be screened by a minimum six (6) foot high solid fence or barrier and continuous evergreen hedge or trees of a size deemed appropriate by the Board. The screening shall be maintained in good condition. Any solid fence or barrier shall contain no advertising, but may contain one small identification sign not to exceed one square foot in size. The applicant is responsible for ensuring that the Telecommunication Facility is kept free of weeds and trash. The outside storage of vehicles or equipment must be contained inside the screened area.
- 6) The Telecommunication Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.
- 7) Any Telecommunication Facility shall be removed within one (1) year of ceasing operation. The transfer of ownership of the Telecommunication Facility shall require a new zoning certificate.
- 8) The applicant shall provide written documentation that they have obtained approval from all governing agencies charged with the responsibility of maintaining air safety including, the

Federal Aviation Administration (FAA), the Federal Communications Commission, and Ohio Department of Transportation (ODOT), or their respective successors.

- 9) The tower may be painted in non-contrasting gray or similar color minimizing its visibility and shall not contain, or be illuminated by, artificial lights, beacons or strobes, unless otherwise required by the Federal Aviation Administration (FAA), the Federal Communications Commission, and the Ohio Department of Transportation (ODOT), or their respective successors. All surfaces shall be maintained in good condition, absent of flaking or peeling paint, and rust.
- 10) No advertising is permitted anywhere on the Telecommunication Facility with the exception of identification signage not to exceed one square foot in size.
- 11) The lot on which a Telecommunication Facility is located, shall meet the minimum lot size, frontage and yard requirement of the District in which it is located.
- 12) Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

Telecommunication Equipment on Existing Structures.

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

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

- 6) The Telecommunication Facility must be aesthetically and architecturally compatible with the surrounding environment. The Board shall give special attention to areas of architectural and historic significance.

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

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

- 1) All home occupations which are carried on completely within the residence, shall occupy a maximum of one quarter (1/4) of one floor of the residence.
- 2) Home occupations shall not require any alteration to the exterior of the residence.
- 3) Home occupations shall not require use of any mechanical equipment not customarily used in a residential dwelling.
- 4) Home occupations shall be carried on solely by occupants of the residence but may employ no more than one (1) non-resident of the dwelling.
- 5) Accessory buildings used as space for home occupations shall be totally enclosed to prevent any lighting, noise, vibration, smoke or exhaust to become a nuisance to any adjoining residence.
- 6) One (1) sign no larger than one (1) foot square shall be permitted.
- 7) All uses, customers, clients, drop-off or pick-up activities shall be conducted between 7:30 A.M. and 9:00 P.M., local time.
- 8) No more than six (6) customers or clients may be brought into the premises daily for the purpose of conducting business.
- 9) No more than five (5) drop-off or pick-up deliveries are allowed on a daily basis.

- 10) Anyone wishing to start a home occupation shall demonstrate to the Board that they have a comprehensive plan to dispose of any waste products that may be generated as a result of their business.
- 11) Any operator of a home occupation shall allow the Township Zoning Inspector to enter the property for the purpose of determining compliance with all articles of this Resolution.

25.08 KENNELS.

- 1) These uses shall have direct access to a major arterial or to a collector street.
- 2) The site shall not contain fewer than five (5) acres.
- 3) Any building for this use shall be located not less than three hundred (300) feet from any property line.
- 4) Landscaping plan for the external use of the kennel to effectively screen such use shall be submitted to the Board for approval.

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

- 1) Under certain circumstances, the Zoning administrator shall have the authority to issue an Emergency Zoning Certificate. Should a primary dwelling, not to include a mobile home, be rendered uninhabitable to fire, calamity, or natural disaster, being the primary residence of the property owner or of the property caretaker, and should the continuing physical occupancy of that owner or caretaker be necessary to preserve the safety and/or security of personal property and/or livestock located on the premises, a temporary dwelling unit, i.e., mobile home, may be placed on the property. The Emergency Zoning Certificate shall be issued immediately upon application by the property owner or caretaker and shall confirm that the premises are uninhabitable through a physical inspection by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, request written confirmation that the premises are uninhabitable by a knowledgeable source such as the fire chief or an official of the county Board of Health. The Emergency Zoning Certificate shall specify the following conditions:
  - a. The temporary living structure shall be permitted for a period of one year from the date of the Emergency Zoning Certificate and must meet Board of Health requirements.
  - b. The uninhabitable dwelling shall be replaced or restored to habitability within one year from the date of the Emergency Zoning Certificate.
  - c. The temporary living structure shall be removed in entirety from the premises within 30 days of completion or occupancy of the replaced or restored residence, whichever occurs first.

- 2) The Zoning Inspector shall issue a special zoning certificate for the replacement of an existing mobile home with a permanent dwelling. The new permanent dwelling shall be completed within one year of issuance of the building permit and the mobile home shall be removed within six (6) months after occupancy of the new dwelling, or the issuance of a Certificate of Occupancy, whichever occurs first.
- 3) The Zoning Inspector shall issue a special zoning certificate for the replacement of an existing permanent dwelling with a new permanent dwelling. The new permanent dwelling shall be completed within one year of issuance of the building permit and the existing dwelling shall be completely removed from the lot within six (6) months after occupancy of the new dwelling, or the issuance of a Certificate of Occupancy, whichever occurs first.

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

25.11 ADMINISTRATIVE REVIEW AND VARIANCES.

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

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

- a. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- b. Whether the variance is substantial;
- c. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- d. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, and garbage);

- e. Whether the property owner purchased the property with knowledge of the zoning restriction;
- f. Whether the property owner's predicament can feasibility be obviated through some method other than a variance;
- g. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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

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

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

## ARTICLE 26

### DISTRICT CHANGES AND RESOLUTION AMENDMENTS

- 26.01 GENERAL. For the purpose of promoting the health, safety and morals of the public, the Wayne Township Trustees may in accordance with a comprehensive plan, by resolution, after recommendation thereon by the Wayne Township Zoning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district, boundaries or classification of property now or hereafter established by this Resolution or amendment thereof. Such amendments may be made without the vote of the electors. It shall be the duty of said Zoning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Board of Township Trustees by passing a resolution therefore by the Township Trustees, or by the Zoning Commission on its own motion, or by a verified application of one (1) or more of the owners or leases of property within the area proposed to be changed or affected by this Resolution.
- 26.02 AMENDMENTS - PROCEDURE TO INITIATE. Amendments or supplements to the Zoning Resolution may be initiated by motion of the Zoning Commission, by the passage of a resolution therefore by the Township Trustees or by the filing of an application therefore by one or more of the owners or leases of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Zoning Commission. The Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.
- 26.03 HEARING NOTICE. Upon the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of adoption of such motion or the date of the certification of such resolution or the date of filing of such application. Notice of such hearing shall be given by the Zoning Commission by one publication in one or more newspapers or general circulation in each township affected by such proposed amendment or supplement at least fifteen (15) days before the date of such hearing.
- 26.04 HEARING NOTICE - 10 PARCELS OR FEWER. If the proposed amendment or supplement intends to re-zone or re-district ten (10) or fewer parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission by first class mail at least ten (10) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the County Auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Township Trustees. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the County Planning Commission and to the Board of Township Trustees as the case may be. Hearings shall be held in the county courthouse or in the Township Hall or in a public place designated by the Zoning Commission.



- 26.05 COUNTY PLANNING COMMISSION - REVIEW. Within five (5) days after the adoption of such motion or the certification of such resolution or the filing of such application, the Zoning Commission shall transmit a copy thereof to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment or supplement.
- 26.06 ZONING COMMISSION - RECOMMENDATIONS. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and shall submit such a recommendation together with such application or resolution, the text and map pertaining thereto and the recommendations of the County Planning Commission thereon to the Board of Township Trustees.
- 26.07 SUBMISSION TO DIRECTOR OF TRANSPORTATION. Before a proposed amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification by Amended the Director of Transportation or within a radius of five hundred (500) feet from the point of Effective intersection-of said centerline with any public road or highway, the Wayne Township Zoning 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 Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Township Trustees that he shall proceed to acquire any land needed, then the Township Trustees shall refuse to approve the re-zoning. If the Director of Transportation notifies the Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon by the Director of Transportation and the property owner, Township Trustees shall proceed as required by law.
- 26.08 TOWNSHIP TRUSTEES - HEARING. The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall be not more than thirty (30) days from the date of the receipt of such recommendation from the Zoning Commission. Notice of such public hearing shall be given by the Board by one (1) publication in one or more newspapers of general circulation in the county at least fifteen (15) days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and shall include a summary of the proposed amendment or supplement.
- 26.09 TOWNSHIP TRUSTEES - FINAL ACTION. Within twenty (20) days after such public hearing the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Trustees denies or modifies the recommendation of the Zoning Commission the unanimous vote of the Trustees shall be required.
- 26.10 EFFECTIVE DATE - REFERENDUM. Such amendment or supplement adopted by the Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days there is presented to the 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 Trustees to submit the amendment or approval or rejection, at the next primary or general election.

- 26.11 REFERENDUM VOTE - EFFECTS. No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.
- 26.12 FEES. Each application for zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Wayne Township Department of Zoning or by a cash payment, in an amount to be determined by the Township Trustees to cover the cost of the publishing, posting and/or mailing the notices of the hearing or hearings required by the foregoing provisions and/or other expenses in conjunction therewith.

**ARTICLE 27**

**VALIDITY AND REPEAL**

- 27.01 VALIDITY. If any article, section, subsection, paragraph, sentence or phrase of this resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not effect the validity of the remaining portion of this Resolution.
- 27.02 TOWNSHIP ZONING PLAN REPEAL,, PROCEDURES, REFERENDUM. The plan may be repealed by the Board of Township Trustees in the following manner:

The Board of Township Trustees may adopt a resolution upon its own initiative.

The Trustees shall adopt a resolution if there is presented to it, a petition similar in all relevant aspects to that prescribed in Section 519.12 of the Revised Code, signed by a number of qualified electors residing the unincorporated area of such township included in the zoning plan equal to not less that eight (8) percent of the total vote cast for all candidates for governor in such area as the last preceding general election at which a governor was elected, requesting that the questions of whether or not the plan of zoning in effect in such township shall be repealed by submitted to the electors residing in the unincorporated area of the township included in the zoning plan at a special election to be held on the day of the next primary or general election. The Resolution adopted by the Board of Township Trustees to cause such question to be submitted to the electors shall be certified to the Board of elections not later than seventy five (75) days prior to the day of election at which said question is to be voted upon. In the event a majority of the vote cast on such question in the township is in favor of repeal of zoning, then such regulations shall no longer be of any effect. Not more than one such election shall be held in any two calendar years.