

**ZONING RESOLUTION**  
**REILY TOWNSHIP**  
**BUTLER COUNTY, OHIO**



**Zoning Commission**  
**Reily Township**  
**Butler County, Ohio**

**Originally adopted by the Reily Township Trustees**  
**March 6, 2021**  
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*Note: Please see Reily Township Resolutions for further regulation of Reily Township.*

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## ARTICLE 1

### PURPOSE

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- 1.0 This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of Reily Township, and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described - all as authorized by the provisions of Chapter 519 and the Sections thereunder of the Ohio Revised Code.

## **ARTICLE 2**

### **TITLE**

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

## **ARTICLE 3**

### **INTERPRETATION OF STANDARDS**

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- 3.0 In their interpretation and application, the provision of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolution, the provisions of this Resolution shall control.
- 3.1 Any use specifically not provided for in the provisions of this resolution shall be assumed to be prohibited unless stated by the Board of Zoning Appeals.

## ARTICLE 4

### DEFINITIONS

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- 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.
- 4.01 **ACCESSORY BUILDING OR STRUCTURE.** A building or structure 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. Cargo/shipping containers are included in this definition.
- 4.02 **AGRICULTURE.** The use of the land for agricultural purposes, including farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to , such husbandry or production and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.
- 4.021 **Animal Unit.** A unit of measurement for any animal calculated as follows: brood cows and slaughter and feeder cattle multiplied by 1.0; milking dairy cows multiplied by 1.4; young dairy stock multiplied by 0.6; swine weighing over 55 pounds, multiplied by 0.4; swine weighing under 55 pounds multiplied by 0.03; sheep, lambs, or goats multiplied by 0.1; horses multiplied by 1.0; turkeys multiplied by 0.02; laying hens or broilers multiplied by 0.005; laying hens or broilers multiplied by 0.01 (if the facility has continuous overflow watering); laying hens or broilers multiplied by 0.03 (if facility has liquid manure handling system); ducks multiplied by 0.02; rabbits multiplied by 0.02
- For species of animals not specifically listed in this definition, the animal unit factor shall be determined by dividing the average mature animal weight by 1,000. The average mature animal weight shall be determined by the Reily Township Board of Trustees by resolution with guidance from the Cooperative Extension Service.
- 4.03 **ALLEY.** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
- 4.04 **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 below such level). A basement, when used

as a dwelling, shall be counted as a story for purposes of height measurement, as a half-story for purposes of side yard determination.

- 4.05 BEGINNING OF CONSTRUCTION. The incorporation of labor and material within the walls of the building or buildings.
- 4.06 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 manufactured thereon.
- 4.07 BOARD. The Board of Zoning Appeals of Reily Township, Butler County, Ohio.
- 4.08 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.
- 4.09 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.
  - 4.091 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.
- 4.10 CELLAR. A story the floor of which is more than one-half (1/2) of its story height below the average contact ground level at the exterior walls of the building. A cellar shall be counted as a story, for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.
- 4.11 COMMISSION, PLANNING. County Planning Commission of Butler County, Ohio.
- 4.12 COMMISSION, ZONING. Reily Township Zoning Commission of Butler County, Ohio.
- 4.13 CONDITIONAL USE. A use that is permitted only by the application and approval by the Reily Township Board of Zoning Appeals.
- 4.14 COURT. An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.
  - 4.141 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.
- 4.15 DISTRICT. The entire unincorporated area of Reily Township, Butler County 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, or R-PUD District; the term "B-District" shall mean any B-1, B-2, or B-3

District; the term "M-District" shall mean any M-1 or M-2 District. (See Article 5 and Reily Township website—zoning: reilytownship.org)

- 4.151 DISTRICT, MORE RESTRICTED OR LESS RESTRICTED. Each of the districts in the following listing shall be deemed to 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, M-1, M-2, F-1.
- 4.16 DWELLING. Any building or portion thereof designed or used as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer or trailer coach, or a room in a hotel or motel.
  - 4.161 DWELLING, SINGLE FAMILY. A building designed for or used exclusively for residence purposes by one family or housekeeping unit.
  - 4.162 DWELLING, TWO FAMILY. A building designed or used exclusively by two families or housekeeping units.
  - 4.163 DWELLING, MULTIFAMILY. A building or portion thereof designed for or used by three or more families or housekeeping units.
  - 4.164 DWELLING, UNIT. One room or suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
  - 4.165 DWELLING, GROUP. A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.
- 4.17 FAMILY. A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house. Five or more persons living together, not related by blood or marriage, shall be subject to provisions of Section 18.81.
- 4.18 FLOOD PLAIN. Lands in Butler County which would be subject to inundation, of the characteristics of the 1913 Miami River flood should it 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).
- 4.19 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.
  - 4.191 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.

- 4.20 HOUSE VEHICLE. Motorized recreational type vehicle designed to be used as temporary living quarters.
  - 4.201 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 lack of a part or parts so as to make it not road worthy according to the Ohio Revised Code.
  - 4.202 JUNK. Waste, discarded or compiled: metal; paper; tires; building materials or equipment; bottle; 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.
  - 4.203 JUNK, AUTOMOBILE. See "Inoperable Vehicle".
- 4.21 JUNK YARD. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.
- 4.22 KENNEL. Any structure or premises on which five (5) or more dogs and/or cats over five (5) months of age are kept.
- 4.23 LAND USE PLAN. The long-range plan for the desirable use of land in Reily Township as officially adopted, and as amended from time to time, by the Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, parks, schools, and other public buildings.
- 4.24 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.
  - 4.241 LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees. The point of intersection of the street lines is the "corner."

- 4.242 LOT, INTERIOR. A lot other than a corner lot.
- 4.243 LOT, AREA. The computed area contained within the lot lines.
- 4.244 LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
- 4.245 LOT, WIDTH. The mean width of the lot measured at right angles to its depth.
- 4.246 LOT, LINES. The property lines bounding the lot.
  - 4.2461 LOT LINE, FRONT. The line separating the lot from a street.
  - 4.2462 LOT LINE, REAR. The lot line opposite and most distant from the front lot line.
  - 4.2463 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.
  - 4.2464 LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.
- 4.25 MEDICAL MARIJUANA. Marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose.
- 4.26 MOBILE HOME. Any vehicle or mobile structure more than thirty (30) feet long, on wheels, skids, rollers, or blocks designed to be pulled, pushed, or carried by a motor vehicle on a highway, and designed for living as a one-family dwelling or commercial purposes, complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations, location on permanent foundations, connections to utilities, and the like.
- 4.27 MOBILE HOME PARK. An area of land divided into three (3) or more sites with foundations laid out to provide sites for mobile 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 mobile home parks thereon.
- 4.28 MODULAR UNIT. A structure intended for residential or business use which has been wholly or substantially factory assembled, which is intended to be secured to a permanent foundation, which meets the State and County building codes and which carries an "Industrial Unit Certificate" as proof of approval by the Board of Building Standards. Mobile homes and/or house trailers do not qualify as approved modular units.
  - 4.281 MANUFACTURED HOME. A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction safety standards established by the Secretary of Housing

and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat 700, 42 U.S.C.A.5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A., 5415, certifying compliance with all applicable federal construction and safety standards.

- 4.29 MOTEL. A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.
- 4.30 NONCONFORMING 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 of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards or courts, or distance requirements from more restricted districts or uses, shall not be considered a nonconforming use.
- 4.31 PARKING AREA, PRIVATE. An open area for the same uses as a private garage.
- 4.32 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.
- 4.33 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, for the parking of a motor vehicle.
- 4.34 PLANNED UNIT DEVELOPMENT. An area of land in which a variety of housing types are accommodated in a preplanned environment under more flexible standards such as lot sizes and setbacks, than those restrictions that would normally apply under this Resolution. The conditions for approval of such development contains a two-step procedure in addition to requirements of the standard subdivision including the review and approval of the Preliminary PUD Plan and subsequent detailed Final PUD Plan(s).
- 4.35 PRIMARY OR SECONDARY HIGHWAY. An officially designed Federal or State numbered highway or county or other road designated as a primary thoroughfare on the official Thoroughfare Plan, or a county or other road designated as a secondary thoroughfare on said Plan, respectively.
- 4.36 ROAD. See "street."
- 4.37 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.
- 4.38 ROW HOUSE. See "Town House."
- 4.39 SCHOOL, PRIMARY, SECONDARY, COLLEGE, OR UNIVERSITY. Any primary, secondary, college, or university school 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.

- 4.40 STABLE, PRIVATE. A stable with a capacity of not more than two (2) horses, cows, or similar animals.
- 4.41 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.
- 4.411 STORY, HALF. A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four (4) feet above the floor of such story; provided, however, that any partial story used for residence purposes, other than for a janitor or caretaker and his family, shall be deemed a full story.
- 4.412 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.
- 4.42 STREET. A public right-of-way seventy (70) feet or more in width which provides means of access to abutting property, or any such right-of-way more than thirty (30) feet and less than fifty (50) feet in width provided it existed prior to the enactment of this Resolution. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.
- 4.43 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 4.44 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams, or girders.
- 4.45 THOROUGHFARE PLAN. The official Thoroughfare Plan as adopted, and as amended from time to time, by the Planning Commission of Butler County, Ohio, establishing the general location and official right-of-way widths of the primary and secondary highways and thoroughfares in Butler County, on file in the office of the County Recorder and the County Planning Commission.
- 4.46 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.
- 4.47 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 masonry wall or walls.
- 4.48 TRAVEL TRAILERS. Any vehicle or mobile structure less than thirty (30) 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.

- 4.49 TRAVEL TRAILER 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.
- 4.50 TRUSTEES. Township Trustees of Reily Township, Butler County, Ohio.
- 4.51 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.
- 4.52 YARD, FRONT. An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.
- 4.521 YARD, FRONT - LEAST DEPTH. The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line.
- 4.522 YARD, FRONT - 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.
- 4.53 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.
- 4.531 YARD, REAR - LEAST DEPTH. The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.
- 4.54 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.
- 4.541 YARD, SIDE - 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.

- 4.542 YARD, SIDE - LEAST WIDTH, HOW MEASURED. Such widths shall be measured from the nearest side lot line and, in case the nearest lot line is a side street lot line from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designed on the Thoroughfare Plan.
- 4.55 ZONING INSPECTOR. The Zoning Inspector or his/her authorized representative, appointed by the Trustees of Reily Township, Butler County, Ohio.
- 4.56 ZONING MAP. The Zoning Map or Maps of Reily Township, Butler County, Ohio, dated (July 28, 2008), together with all amendments subsequently adopted.
- 4.57 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.
- 4.58 WIRELESS AND CELLULAR DEFINITIONS
- 4.581 CLEAR AND CONVINCING EVIDENCE. A measure of proof which will produce a firm belief as to the truth of the allegations sought to be established.
- 4.582 WIRELESS AND CELLULAR ALTERNATIVE TOWER STRUCTURE. An alternative design mounting structure that is used to camouflage or conceal the presence of antennas or towers, including man-made trees, clock towers, bell steeples or light poles.
- 4.583 WIRELESS AND CELLULAR ANTENNA. Any exterior apparatus designed for telephonic, radio, television, or other electronic communications, through the transmission, relay or receiving of electromagnetic waves.
- 4.584 WIRELESS AND CELLULAR CO-LOCATION. The process of providing space for more than one user within a facility or on a tower, or the act of placing new or additional wireless and cellular equipment on existing antennas or towers.
- 4.585 WIRELESS AND CELLULAR EQUIPMENT BUILDING. Any structure located on a tower site which houses the electronic transmitting, receiving or relay equipment for a Wireless and Cellular Telecommunication Facility.
- 4.586 WIRELESS AND CELLULAR HEIGHT. The distance measured from the ground to the highest point on a tower, structure or antenna.
- 4.587 WIRELESS AND CELLULAR EQUIPMENT. Any antenna, satellite dish, communication device or equipment which is used for transmitting, relaying or receiving communication signals, except equipment pre-empted from regulations by the Telecommunications Act of 1996 (P.L. 104-104), as amended.

4.588 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITIES. Any cables, wires, lines, wave guides, antennas, equipment or structures associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC) which an applicant seeks to locate, or has installed, upon a tower or existing structure.

4.60 ADULT ENTERTAINMENT DEFINITIONS

4.601 ADULT ARCADE: An establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors, or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, computer hardware or software, video cassettes, or slides, or other photographic productions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

4.602 ADULT BOOK AND OR VIDEO STORE: An establishment having more than twenty-five (25) percent of its stock in trade or floor area allocated to, or more than twenty-five (25) percent of their gross receipts derived from books, novelties, videos, computer hardware or software, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

4.603 ADULT CABARET: A nightclub, bar, restaurant, "bottle club", or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

- A. person(s) who appear nude or in a state of nudity or semi-nude; or
- B. live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
- C. films, motion pictures, video cassettes, computer hardware or software, slides, or other photographic reproductions in which a substantial portion of the total presentation time is devoted to the showing of material that is characterized by the depiction or description of specified sexual activities or specified anatomical areas.

4.604 ADULT DRIVE-IN THEATER: An outdoor theater, in which a substantial portion of the total presentation time is devoted to the showing of material distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for the observation by patrons which may not be located on a parcel of property less than ten (10) acres.

4.605 ADULT ENTERTAINMENT: Any performance 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.

- 4.606 ADULT ENTERTAINMENT FACILITY: Any Adult Arcade, Adultbook/Video store, Adult Cabaret, Adult drive-in Theater, Adult Mini Motion Picture Theater, adult Motel, Adult Motion Picture Theater, Massage Establishment, Nude Model Studio, or any other business providing Adult Material, Adult Entertainment or Adult Services.
- 4.607 ADULT MASSAGE: A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.
- 4.608 ADULT MASSAGE ESTABLISHMENT: Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or massage therapist duly licensed by the State of Ohio, or physical therapist duly licensed by the State of Ohio, nor barbershop or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.
- 4.609 ADULT MATERIAL: Any book, magazine, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonogramic 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.
- 4.610 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.
- 4.611 ADULT MOTEL: A motel, 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 these sexually 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.
- 4.612 ADULT MOTION PICTURE THEATER: An enclosed building with a capacity of fifty (50) or more persons used for presenting material distinguished or

characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas for observation by patrons.

- 4.613 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.
- 4.614 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.
- 4.615 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.
- 4.616 ADULT SERVICE: Any service, capable of arousing sexual interest through sight, sound, or touch, and which service is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement or human bodily functions of elimination.
- 4.617 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.
- 4.618 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.
- 4.70 PENAL OR CORRECTIVE INSTITUTIONS: Any building, dwelling or dwelling unit, boarding or lodging house, day care center, group home, half-way house, hospital, motel, nursing home, rest home or other structure used for the housing or care of one or more persons who are either:
- A. In the custody or control of the Ohio Department of Rehabilitation or Correction, or a similar agency of another state, by virtue of sentence for commission of crime(s) or other order of a court,
  - B. In the custody or control of the Ohio Department of Youth Services, or a similar agency of another state, by virtue of commitment by a juvenile division of a court of common pleas, or a court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult;
  - C. Subject to placement in any facility by order of detention prior to disposition by, or by disposition order of, a juvenile division of a court of common pleas, or a

court of competent jurisdiction of another state, because such person(s) has been found to have committed any act(s) that would constitute a crime if committed by an adult.

#### 4.71 SOLAR DEFINITIONS

- 4.711 GROUND MOUNTED SOLAR ENERGY SYSTEMS: A solar energy system that mounts a solar panel or panels and facilities on or above the ground.
- 4.712 INTEGRATED SOLAR ENERGY SYSTEMS: A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, awnings, canopies, skylights, or windows.
- 4.713 ROOFTOP SOLAR ENERGY SYSTEMS: A solar energy system that is mounted to a structure or building's roof on racks.
- 4.714 SMALL SOLAR FACILITY: A Solar Energy System and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.
- 4.715 SOLAR ENERGY: A radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.
- 4.716 SOLAR ENERGY SYSTEM: A system and associated facilities that collect Solar Energy, which may include, but are not limited to an Integrated Solar Energy System, Rooftop Solar Energy System, or Ground Mounted Solar Energy System.

## ARTICLE 5

### DISTRICTS AND BOUNDARIES THEREOF

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5.0 For the purposes of this Resolution the unincorporated territory of Reily Township, Butler County, Ohio, is hereby divided into one or more of 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	Multifamily Residence District
R-PUD	Planned Unit Development District
R-MHP	Mobile Home Park District
B-1	Neighborhood Business District
B-2	Community Business District
B-3	General Business District
M-1	Light Industrial District
M-2	General Industrial District
F-1	Flood Plain District

5.1 The boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Reily 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 Reily Township Zoning Commission, and the Reily Township website: [reilytownship.org](http://reilytownship.org).

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

5.3 Where a district boundary line as established in this Section or as shown on the Zoning Map or Maps divides a lot which was 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 of such lot is entirely within fifty (50) feet of said dividing district boundary lines. The use so extended shall be deemed to be conforming.

- 5.4 Questions concerning the exact location of a district boundary line shall be determined by the Board as provided in subsection 21.412 and in accordance with rules and regulations which may be adopted by it.
- 5.5 Whenever any street or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.
- 5.6 In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Reily Township, Butler county by the disincorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as an R-1 District, until otherwise classified.

## ARTICLE 6

### GENERAL PROVISIONS

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- 6.01 CONFORMANCE REQUIRED. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the District in which it is located.
- 6.02 CONTINUING EXISTING USES. Except as hereinafter specified, any use, building, or structure, existing at the time of the enactment of this Resolution may be continued, even though such use, building, or structure may not conform with the provisions of this Resolution for the District in which it is located.
- 6.03 AGRICULTURE. Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building, or structure.
- 6.04 PUBLIC UTILITIES AND RAILROADS. Nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any building or structure of any public utility, or railroad, or the use of land by any public utility, or railroad for the operation of its business, but a Zoning Certificate for such use, structure, and building be required and subject to Section 18.97 if applicable. Upon application by any public utility or railroad for a Zoning Certificate, the Zoning Inspector shall forward said application to the Zoning Commission for review and report. The Zoning Commission shall consult with the Planning Commission and in case in its report the Zoning Commission suggests modifications in the proposed plans of the public utility, or railroad, the Zoning Inspector, before issuing the Zoning Certificate, shall transmit such report to the applicant public utility, or railroad for its consideration.

The foregoing provisions are intended to give the Zoning Commission and the Planning Commission advance notice of any contemplated utility, or railroad, or communication systems improvement, and to inform, in turn, the applicant railroad or utility of any features of the proposed improvement which, in the judgment of the Zoning Commission or Planning Commission, conflict with the intent and purpose of the Zoning Plan or the Thoroughfare Plan, Land Use Plan, or any other official plans adopted by the Planning Commission, with the view to bringing about, whenever possible, substantial conformance with said Zoning Plan and other official plans in furtherance of the desirable future development of the Township and of the public health, safety, convenience, and general welfare.

- 6.05 RETAIL ESTABLISHMENTS AND PLACES OF ENTERTAINMENT. Nothing contained in this Resolution shall confer any power to prohibit the sale or use of alcoholic beverages areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

- 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 18.3 and the applicable district regulations.
- 6.07 NONCONFORMING 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:
- 6.08 SUBSTITUTION OR EXTENSION
- 6.081 When authorized by the Board, in accordance with the provisions of subsection 21.4111, the substitution for a nonconforming use of another nonconforming use or an extension of a nonconforming use may be made.
- 6.082 Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- 6.083 When authorized by the Board, in accordance with the provisions of subsection 21.4111, the extension or completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, may be made provided use of such building became nonconforming as a result of enactment of this resolution or subsequent adoption of amendments to this resolution.
- 6.084 When authorized by the Board in accordance with the provisions of subsection 21.4111, a nonconforming 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 such building became nonconforming, if no structural alterations, except those required by law, are made therein.
- 6.09 DISCONTINUANCE. No building, structure, or premises where a nonconforming use has ceased for two (2) years or more shall again be put to a nonconforming use.
- 6.10 REPLACING DAMAGED BUILDINGS. Any nonconforming 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 be done within twelve (12) months of such happening and building size not increased.
- 6.11 REPAIRS AND ALTERATIONS. Such repairs and maintenance work as required to keep it in sound condition may be made to a nonconforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.
- 6.12 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 when the resulting occupancy will comply with the requirements governing new construction in such district.

6.13 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 case 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.

6.14 ACCESSORY BUILDINGS IN R-DISTRICTS

6.141 An accessory building may be erected detached from the principal building, except when a stable may be erected as an integral part of the principal building, or it may be connected therewith by a breezeway or similar structure. Except as provided in subsection 19.42, no accessory building shall be erected in any required yard or court, except a rear yard and shall not occupy more than thirty-five (35) 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, at least six (6) feet from any other accessory building and at least three (3) feet from all lot lines of adjoining lots which are in an R District or recorded residential subdivision.

6.142 In any R-District or recorded residential subdivision, where a corner lot adjoins in the rear of a lot fronting on the side street and located in an R District or recorded residential subdivision, no part of an accessory building on such corner lot within twenty-five (25) feet of a common lot line 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.

6.143 Except as provided in Subsection 19.42, an accessory building if not located in the rear yard shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.

6.15 STREET FRONTAGE REQUIRED. Except as permitted by other provisions of this Resolution, no lot shall contain any building used in whole or part for residential purposes

unless such lot abuts for at least forty (40) feet on a street; and there shall be not more than one single-family dwelling for such frontage.

6.16 TRAFFIC VISIBILITY ACROSS CORNER LOT. 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.

6.17 COURT REQUIREMENTS

6.171 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:

6.1711 Least Width: Sum of heights of building opposite one another, but less than fifty (50) feet.

6.1712 Least Length: One and one-half (1-1/2) times the width.

6.18 REQUIRED AREA OR SPACE CANNOT BE REDUCED

6.181 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 dimension 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 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.

6.19 OFF-STREET PARKING AND LOADING. In any district, spaces for off-street parking and for loading or unloading, shall be provided in accordance with the provisions of Section 18.1 of this Resolution.

6.20 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.

6.21 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) months period, and not discontinued until completion, except for reasons beyond the builders' control.

6.22 MEDICAL MARIJUANA. The cultivation, processing and/or operation of retail dispensaries or laboratories are prohibited uses in all zoning districts of Reily Township.

- 6.23 ACCUMULATION OF JUNK PROHIBITED. Unless otherwise permitted by this Resolution, no inoperable vehicle, unlicensed trailer or junk shall be permitted to remain exposed on any lot for more than ten (10) days unless stored in a completely enclosed building. Specific demolition and rehabilitation projects requiring the placement of a dumpster, temporary and portable storage units on the lot shall be exempted from these regulations so long as they remain on the lot no longer than thirty (30) days.
- 6.24 EMERGENCY ZONING CERTIFICATE. Under certain circumstances, the Zoning Administrator shall have the authority to issue an emergency zoning certificate, should the principal structure on the property be rendered uninhabitable by fire or other natural disaster. Should the continuing physical occupancy of the owner be necessary to preserve the safety and/or security of personal property located on the premises, a temporary dwelling unit, i.e., mobile home may be located on the property. The Emergency Zoning Certificate shall be issued upon application by the property owner and written confirmation of the uninhabitability of the property by a knowledgeable source such as the fire chief or insurance company. The Emergency Zoning Certificate shall specify the following conditions:
- A. The temporary living structure shall be permitted for a period of one (1) year from the date of the Emergency Zoning Certificate and must meet the Butler County General Health District requirements.
  - B. The uninhabitable dwelling shall be replaced or restored to habitability within one (1) year from the date of the Emergency Zoning Certificate.
  - C. The temporary living structure shall be removed in entirety from the premises within ten (10) days of completion of the replaced or restored residence, whichever occurs first.

# ARTICLE 7

## A-1 AGRICULTURAL DISTRICT

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- 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 so that agricultural areas may be preserved and maintained and can be protected from haphazard encroachment by urban development. (For additional information, see Ohio Revised Code: 519.21.)
- 7.02 PRINCIPAL PERMITTED USES
- 7.021 Agriculture and farms, including any customary agricultural use, building, or structure, farming, dairying, pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, animal or poultry husbandry, nurseries and greenhouses not including garden stores or supply centers. On any parcel less than seven (7) acres, one (1) animal unit per acre is allowed; excluded are youth (under 21 years of age) show animals, household pet dogs and/or cats, to limits as outlined in Article 4.22). A building in which seven (7) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care not located on the same lot as the said uses or buildings. Buildings in which more than seven (7) 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 and two-family detached dwellings, including approved modular homes and-manufactured homes.
- 7.023 Churches, and other similar places of worship.
- 7.024 Schools and colleges located not less than fifty (50) feet from any lot in an R District, or a recorded residential subdivision.
- 7.025 Neighborhood and community parkland, open spaces; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R District, or a recorded residential subdivision.
- 7.026 Public utility or railroad structure or uses; subject to the provisions specified in Section 6.04.
- 7.027 Outdoor advertising signs and billboards; subject to the provisions specified in Section 18.3.
- 7.028 Public buildings and properties of an administrative cultural, recreational, or service type; repair garages, storage or repair yards or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

### 7.03 CONDITIONAL USES REQUIRING BOARD APPROVAL

- 7.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41.
- 7.032 Hospitals, conference centers, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any lot in an R District, or a recorded residential subdivision.
- 7.033 Clubs, fraternities, lodges, religious institutions, repair garages, and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business; provided that any such establishment shall be located not less than fifty (50) feet from any lot line in any A-1, R District, or recorded residential subdivision.
- 7.034 Travel trailer parks for transients, subject to the provisions specified in Section 11B.4 of this Resolution and subject to compliance with the distance requirements in Subsection 7.051.
- 7.035 Cemeteries adjacent to or in extension of existing cemeteries.
- 7.036 Mobile home parks, when located within five hundred (500) feet of a primary highway as defined in Section 4.32; subject to the provisions outlined in Article 11.B of this Resolution, and subject to compliance with the distance requirements in Subsection 7.051.
- 7.037 Airports and landing fields; provided that the location, size, and plans for any such airport or landing field have been approved by the Butler County Planning Commission and any official state or federal agencies having jurisdiction.
- 7.038 Commercial hog, fur, or other commercial animal farms; provided that any lot or tract of land in such use shall not be less than ten (10) acres in area and that any building or enclosure in which animals are kept shall comply with two (2) times the distance requirements in Subsection 7.051.
- 7.039 Commercial mines, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises; provided that any lot or tract of land containing such use, other than a temporary sawmill shall be not less than ten (10) acres in area, and that the location of any power driven or power-producing machinery affixed to the real estate shall comply with two (2) times the distance requirements in Subsection 7.051, and provided further that any such use shall comply with the requirements of Section 18.7.
- 7.040 Animal hospitals and veterinary clinics, provided any building or area on the premises used for such purposes shall be located not less than two hundred (200) feet from any R District or recorded residential subdivision.

- 7.041 Wireless and Cellular Telecommunication Facility.
- 7.042 Riding stables, provided that any building or enclosure in which animals are kept shall comply with the distance requirements in Subsection 7.051.

#### 7.05 ACCESSORY USES

- 7.051 Accessory uses, building and structures customarily incidental to any of the aforesaid permitted uses including:
  - 7.0511 Living quarters of persons employed on the premises; the keeping of roomers or boarders by a resident family. Accessory buildings may not be used for residential dwelling.
  - 7.0512 A private garage, parking area, or stable.
  - 7.0513 Customary incidental home occupations when conducted in a dwelling, provided that no stock in trade is kept or products sold, except such as are made on the premises; the office of a resident physician, dentist, architect, engineer, or similar professional person - including a sign not over one (1) square foot in area in connection with each such use.
  - 7.0514 Roadside stands, offering for sale only agricultural products produced on the premises or in the vicinity.
  - 7.0515 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
  - 7.0516 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

#### 7.06 REQUIRED CONDITIONS

- 7.061 All uses, buildings, or premises for which compliance with the distance requirement in this subsection is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet from any lot in any R District or recorded residential subdivision, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.
- 7.062 HEIGHT REGULATIONS. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, except as provided in Section 19.2.
- 7.063 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following requirements shall be observed, except as modified by provisions of Article 19.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Customary agricultural uses, as specified in Subsection 7.021; other principal permitted uses where larger area not specified herein above - 5 acres	300 ft.	40 ft.	1-1/2	50 ft.	100 ft.	50 ft.
Single - and two-family dwellings, churches, public buildings - 2.1 acres	200 ft.	40 ft.	1 -2-1/2	25 ft.	50 ft.	50 ft.

## 7.07 PROHIBITED USES

7.071 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

## ARTICLE 8

### R-1 SUBURBAN RESIDENCE DISTRICT

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- 8.01 PURPOSE. The intent of the R-1 Suburban Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of one (1) acre (43,560 square feet). These areas will constitute areas of sound residential development and will remain semi-rural in character.
- 8.02 PRINCIPAL PERMITTED USES
- 8.021 Agriculture and farms, not including commercial, animal or poultry farms or kennels; 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. On any parcel five (5) acres or less, one animal unit per acre is allowed. A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.
- 8.022 One-family dwellings.
- 8.023 Churches, and other similar places of worship.
- 8.024 Schools and colleges located not less than fifty (50) feet from any other lot in any R District, or a recorded residential subdivision.
- 8.025 Neighborhood and community parkland, 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 residential subdivision.
- 8.026 Public utility or railroad structures or uses; subject to the provisions specified in Subsection 6.04.
- 8.03 CONDITIONAL USES REQUIRING BOARD APPROVAL
- 8.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41.
- 8.032 Country clubs, golf courses, and other private noncommercial recreation areas and facilities including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.
- 8.033 Nursery schools and child care centers; provided that there shall be a completely fenced and screened play lot maintained, and further provided that

no principal building or play lot shall be located less than twenty-five (25) feet from any other lot in any R District or a recorded residential subdivision.

8.034 Hospitals, religious, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any other lot in any R District, or a recorded residential subdivision.

8.035 Cemeteries adjacent to, or in extension of existing cemeteries.

8.036 Public buildings and properties of an administrative, cultural, recreational, or service type; not including repair garages, storage or repair yards, or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

#### 8.04 ACCESSORY USES

8.041 Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

8.0411 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling. Accessory building may not be used for residential dwelling.

8.0412 A private garage or parking area.

8.0413 The office of a resident physician, dentist, professional engineer, architect, or similar professional person, including a sign not more than one (1) square foot in area.

8.0414 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3

8.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

#### 8.05 REQUIRED CONDITIONS

8.051 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1-1/2) stories or twenty (20) feet in height, except as provided in Section 19.2

8.052 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Single-family dwellings one (1) acre, 43,560 sq.ft.	100 ft.	35 ft.	1-1-1/2	15 ft.	30 ft.	50 ft.
			2-2-1/2	15 ft.	30 ft.	50 ft.
Other permitted uses one (1) acre, 43,560 sq.ft.	200 ft.	35 ft.	1-1-1/2	20 ft.	40 ft.	50 ft.
			2-2-1/2	25 ft.	50 ft.	50 ft.

8.06 PROHIBITED USES

8.061 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

## ARTICLE 8A

### R1-A SUBURBAN RESIDENCE DISTRICT

---

8A.01 PURPOSE. The intent of the R1-A Suburban Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of one-half acre (21,780 square feet) where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing.

#### 8A.02 PRINCIPAL PERMITTED USES

8A.021 Agriculture and farms, not including commercial, animal or poultry farms or kennels; 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. On any parcel five (5) acres or less, one animal unit per acre is allowed. A building in which five (5) or less farm animals, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded residential subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.

8A.022 One-family detached dwellings, including approved modular housing.

8A.023 Churches, and other similar places of worship.

8A.024 Schools and colleges located not less than fifty (50) feet from any other lot in any R District, or a recorded residential subdivision.

8A.025 Neighborhood and community parkland, 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 residential subdivision.

8A.026 Public buildings and properties of an administrative, cultural, recreational, or service type; not including repair garages, storage or repair yards, or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

8A.027 Public utility or railroad structures or uses; subject to the provisions specified in Section 6.04.

#### 8A.03 CONDITIONAL USES REQUIRING BOARD APPROVAL

8A.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41

8A.032 Country clubs, golf courses, and other private, noncommercial recreation areas and facilities, including swimming pools; provided that any principal

building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.

8A.033 Nursery schools and child care centers; provided that there shall be a completely fenced and screened play lot maintained, and further provided that no principal building or play lot shall be located not less than twenty-five (25) feet from any other lot in any R District or a recorded residential subdivision.

8A.034 Hospitals, religious, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any other lot in any R District, or a recorded residential subdivision.

8A.035 Cemeteries adjacent to, or in extension of existing cemeteries.

#### 8A.04 ACCESSORY USES

8A.041 Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:

8A.0411 Accessory buildings may not be used for residential dwellings.

8A.0412 A private garage or parking area.

8A.0413 The office of a resident physician, dentist, professional engineer, architect, or similar professional person, including a sign not more than one (1) square foot in area.

8A.0414 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3

8A.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

#### 8A.05 REQUIRED CONDITIONS

8A.051 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1-1/2) stories or twenty (20) feet in height, except as provided in Section 19.2

8A.052 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Single-family dwellings ½ acre, 21,780 sq. feet	90 ft.	30 ft.	1-1-1/2	10 ft.	25 ft.	45 ft.
			2-2-1/2	10 ft.	25 ft.	50 ft.
Other permitted uses 1 acre, 43,560 sq. feet	200 ft.	35 ft.	1-1-1/2	20 ft.	40 ft.	50 ft.
			2-2-1/2	25 ft.	50 ft.	50 ft.

8A.06 OFF-STREET PARKING REQUIREMENTS. Off-street parking shall be provided in accordance with the requirements specified in Article 18 of this Resolution.

## ARTICLE 9

### R-2 SINGLE-FAMILY RESIDENCE DISTRICT

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- 9.01 PURPOSE. The intent of the R-2 Single Family Residence District is to reserve certain land areas for one (1) family home on lots containing a minimum of one-half acre (21,780 square feet) with added requirement of water and sanitary sewers. These areas will constitute areas of sound residential development at medium densities.
- 9.02 PRINCIPAL PERMITTED USES
- 9.021 Agricultural and farms, as regulated under Subsection 8.021 and 8A.0211.
- 9.022 One-family detached dwellings, including approved modular and manufactured housing.
- 9.023 Churches, and other similar places of worship.
- 9.024 Schools and colleges located not less than fifty (50) feet from any other lot in any R District or a recorded residential subdivision.
- 9.025 Neighborhood and community parkland, open space; provided that principal buildings or swimming pools shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.
- 9.026 Public buildings and properties of an administrative, cultural, recreational, or service type; not including repair garages, storage or repair yards, or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.
- 9.027 Public utility or railroad structures or uses; subject to the provisions specified in Section 6.04.
- 9.03 CONDITIONAL USES REQUIRING BOARD APPROVAL
- 9.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41
- 9.032 Country clubs, golf courses, and other private, noncommercial recreation areas and facilities, including swimming pools; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.
- 9.033 Nursery schools and child care centers; provided that there shall be a completely fenced and screened play lot maintained, and further provided that no principal building or play lot shall be located not less than twenty-five (25) feet from any other lot in any R District or a recorded residential subdivision.

- 9.034 Hospitals, religious, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any other lot in any R District, or a recorded residential subdivision.
- 9.035 Cemeteries adjacent to, or in extension of existing cemeteries.
- 9.036 Home occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or external operations, construction features, or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. An unlighted sign not more than one (1) square foot in area, attached flat against the building, shall be permitted.

#### 9.04 ACCESSORY USES

- 9.041 Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:
  - 9.0411 Accessory building may not be used for residential dwelling.
  - 9.0412 A private garage or parking area.
  - 9.0413 The office of a resident physician, dentist, professional engineer, architect, or similar professional person, including a sign not more than one (1) square foot in area.
  - 9.0414 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
  - 9.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

#### 9.05 REQUIRED CONDITIONS

- 9.051 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1-1/2) stories or twenty (20) feet in height, except as provided in Section 19.2.
- 9.052 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

9.06 PROHIBITED USES

9.061 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Single-family dwellings ½ acre (21,780 sq. ft.)	65 ft.	30 ft.	1-1-1/2	8 ft.	20 ft.	40 ft.
			2-2-1/2	10 ft.	25 ft.	40 ft.
Other permitted uses 20,000 sq. ft.	100 ft.	35 ft.	1-1-1/2	15 ft.	30 ft.	45 ft.
			2-2-1/2	20 ft.	40 ft.	50 ft.

# ARTICLE 10

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

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- 10.01 PURPOSE. The intent of the R-3 One and Two-Family Residence District is to reserve certain land areas for one (1) family homes on lots containing a minimum of one-half acre (21,780 sq. ft.); and two (2) family homes on lots containing a minimum of (1) acre (43,560 square feet). These areas will constitute areas of sound residential development at medium densities.
- 10.02 PRINCIPAL PERMITTED USES
- 10.021 Agricultural and farms, as regulated under Subsection 8.021 and 8A.0211.
  - 10.022 One-family detached dwellings, including approved manufactured housing.
  - 10.023 Two-family dwellings.
  - 10.024 Dwelling groups comprised of buildings containing not more than two (2) families in any one (1) building; subject to the requirements specified in this Article, and to the provisions specified in Section 18.4.
  - 10.025 Churches, and other similar places of worship.
  - 10.026 Schools and colleges located not less than fifty (50) feet from any other lot in any R District or a recorded residential subdivision.
  - 10.027 Neighborhood and community parkland, 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 residential subdivision.
  - 10.028 Public buildings and properties of an administrative, cultural, recreational, or service type; not including repair garages, storage or repair yards, or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.
  - 10.029 Public utility or railroad structures or uses; subject to the provisions specified in Section 6.04.
- 10.03 CONDITIONAL USES REQUIRING BOARD APPROVAL
- 10.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41
  - 10.032 Country clubs, golf courses, and other private, noncommercial recreation areas and facilities, including swimming pools; provided that any principal

building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.

- 10.033 Nursery schools and child care centers; provided that there shall be a completely fenced and screened play lot maintained, and further provided that no principal building or play lot shall be located not less than twenty-five (25) feet from any other lot in any R District or a recorded residential subdivision.
- 10.034 Hospitals, religious, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any other lot in any R District, or a recorded residential subdivision.
- 10.035 Cemeteries adjacent to, or in extension of existing cemeteries.
- 10.036 Home occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or external operations, construction features, or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. An unlighted sign not more than one (1) square foot in area, attached flat against the building, shall be permitted.
- 10.037 Rest homes or nursing homes for convalescent patients; provided that any building for such use shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

#### 10.04 ACCESSORY USES

- 10.041 Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:
  - 10.0411 Accessory buildings may not be used for residential dwellings.
  - 10.0412 A private garage or parking area.
  - 10.0413 The office of a resident physician, dentist, professional engineer, architect, or similar professional person, including a sign not more than one (1) square foot in area.
  - 10.0414 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
  - 10.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

10.05 REQUIRED CONDITONS

- 10.051 HEIGHT REGULATIONS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, and no accessory structure shall exceed one and one-half (1-1/2) stories or twenty (20) feet in height, except as provided in Section 19.2
- 10.052 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Single-family dwellings 21,780 sq. ft.	60 ft.	25 ft.	1-1-1/2	8 ft.	20 ft.	35 ft.
			2-2-1/2	10 ft.	22 ft.	40 ft.
Two-family dwellings 43,560 sq. ft.	80 ft.	30 ft.	1-1-1/2	8 ft.	20 ft.	45 ft.
			2-2-1/2	10 ft.	25 ft.	50 ft.
Other permitted uses same as R-2 District	100 ft.	30 ft.	1-1-1/2	15 ft.	30 ft.	45 ft.
			2-2-1/2	20 ft.	40 ft.	50 ft.

10.053 EXCEPTION. The provisions of Section 10.051 and 10.052 shall not apply to residential development in the R-3 District where said development is in accordance with: a Community Development Project approved by the Board of Appeals, pursuant to Section 18.5 of the Zoning Resolution as it existed prior to adoption of any subsequent and duly approved amendment thereof; any variance or series thereof granted by the Board of Appeals prior to the adoption of any subsequent and duly approved amendment thereof. For the purposes of this section, residential development may proceed and is permitted in accordance with the Community Development Project or said variances in the form and as previously approved and said residential uses shall not be considered to be nonconforming and the Board of Appeals shall continue to have continuing jurisdiction over said previously approved Community Development Projects and variances as if an amendment had not been adopted.

10.06 PROHIBITED USES

10.061 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

# ARTICLE 11

## R-4 MULTIPLE-FAMILY RESIDENCE DISTRICT

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

### 11.02 PRINCIPAL PERMITTED USES

11.021 Agricultural and farms, as regulated under Subsection 8.021 and 8A.0211.

11.022 One-family detached dwellings, including approved modular and manufactured housing.

11.023 Two-family dwellings.

11.024 Dwelling groups comprised of buildings containing not more than two (2) families in any one building; subject to the provisions specified in this Article, and to the provisions specified in Section 18.4.

11.025 Multiple-family dwellings; garden apartments, row dwellings, town houses.

11.026 Churches, and other similar places of worship.

11.027 Schools and colleges located not less than fifty (50) feet from any other lot in any R District or a recorded residential subdivision.

11.028 Neighborhood and community parkland, 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 residential subdivision.

11.029 Public buildings and properties of an administrative, cultural, recreational, or service type; not including repair garages, storage or repair yards, or warehouses; provided that any such building shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

11.030 Public utility or railroad structures or uses; subject to the provisions specified in Section 6.04.

### 11.03 CONDITIONAL USES REQUIRING BOARD APPROVAL

11.031 Approval of conditional uses by the Board shall be subject to the provisions specified in Section 21.41.

11.032 Country clubs, golf courses, and other private, noncommercial recreation areas and facilities, including swimming pools; provided that any principal building or

swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.

- 11.033 Nursery schools and child care centers; provided that there shall be a completely fenced and screened play lot maintained, and further provided that no principal building or play lot shall be located not less than twenty-five (25) feet from any other lot in any R District or a recorded residential subdivision.
- 11.034 Hospitals, religious, or charitable institutions not including penal or corrective institutions; provided that any such establishment shall be located not less than two hundred (200) feet from any other lot in any R District, or a recorded residential subdivision.
- 11.035 Cemeteries adjacent to, or in extension of existing cemeteries.
- 11.036 Home occupations; provided that such occupations shall be conducted solely by the occupants of the residence; provided that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for the home occupation; provided that no such use shall require internal or external operations, construction features, or mechanical equipment not customary in dwellings; and provided the entrance to the space devoted to the home occupation shall be from the dwelling. An unlighted sign not more than one (1) square foot in area, attached flat against the building, shall be permitted.
- 11.037 Rest homes or nursing homes for convalescent patients; provided that any building for such use shall be located not less than twenty-five (25) feet from any other lot in any R District, or a recorded residential subdivision.

#### 11.04 ACCESSORY USES

- 11.041 Accessory uses, buildings, and structures customarily incidental to any of the aforesaid permitted uses, including:
  - 11.0411 Accessory buildings may not be used for residential dwellings.
  - 11.0412 A private garage or parking area.
  - 11.0413 The office of a resident physician, dentist, professional engineer, architect, or similar professional person, including a sign not more than one (1) square foot in area.
  - 11.0414 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
  - 11.0415 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

11.05 REQUIRED CONDITIONS

- 11.051 HEIGHT REGULATIONS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2.
- 11.052 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.
- 11.053 EXCEPTIONS. The provisions of Section 11.051 and 11.052 shall not apply to residential development in the R-4 District where said development is in accordance with: a Community Development Project approved by the Board of Appeals, pursuant to Section 18.5 of the Zoning Resolution as it existed prior to the adoption of any subsequent and duly approved amendment thereof; any variance or series thereof granted by the Board of Appeals prior to the adoption of any subsequent and duly approved amendment thereof. For the purposes of this section, residential development may proceed and is permitted in accordance with the Community Development Project or said variances in the form and as previously approved and said residential uses shall not be considered to be nonconforming and the Board of Appeals shall continue to have continuing jurisdiction over said previously approved Community Development Projects and variances as if an amendment had not been adopted.

11.06 PROHIBITED USES

- 11.061 Uses not permitted are prohibited unless determined by the Board to be of the same general character as the above permitted uses.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Single-family dwellings 1/2 acre, 21,780 sq. ft.	55 ft.	25 ft.	1-1-1/2 2-2-1/2	8 ft. 10 ft.	18 ft. 22 ft.	35 ft. 40 ft.
Two-family dwellings 43,560 sq. ft.	60 ft.	25 ft.	1-1-1/2 2-2-1/2	10 ft. 12 ft.	20 ft. 24 ft.	40 ft. 45 ft.
Three-family dwellings 43,560 sq. ft., 1 acre if public sewer & water is not available & 100ft. of lot frontage	70 ft.	25 ft.	1-1-1/2 2-2-1/2	10 ft. 12 ft.	22 ft. 26 ft.	40 ft. 45 ft.
Four-family dwellings 43,560 sq. ft., 1-acre if public sewer & water is not available & 100 ft. of lot frontage	75 ft.	25 ft.	1-1-1/2 2-2-1/2	12 ft. 14 ft.	26 ft. 30 ft.	40 ft. 45 ft.
Multi-family dwellings (over 4 families-2,500 sq. ft. per dwelling) 5,000 sq. ft. per dwelling unit with a minimum of 1- acre (43,560 sq. ft.) if public sewer & water is not available	100 ft.	25 ft.	1-1-1/2 2-2-1/2 3	14 ft. 16 ft. 18 ft.	28 ft. 32 ft. 36 ft.	50 ft. 55 ft. 60 ft.
Other permitted uses	100 ft.	30 ft.	1-1-1/2 2-2-1/2	20 ft. 20 ft.	40 ft. 40 ft.	50 ft. 50 ft.

All subject to the Butler County General Health District approval.

## ARTICLE 11A

### R-PUD PLANNED UNIT DEVELOPMENT DISTRICT

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11A.01 PURPOSE. The R-PUD Planned Unit Development District is intended to provide a permissive and alternate zoning procedure for residential development and housing, and in certain instances where specified conditions are met, related convenience commercial uses. 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 effect 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.

#### 11A.02 PRINCIPAL PERMITTED USES

11A.021 One-family detached dwellings, including approved modular and manufactured housing.

11A.022 Two-family detached dwellings.

11A.023 Multiple-family dwellings; garden apartments, row dwellings, townhouses.

11A.024 Churches, and other similar places of worship.

11A.025 Neighborhood and community parklands, 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 residential subdivision.

11A.026 Public utility or railroad structures or uses; subject to the provisions specified in Subsection 6.04.

#### 11A.03 CONDITIONAL USES SUBJECT TO BOARD OF TOWNSHIP TRUSTEES APPROVAL. Subject to the approval of the Board of Township Trustees and the subsequent issuance of a Conditional Use Permit by the Zoning Inspector.

11A.031 Neighborhood Convenience Commercial Uses, including, but not limited to, any local retail business or service establishment, such as a grocery or other food store, drugstore, barber shop, beauty salon, bakery shop, dry cleaning and laundry pickup station, laundrymen, professional office, and the like, supplying commodities or performing services primarily for the residents of the Planned Unit Development, and its surrounding neighborhood; subject to the provisions specified in Section 18.5.

11A.1 DESIGN STANDARDS. Unless otherwise specified below, the design standards for area, coverage, density, yard requirements, parking, and screening for a proposed Planned Unit Development in the R-PUD District shall be governed by the standards of the "R" zoning district(s) most similar in nature and function to the proposed R-PUD District use(s) as determined by the Planning Commission. Exceptions to these standards may be granted by the Board of Township Trustees. Standards for public improvements shall be governed by applicable ordinances and laws of the Township.

11A.12 MINIMUM LOT AREA, MINIMUM LOT AND MAXIMUM DENSITY

11A.121 The tract of land to be developed on a planned unit basis shall be a minimum of five (5) acres.

11A.122 Where the Planned Unit Development includes one-family dwelling units only, the maximum gross density shall not exceed three and one-half (3-1/2) dwelling units per acre.

11A.123 Where the Planned Unit Development includes both one-family and two-family dwelling units, the maximum gross density shall not exceed four and one-half (4-1/2) dwelling units per acre.

11A.124 Where the Planned Unit Development contains a combination of single-family, two-family, and multiple-family dwelling units, the maximum gross density shall not exceed seven (7) dwelling units per acre.

11A.125 Where the Planned Unit Development contains multiple-family dwelling units only, the maximum gross density shall not exceed fifteen (15) dwelling units per acre.

11A.13 YARDS. Subsequent to receiving approval of the R-PUD Preliminary PUD Plan from the Board of Township Trustees, 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 Reily 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 Board of Township Trustees.

11A.14 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area of twenty (20) percent of the entire tract for use as common open space. 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, bridle paths, drainageways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of off-street parking areas. Ownership of this common open space either shall be transferred to a legally established Homeowner's Association or be dedicated to Reily Township and proper legal documents necessary for such transfer or dedication shall be approved by the

Board of Township Trustees. That it is clearly understood that no common open space is to be owned by the developer, that road right-of-ways not be counted as open space, or if they are used in such determination that the minimum area (presently 20%) be increased to 35%.

11A.2 REQUIRED CONTENTS OF THE PRELIMINARY PUD PLAN. The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Inspector and Planning Commission prior to preparing his/her Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Inspector or Planning Commission shall be binding upon the Board of 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 four (4) copies of this Preliminary PUD Plan along with an Application for a Change of Zoning District to the Board of Township Trustees for its consideration.

11A.21 The Preliminary PUD Plan shall include the following items:

11A.211 Base mapping of the property showing the physical features (general topography, drainageways, and water bodies, etc.) and existing land uses.

11A.212 Boundaries of the tract to be developed on a planned unit basis.

11A.213 Highways and streets in the vicinity of the tract, and the ingress and egress to the tract.

11A.214 Location of different general land use areas proposed to be developed.

11A.215 Proposed density levels of each residential area.

11A.216 Proposed treatment of existing topography, drainageways, and tree cover.

11A.217 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.

11A.218 Location of schools, parks, and other community facility sites, if any.

11A.219 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.

11A.3 PROCEDURE. The owner/developer(s) shall submit his/her application for R-PUD zoning, and the Preliminary PUD Plan for the proposed development to the Township Zoning Commission for its review and recommendation. The Township Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in the Ohio Revised Code, Section 303.12. Following the public hearing, the

Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report of the County Planning Commission to the Reily 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 303.12 and those specified in Section 11A.4 - 11A.5 of this Resolution.

11A.31 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; landscaping; development, improvement, and maintenance of common open space; and other pertinent development characteristics.

#### 11A.4 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN

11A.41 Upon receipt of the report of the Township Zoning Commission, the Board of Township Trustees shall study and review the proposed R-PUD application and Preliminary PUD Plan on the basis of (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:

11A.411 That the R-PUD District is in conformance with the Land Use Plan for Butler County.

11A.412 That the total density proposed for all of the units of development does not exceed the maximum density allowed for the Planned Unit Development as a whole.

11A.413 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.

11A.414 That the areas proposed shall be used only for residential purposes and the usual accessory uses such as garages, storage space, parks, recreation sites, open spaces, and community purposes including churches; and conditionally permitted convenience commercial uses where approved in accordance with Section 18.5 of this Resolution.

11A.415 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.

11A.416 That the minimum common open space area(s) has been designated and shall be duly transferred to a legally established Homeowner's Association or has been dedicated to Reily Township as herein provided. Projects under twenty (20) acres would be required to meet this section, but any over this size would not have to comply until final approval.

11A.417 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 Reily Township, Ohio.

#### 11A.5 BOARD OF REILY TOWNSHIP TRUSTEES' ACTION

11A.51 If, from the facts presented, the Board of 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 interrelationship, 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 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.

11A.52 At the time of adopting any resolution establishing an R-PUD District, the Board of 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.

11A.53 TIME LIMITS AND EXTENSIONS. The approval of the Preliminary PUD Plan shall become null and void and the land shall revert to its former zoning classification, 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 11A.6 and 11A.7, and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.

11A.531 An extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the Board of 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, and the recommendation of the Planning Commission.

#### 11A.6 FINAL PUD PLAN APPROVAL PROCEDURE

11A.61 Once the R-PUD Zoning District and the Preliminary PUD Plan have been approved by the Board of 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 Planning Director prior to the issuance of any zoning certificates by the Zoning Inspector.

11A.62 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:

11A.621 Survey of the tract to be developed showing existing physical features (general topography, drainageways, and tree cover) and streets, easements, and utility lines.

11A.622 Site plan showing lot lines, building outlines, off-street parking spaces, pedestrian walkways, vehicular circulation.

11A.623 Preliminary building plans, including floor plans and exterior elevations.

11A.624 Landscaping plans including quantity, size, and varieties of landscaping.

11A.625 Specific engineering plans, including site grading, street improvements, drainage and utility improvements, and extensions as necessary.

11A.626 All necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within the Planned Unit Development.

11A.627 Copies of any restrictive covenants that are to be recorded.

11A.63 MAJOR CHANGES. Should the formulation of the detailed Final PUD Plan(s) for any section of the total Planned Unit Development Landholding necessitate a major change in the original Preliminary PUD Plan reconsideration and approval by the Board of Township Trustees shall be required in accordance with the procedures specified in Sections 11A.1 through 11A.62 inclusive. Major changes shall include but not be limited to:

11A.631 An increase in density.

11A.632 Changes in the outside boundaries of the Planned Unit Development landholding.

11A.633 Major changes in the location or amount of land designated for specific land uses including open space.

11A.634 Major changes in the internal street and thoroughfare locations or alignments.

#### 11A.7 CONDITIONS FOR APPROVAL OF THE DETAILED FINAL PUD PLAN(S)

11A.71 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:

- 11A.711 That the proposed detailed Final PUD Plan(s) for the individual section(s) of the overall R-PUD District are in conformance with the approved Preliminary PUD Plan, and the Land Use Plan Map and text of Butler County.
- 11A.712 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.
- 11A.713 That any part of the Planned Unit Development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Planning Commission, left in its natural state.
- 11A.714 That any exception from the standard resolution requirements is warranted by the design and amenities incorporated in the detailed Final PUD Plan(s), in accordance with the adopted policy of the Planning Commission and the Board of Township Trustees.
- 11A.715 That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.
- 11A.716 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 Reily Township, Ohio.

## ARTICLE 11B

### R-MHP MOBILE HOME PARK DISTRICT

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11B.01 PURPOSE. The intent of the R-MHP Mobile Home Park District is to specify the conditions under which mobile home parks may be permitted on tracts containing not less than seven (7) acres within an R-MHP Zoning District; or may be conditionally permitted, subject to the provisions specified in Section 21.41, on tracts containing not less than ten (10) acres, or five (5) acres in the use of travel trailer parks within an A-1 Zoning District.

#### 11B.02 GENERAL PROVISIONS

11B.021 Mobile homes, travel trailers, boats, and vehicles shall not be used as living quarters; except that mobile homes may be occupied within a mobile home park.

11B.022 No one may apply for a Zoning Certificate and Building Permit for a mobile home park without first obtaining an approval of plans from the State of Ohio, Environmental Protection Agency.

11B.023 Any mobile home not located within a mobile 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.

11B.024 No existing mobile home park may be expanded without making application for a Building Permit and meeting the requirements of this Article. Any mobile 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.

11B.025 The parking of any travel trailers, boats, and house vehicles in any 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.

#### 11B.03 PRINCIPAL PERMITTED USES

11B.031 Mobile homes on individual sites within a mobile home park.

11B.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.

11B.033 Related accessory communal facilities such as management, maintenance, and storage of grounds-keeping equipment; coin-operated laundry and drying facilities.

11B.04 MOBILE HOME PARK PLAN FILING PROCEDURE AND REQUIREMENTS

11B.041 The owner/developer(s) shall file a Mobile Home Park Plan for a proposed mobile home park located within an R-MHP District with the Zoning Inspector, or with the Board of Zoning Appeals for a proposed mobile home park located in an A-1 District. The Mobile Home Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information.

11B.0411 The proposed location, site size, total number of mobile home sites to be developed, and the production schedule for the development.

11B.0412 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.

11B.0413 Proposed provisions for water, sanitary sewer, surface drainage, and fire protection facilities, including engineering feasibility studies or other evidence of reasonableness.

11B.0414 Proposed traffic circulation pattern, including location of public and private streets, walks, and other accessways showing their relationship to existing streets and topographic features.

11B.0415 Information on the use or reuse of existing feature such as topography, drainageways, tree cover, structures, streets, and easements.

11B.0416 Names and addresses of the owner of all properties lying within two hundred (200) feet of any part of the tract proposed for R-MHP zoning.

11B.0417 Deed restriction, covenants, easements, and encumbrances to be used to control the use, development, and/or maintenance of the zoning tract.

11B.1 DESIGN STANDARDS

11B.11 The tract of land to be developed shall contain a minimum of seven (7) acres when located in an R-MHP District, and ten (10) acres when located in an A-1 District.

11B.12 Before a mobile home park may be occupied, it shall be a condition that at least forty (40) percent of the mobile home sites be completed and ready for occupancy, which completion shall include but not be limited to the installation of roadways and drives, sidewalks, lighting, public utilities, service and management buildings.

- 11B.13 Minimum Site Size, Maximum Site Coverage and Site;
- 11B.131 Every mobile home hereafter placed in a mobile home park shall be on a site having an area of not less than five thousand (5,000) square feet; and every mobile home park shall contain a density of not more than seven (7) mobile homes per "gross" acre when located in an R-MHP District, and six (6) mobile homes per "gross" acre when located in an A-1 District.
- 11B.132 Each mobile home dwelling, including accessory buildings, garages, and porches, shall not cover more than fifty (50) percent of the area of the mobile home site on which it is placed.
- 11B.133 Every mobile home placed on a mobile home site shall front upon an interior street.
- 11B.14 YARD REQUIREMENTS. No mobile home shall be placed on a mobile home site unless the following yards are provided and maintained in connection with such mobile home dwellings:
- 11B.141 Front Yard. Each mobile home site shall have a front yard of not less than ten (10) feet.
- 11B.142 Side Yard. Each mobile home site shall have a side yard on each side of not less than fifteen (15) feet, except for corner sites which shall not be less than twenty (20) feet.
- 11B.143 Rear Yard. Each mobile home site shall have a rear yard of not less than twenty (20) feet.
- 11B.15 STREETS, SIDEWALKS, AND PARKING
- 11B.151 Every mobile 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.
- 11B.152 All streets shall be paved and shall be maintained in good condition and lighted at night.
- 11B.153 All drives shall be protected at the edges by curbs, gutters, or other suitable edging, as necessary to provide for the stabilization of the pavement, and adequate drainage.
- 11B.154 All mobile home sites shall abut a driveway.
- 11B.155 Every mobile 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 mobile home stand to its paved parking shall also be provided.

#### 11B.16 TRAVEL TRAILER PARK PLAN FILING PROCEDURE AND REQUIREMENTS

11B.161 The owner/developer(s) shall file a Travel Trailer Park Plan for a proposed travel trailer park located within an A-1 District with the Board of Zoning Appeals. The Plan shall include the following requirements and information.

11B.162 The proposed location, tract size, total number of travel trailer sites to be developed, including open space, playgrounds, and other access spaces.

11B.163 Travel trailer parks shall be served by a central water system, and a central sanitary sewerage system approved by the State of Ohio, Environmental Protection Agency.

11B.164 Travel trailer parks shall provide a main entrance drive not less than thirty-six (36) feet wide. All others shall be of a width necessary for the use required; except that no street shall have a usable travel width less than twenty-four (24) feet.

11B.165 All streets shall be paved and shall be maintained in good condition and lighted at night.

11B.166 Adequate storm drainage for each travel trailer site shall be provided.

11B.167 Proper refuse collection sites shall be provided and approved by the Butler County General Health District.

11B.168 Any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R District, or a recorded residential subdivision.

11B.169 Requirements of Sections 11B.4, 11B.5, and 11B.6 shall apply to a travel trailer plan.

#### 11B.17 UTILITY REQUIREMENTS

11B.171 WATER. Every mobile home park shall be served by a central water system which has been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County General Health District, which provides adequate pressure and appropriate water connections for domestic usage.

11B.172 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, which hydrants

shall be located within five hundred (500) feet of every mobile home site within the mobile home park.

11B.173 SANITARY SEWERS. Every mobile home park shall be served by a sanitary sewerage system which has been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County General Health District, that provides appropriate connections for mobile home usage. Connection between storm water drainage systems and sanitary sewage disposal systems shall not be permitted.

11B.174 STORM DRAINAGE. Adequate storm drainage for each mobile home site connected to the main storm drainage system shall be provided.

11B.175 REFUSE COLLECTION. Where refuse collection is not carried out on an individual site basis, there shall be refuse disposal receptacles or incinerators located within two hundred (200) feet of each mobile home site. The type, size, and location of such receptacles or incinerators shall be approved by the Butler County General Health District.

11B.176 LIQUEFIED PETROLEUM GAS OR FUEL. When liquefied petroleum gas or fuel is used in the mobile home park, the containers for such gas or fuel shall be the container approved by the Butler County General Health District, according to its intended use.

11B.177 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 mobile homes shall be securely fastened in place and protected against physical damage.

11B.178 NATURAL GAS SYSTEM. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each mobile home site provided with piped natural gas shall have an approved manual shutoff 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.

11B.18 MOBILE HOME STAND. Each mobile home dwelling shall be placed on a concrete stand designed to carry the load placed thereon.

11B.2 COMMUNAL FACILITIES. In all mobile home parks, the following facilities shall be provided and available to residents:

11B.21 Management and maintenance offices including storage facilities for grounds-keeping equipment.

- 11B.22 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.
- 11B.23 Safe, usable, conveniently located recreation area or areas shall be located in each mobile home park, and shall comprise an area equal to eight (8) percent of the gross area of the mobile home park tract, or one-half (1/2) acre, whichever is greater.
- 11B.3 PERIPHERAL BUFFER. All mobile home park tracts 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-year period.
- 11B.4 CONDITIONS OF APPROVAL. The basis for the approval of a mobile home park application shall be:
- 11B.41 That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Resolution.
- 11B.42 That the proposed development meets all the minimum requirements specified in the Design Standards section.
- 11B.43 That the proposed development is in conformity with the Butler County Land Use Plan or portion thereof as it may apply.
- 11B44. That the proposed development advances the general welfare of the County and the immediate vicinity.
- 11B.45 That the design character and improved site arrangement justify the location and size proposed in the development.
- 11B.46 That the utilities to serve the proposed development have received State of Ohio, Environmental Protection Agency approval.
- 11B.47 The approval of the Conditional Use Permit shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Mobile Home Park Plan or Travel Trailer Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval of the Conditional Use Permit shall be voided and all the land shall revert to the last previous zoning district, except if an application for a time extension is submitted and approved by the Zoning Commission when located in an R-MHP District or the Board of Zoning Appeals when located in an A-1 District.

- 11B.48 The Zoning Commission, upon making an affirmative finding with regard to the above criteria, may authorize the Zoning Inspector to issue a zoning certificate to the applicant when the mobile home park is located in an R-MHP District. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied; or
- 11B.49 The Board of Zoning Appeals, after recommendation by the Zoning Commission, and upon making an affirmative finding with regard to the above criteria, may authorize the issuance of a Conditional Use Permit for a mobile home park located in an A-1 District or a Travel Trailer Park. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the mobile home park to be occupied.
- 11B.5 FRONTAGE REQUIREMENT. Any mobile home park or travel trailer park approved shall have a minimum of two hundred (200) feet of lot frontage.

## ARTICLE 12

### B-1 NEIGHBORHOOD BUSINESS DISTRICT

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- 12.01 PURPOSE. The intent of the B-1 Neighborhood Business District is to reserve certain land areas for convenience commercial, 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.
- 12.02 PRINCIPAL PERMITTED USES.
- 12.021 Any local convenience 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.
- 12.022 Restaurants, not including drive-in restaurants.
- 12.023 Automobile service stations, garages doing only repair work; subject to the provisions specified in Section 18.14.
- 12.024 Outdoor advertising signs and structures; subject to the provisions in Section 18.3.
- 12.025 Financial institutions, including drive-in institutions.
- 12.026 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-2 District, or any uses which are prohibited in the B-2 District.
- 12.03 ACCESSORY USES.
- 12.031 A private garage or parking area.
- 12.032 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 residential subdivision. Any other signs must comply with Section 18.3.
- 12.033 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.

- 12.034 Temporary real estate, political, and small announcement signs, subject to the provisions specified in 18.3.
  - 12.035 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion, or abandonment of the construction work.
  - 12.036 Any other accessory use and structure, not otherwise prohibited, customarily accessory and incidental to a permitted principal use.
- 12.04 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 12.041 Dwelling or dwellings if a part of principal building subject to provisions specified in Section 18.102.
  - 12.042 Wireless and Cellular Telecommunication Facility.
- 12.05 REQUIRED CONDITIONS.
- 12.051 All business, service, or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off-street automobile parking and off-street loading.
  - 12.052 In any B-1 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.
  - 12.053 Goods for sale shall consist primarily of new merchandise, antiques excepted.
  - 12.054 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
  - 12.055 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.
  - 12.056 HEIGHT REGULATIONS. No structure shall exceed two and one-half (2-1/2) stories or thirty (30) feet in height, except as provided in Section 19.2.
  - 12.057 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Non-residential buildings - none	None	25 ft.	None, except where adjoining R District, or recorded subdivision - then not less recorded than 15 feet on each side.		None; except when abutting an R District or residential subdivision - then not less than twenty-five (25) feet.	
Neighborhood Shopping Center Projects (1) – 2 acres						
Commercial – Residential (2)	Same as required for single-family in R-4 District					

- (1) See Section 18.6.
- (2) See Section 18.99.

12.06 PROHIBITED USES.

12.061 Any use which is first permitted or which is prohibited in the B-2 District.

## ARTICLE 13

### B-2 COMMUNITY BUSINESS DISTRICT

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- 13.01 PURPOSE: The intent of the B-2 Community Business District is to reserve certain land areas for community-oriented retail and service establishments which serve the residents of a number of neighborhoods.
- 13.02 PRINCIPAL PERMITTED USES.
- 13.021 Any local convenience retail and/or service uses including but not limited to, 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 the neighborhood in which they are located.
- 13.022 Restaurants, including drive in restaurants; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors, and other similar establishments, provided that:
- 13.0221 Such uses are conducted entirely within an enclosed building.
- 13.0222 Such uses that are in buildings less than one hundred (100) feet from any R District or recorded residential subdivision shall be within buildings which have no openings other than stationary windows or required fire exits.
- 13.023 Automobile service stations.
- 13.024 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 or required fire exits when located within one hundred (100) feet of any R District, or a recorded residential subdivision.
- 13.025 Financial institutions, including drive in institutions.
- 13.026 Interior decorating shops.
- 13.027 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 one hundred (100) feet of any R District or recorded residential subdivision shall have no openings other than stationary windows or required fire exits.

- 13.028 Garden stores, supply centers, and greenhouses.
  - 13.029 Motor hotels, motels; subject to the provisions specified in Section 18.2
  - 13.030 Outdoor advertising signs and structures; subject to the provisions specified in Section 18.3.
  - 13.031 Any other community 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.
- 13.04 ACCESSORY USES.
- 13.041 A private garage or parking area.
  - 13.042 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R District or recorded residential subdivision. 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.
  - 13.043 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.
  - 13.044 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
  - 13.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
  - 13.046 Any other accessory use and structure, not otherwise prohibited, customarily accessory, and incidental to a permitted principal use.
- 13.05 CONDITIONAL USES REQUIRING BOARD APPROVAL.
- 13.051 Dwelling or dwellings if a part of principal building subject to provisions specified in Section 18.99.
  - 13.052 Wireless and Cellular Telecommunication Facility.

13.06 REQUIRED CONDITIONS.

- 13.061 All business, service, or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off street automobile parking and off-street loading.
- 13.062 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 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.
- 13.063 Goods for sale shall consist primarily of new merchandise, antiques excepted.
- 13.064 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
- 13.065 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.
- 13.066 HEIGHT REGULATIONS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2
- 13.067 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

13.07 PROHIBITED USES.

- 13.071 Any use which is first permitted or which is prohibited in the B 3 District or as stated in Section 13.031.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Non-residential buildings - none	None	25 ft.	None, except where adjoining R District, or recorded subdivision- then not less recorded than 20 feet on each side.		Same as B-1 District	
Motels & Motor Hotels (1) – 1 acre minimum; 500 sq. ft. per bedroom	100 ft.	25 ft.	1-2-1/2	15 ft.	30 ft.	50 ft.
Commercial – Residential (2)	Same as required for single-family in R-4 District					

(1) See Section 18.2.

(2) See Section 18.99.

## ARTICLE 14

### B-3 GENERAL BUSINESS DISTRICT

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- 14.01 PURPOSE: The intent of the B-3 General Business District is to reserve certain land areas for central commercial and highway uses which serve the general and service needs of the residents of the township and beyond.
- 14.02 PRINCIPAL PERMITTED USES.
- 14.021 Any local convenience retail and/or service uses including but not limited to 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 the neighborhood in which they are located.
- 14.022 Restaurants, including drive in restaurants; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors, and other similar establishments, provided that:
- 14.0221 Such uses are conducted entirely within an enclosed building.
- 14.0222 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 or required fire exits.
- 14.023 Automobile service stations.
- 14.024 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 or required fire exits when located within one hundred (100) feet of any R District, or a recorded residential subdivision.
- 14.025 Financial institutions, including drive in institutions.
- 14.026 Interior decorating shops.
- 14.027 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing, and lithography shops; furniture upholstery; antique stores, auction stores, flea markets; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet

of any R District or recorded residential subdivision shall have no openings other than stationary windows or required fire exits.

- 14.028 Garden stores, supply centers, and greenhouses.
- 14.029 Motels, motor hotels subject to the provisions specified in Section 18.2
- 14.030 Drive in restaurants, summer gardens including entertainment and dancing; provided that any principal building shall be located not less than two hundred (200) feet from any R District or a recorded residential subdivision.
- 14.031 Theaters, including drive in theaters, when authorized by the Board in accordance with provisions specified in Subsection 21.41; provided that all parts of such drive in theaters shall be located not less than two hundred (200) feet from any R District or recorded residential subdivision; and further provided that the movie screen shall be so located as not to be visible from adjacent streets or highways, and shall be set back not less than two hundred (200) feet from the established right of way of said street or highway. A lesser distance may be imposed by the Board when, in its opinion, visibility would not be adversely affected or there is no interference with traffic visibility.
- 14.032 Animal hospitals, veterinary clinics, or kennels; provided any building or area on the premises used for such purposes shall be located not less than two hundred (200) feet from any R District or recorded residential subdivision, and one hundred (100) feet from any B 1 or B 2 District.
- 14.033 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables, or riding academies, amusement parks, or similar recreation uses and facilities; provided that such buildings or principal uses shall be located not less than two hundred (200) feet from any lot in an R District or a recorded residential subdivision.
- 14.034 Laundry, clothes cleaning and/or dyeing establishments, wholesale business, storage or warehouses; provided that any such building or principal use shall be located not less than one hundred (100) feet from any lot in an R District, or a recorded residential subdivision.
- 14.035 Bottling of soft drinks and milk; distribution stations; provided that any such building used for such processing and distribution shall be located not less than one hundred (100) feet from any R District, or a recorded residential subdivision.
- 14.036 The following uses (1) when conducted wholly within a completely enclosed building, but not located within one hundred (100) feet of any R District or recorded residential subdivision; or (2) when conducted within an area enclosed on all sides with a solid wall of uniformly painted solid board fence, not less than six (6) feet high, but not within two hundred (200) feet of any R District, or a recorded residential subdivision.
  - 14.0361 Building material sales yard, not including concrete mixing.

- 14.0362 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor.
  - 14.0363 Trucking and motor freight station or terminal.
  - 14.0364 Retail lumber yard, including mill work only when incidental.
  - 14.0365 Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.
  - 14.0366 Carting, express or hauling establishments, including storage of vehicles.
  - 14.0367 Stone or monument works not employing power driven tools or if employing such tools then only within a completely enclosed building at least one hundred (100) feet from any R District, or a recorded residential subdivision.
  - 14.037 Outdoor advertising signs and structures; subject to the provisions specified in Section 18.3.
  - 14.038 Any other general business and/or service use is prohibited unless determined by the Board to be of the same general character as the above permitted uses; but not including any use which is first permitted, or which is prohibited in the M 1 District.
- 14.04 ACCESSORY USES.
- 14.041 A private garage or parking area.
  - 14.042 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R District or recorded residential subdivision. 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.
  - 14.043 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.
  - 14.044 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3

- 14.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 14.046 Any other accessory use and structure, not otherwise prohibited, customarily accessory, and incidental to a permitted principal use.
- 14.05 CONDITIONAL USES REQUIRING BOARD APPROVAL.
  - 14.051 Dwelling or dwellings if a part of principal building subject to provisions specified in Section 18.99.
  - 14.052 Wireless and Cellular Telecommunication Facility.
- 14.06 REQUIRED CONDITIONS.
  - 14.061 All business, service, or processing shall be conducted wholly within a completely enclosed building; except for the sale of automotive fuel, lubricants, and fluids at service stations and except for off street automobile parking and off street loading.
  - 14.062 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.
  - 14.063 Goods for sale shall consist primarily of new merchandise, antiques excepted.
  - 14.064 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.
  - 14.065 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.
  - 14.066 HEIGHT REGULATIONS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 19.2.
  - 14.067 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.
- 14.07 PROHIBITED USES.
  - 14.071 Any use which is first permitted or which is prohibited in the M 1 District or as stated in Section 14.038.

Lot Areas	Lot Frontage	Front Yard Depths	Story	Side Yard Widths		Rear Yard Depth
				One Side Yd	Both Side Yds	
Non-residential buildings - none	None	25 ft.	None, except where adjoining R District, or recorded subdivision- then not less recorded than 20 feet on each side.		Same as B-1 District	
Motels & Motor Hotels (1) – 1 acre minimum; 500 sq. ft. per bedroom	100 ft.	25 ft.	1-2-1/2	15 ft.	30 ft.	50 ft.
Commercial – Residential (2)	Same as required for single-family in R-4 District					

- (1) See Section 18.2.
- (2) See Section 18.99.

## ARTICLE 15

### M-1 LIGHT INDUSTRIAL DISTRICT

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- 15.01 PURPOSE: The intent of the M-1 Light Industrial District is to reserve certain land areas for industrial development, wholesaling and warehousing uses, and limited commercial use, which will not adversely affect their surroundings, in locations which can be served by the necessary utilities and have good access. These land areas are to be reserved exclusively for light industrial manufacturing, warehousing and wholesaling activities, and commercial use as specified in Subsection 15.026.
- 15.02 PRINCIPAL PERMITTED USES.
- 15.021 Except for uses and processes prohibited as specified in Subsection 15.061, permitted uses include the manufacturing, compounding, processing, packaging, and assembling of products such as:
- 15.0211 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.
- 15.0212 Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semiprecious metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood (except where saw and planing mills are employed), yards.
- 15.0213 Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.
- 15.0214 Musical instruments, toys, novelties, rubber or metal stamps, and other small rubber products.
- 15.0215 Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.
- 15.0216 Electric and neon signs, billboards, and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves, and the like.
- 15.022 Laboratories - experimental film or testing; provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- 15.023 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.

- 15.0231 Blacksmith, welding, or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers, and other noise producing machine operated tools.
- 15.0232 Foundry, casting lightweight nonferrous metals, or electric foundry not causing noxious fumes or odors.
- 15.0233 Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.
- 15.0234 Ice manufacturing and cold storage plant; creamery and bottling plant.
- 15.0235 Warehouses, trucking and motor freight station or terminal.
- 15.0236 Offices, business and professional.
- 15.024 The following uses, when located not less than two hundred (200) feet from any R District, or a recorded residential subdivision.
  - 15.0241 Inflammable liquids underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.
  - 15.0242 Building materials sales yards including concrete mixing, lumber yards, including millwork, open yards for storage, and sale of feed and/or fuel.
- 15.025 Any other use that is determined by the Board, as provided in Article 21, to be of the same general character as the above permitted uses but not including any use which is first permitted in the M-2 District, or which is prohibited in said district under Subsection 16.062.
- 15.026 Any use permitted and as regulated in the B-1, B-2, and B-3 Districts when located within three hundred (300) feet of any road right-of-way existing at the time of enactment of this resolution or projects being developed for multiple uses for which a general overall plan is submitted and approved, prior to the enactment of this resolution.
- 15.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.
  - 15.031 Automobile wrecking yards, junk yards; subject to the provisions specified in Section 18.9.
  - 15.032 A single-family residential use, located in conjunction with a permitted use; subject to the provisions specified in Section 18.8.
  - 15.033 Wireless and Cellular Telecommunication Facility.

- 15.034 Adult Entertainment Facilities subject to the regulations set forth in Section 21.52216.
- 15.035 Penal or Corrective Institutions subject to the regulations set forth in section 21.52217.
- 15.04 ACCESSORY USES.
- 15.041 A private garage or parking area.
- 15.042 Exterior signs which pertain only to a permitted use on the premises; are either integral with or attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R District or recorded residential subdivision. 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.
- 15.043 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.
- 15.044 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
- 15.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 15.046 Other uses and structures customarily accessory and incidental to a principal permitted use except for uses not otherwise permitted in an M-1 District.
- 15.047 When authorized by the Board, subject to Subsection 21.4113, 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.
- 15.05 REQUIRED CONDITIONS.
- 15.051 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 15.0242 shall not be subject to this provision.
- 15.052 No building customarily used for night operation, such as a bakery or milk bottling and distribution station, shall have any opening, other than stationary

windows or required fire exits, within one hundred (100) feet of any R District or recorded residential subdivision, and any space used for loading and unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any R District or recorded residential subdivision.

15.053 HEIGHT REGULATIONS. Within two hundred (200) feet of any R District or recorded residential subdivision, no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street; except as provided in Section 19.2.

15.054 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

15.06 PROHIBITED USES.

15.061 Any use which is first permitted in the M-2 District, or which is prohibited in said District under Subsection 16.062.

15.062 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.

15.063 Dwellings and residences (excepting Section 15.03) including motels, mobile home parks, schools, hospitals, clinics, and other institutions for human care, except where incidental to a permitted use; provided, however, that residential development in an M-1 District is hereby specifically permitted where said development is in accordance with: a plat approved by the Planning Commission prior to the adoption of this amendment, or any subsequent and duly approved amendment thereof; a Community Development Project approved by the Board of Appeals pursuant to Section 18.5 of the Zoning Resolution as it existed prior to this amendment, or any subsequent and duly approved amendment thereof; any variance or series thereof granted by the Board of Appeals prior to the adoption of this amendment or any subsequent and duly approved amendment thereof. For the purposes of this section, said residential uses shall not be considered to be nonconforming and the Board of Appeals shall continue to have continuing jurisdiction over said previously approved Community Development Projects and variances as if this amendment had not been adopted.

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

## ARTICLE 16

### M-2 GENERAL INDUSTRIAL DISTRICT

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- 16.01 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.
- 16.02 PRINCIPAL PERMITTED USES.
- 16.021 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.
- 16.022 Any of the following uses, when located not less than three hundred (300) feet from any R District or recorded residential subdivision, and not less than one hundred (100) feet from any other district, except an M-1 or a F-1 District:
- A. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
  - B. Acid manufacture, except as specified as a conditional use in Subsection 16.031-t.
  - C. Asbestos manufacturing.
  - D. Automobile assembly.
  - E. Bleaching, cleaning, and dyeing of large scale production.
  - F. 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.
  - G. Brewing or distilling of liquors.
  - H. Brick, pottery, tile, and terra cotta manufacturing.
  - I. Bulk station.
  - J. Candle or sperm oil manufacturing.
  - K. Coal yards, excepting such as permitted in Subsection 14.035.
  - L. Cooperage works.
  - M. Dextrine, starch, or glucose manufacturing.
  - N. Disinfectant, insecticide, or poison manufacturing.
  - O. Dye and dyestuff manufacture.
  - P. Enameling, lacquering, or japanning.
  - Q. Emery cloth or sandpaper manufacturing.
  - 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 oiled goods manufacturing.
- Z. Match manufacturing.
- AA. Meat packing; but not stockyards or slaughterhouses, specified as a conditional use in Subsection 16.031-q.
- BB. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
- CC. Offices, business and professional.
- DD. Paper and pulp manufacturing.
- EE. Perfume manufacturing.
- FF. Pickle, sauerkraut, or sausage manufacturing.
- GG. Plaster manufacturing.
- HH. Poultry, slaughter house, including packing and storage for wholesale.
- II. Printing ink manufacturing.
- JJ. Radium extraction.
- KK. Sandblasting or cutting.
- LL. Sawmill, the manufacture of excelsior wood fiber or sawdust products.
- MM. Sewage disposal plant.
- NN. Shoddy manufacturing.
- OO. Shoe blacking or polish or stove polish manufacturing.
- PP. Soap manufacturing.
- QQ. Steam power plant, except where necessary to a permitted principal use.
- RR. Stone and monument works employing power-driven tools unless complying with provisions in Subsection 14.0367.
- SS. Storage, drying, rags, glass, cloth, paper, or clipping, including sorting, refining, baling, wood pulling, and scouring.
- TT. Sugar refining.
- UU. Tar distillation or manufacturing.
- VV. Vinegar manufacturing.
- WW. Wire or rod drawing - nut, screw, or bolt manufacturing.
- XX. Warehouses, trucking and motor freight station or terminal.
- YY. Yeast manufacturing.
- ZZ. Any other use which, in the opinion of the Board, is of a similar character to those specified above.

### 16.03 CONDITIONAL USES REQUIRING BOARD APPROVAL.

- 16.031 Any of the following uses shall be prohibited, unless located not less than six hundred (600) feet from any R District or recorded residential subdivision, and not less than two hundred (200) feet from any other district except an M-1 or F-1 District; and unless authorized by the Board as provided in Subsection 21.4113, 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. Celluloid or pyroxyline products manufacturing or storage.
- D. Cement, lime gypsum or plaster of paris manufacture.
- E. Crematory.
- F. Creosote manufacture or treatment.
- G. Distillation of coal, petroleum, refuse, grain, wood, or bones, except in the manufacture of gas.
- H. Explosives manufacture or storage for small arms ammunition.
- I. Fertilizer, compost - manufacture or storage.
- J. Fish curing, smoking, or packing, fish oil manufacture or refining.
- K. Garbage, offal, dead animals, refuse, rancid fats, incineration, reduction or storage.
- L. Glue manufacturing, size or gelatine manufacturing where the processes include the refining or recovery of products from fish, animal, or offal.
- M. Hog farm.
- N. Livestock.
- O. Petroleum or inflammable liquids production, refining and storage above ground.
- P. Rubber, caoutchouc, or gutta percha manufacture and treatment from crude or scrap material or the manufacture of balata.
- Q. Slaughtering of animals or stock yards.
- R. Smelting of ferrous or nonferrous ores.
- S. Storage, curing, or tanning of raw, green, or salted hides or skins.
- T. Sulfurous, sulfuric, nitric, picric, carbolic, or hydrochloric or other corrosive acid manufacture.
- U. Any other use which in the opinion of the Board is of a similar character to those specified above.
- V. Automobile wrecking yards, junk yards; subject to the provisions specified in Section 18.9.
- W. Open storage.

16.032 Wireless and Cellular Telecommunication Facility.

16.033 Adult Entertainment Facilities subject to the regulations set forth in Section 21.52216.

16.034 Penal or Corrective Institutions subject to the regulations set forth in section 21.52217.

#### 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 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. 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 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.
- 16.044 Temporary real estate, political, and small announcement signs, subject to the provisions specified in Section 18.3
- 16.045 Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- 16.046 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.
- 16.047 Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board as provided by Subsection 21.4113, 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.

16.05 REQUIRED CONDITIONS.

- 16.051 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 15.02 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 15.
- 16.052 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.
- 16.053 HEIGHT REGULATIONS. Within two hundred (200) feet of any R District or recorded residential subdivision, no structure shall exceed three (3) stories or fifty (50) feet in height and no structure otherwise shall exceed in height the distance measured to the center line of any street; except as provided in Section 19.2.
- 16.054 AREA, FRONTAGE, AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 19.

16.06 PROHIBITED USES.

16.061 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 4.27.

16.062 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.

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

## ARTICLE 17

### F-1 FLOOD PLAIN DISTRICT

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- 17.01 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.
- 17.02 DEFINITIONS: As used in Sections 17.021 to 17.101 inclusive.
- 17.021 Channel: A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- 17.022 Equal Degree of Encroachment: A method of determining the location of encroachment lines so that the hydraulic capacity of flood plain lands on each side of a stream are reduced by an equal amount when calculating the increases in flood stages due to flood plain encroachments.
- 17.023 Flood: A temporary rise in stream flow or stage that results in inundation of areas adjacent to the channel.
- 17.024 Flood Frequency: The average frequency, statistically determined, for which it is expected that a specific flood stage or discharge may be equaled or exceeded, which is expressed as having a probability of occurring once within a specified number of years.
- 17.025 Floodway Fringe: That portion of the regulatory flood plain outside of the floodway.
- 17.026 Flood Plain: The areas adjoining a watercourse which are expected to be flooded as a result of a severe combination of meteorological and hydrological conditions.
- 17.027 Flood Proofing: A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.
- 17.028 Floodway: The channel of the watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge the regional flood.
- 17.029 Obstruction: Any dam, wall, wharf, embankment, levee, dike, pike, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter; which is in, along, across, or projecting into any channel, watercourse, or regulatory flood hazard area;

which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water; or which is placed where the flow of water might carry the same downstream to the damage of life or property.

- 17.030 Reach: Longitudinal segments of a stream or river, which will be affected by the placement of an obstruction in a Floodway or Floodway Fringe.
- 17.031 Regional Flood: A flood which is representative of large floods known to have occurred generally in Ohio and reasonably characteristic of what can be expected to occur on an average frequency in the order of the 100-year recurrence interval.
- 17.032 Regulatory Flood Plain: A watercourse and the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.
- 17.033 Regulatory Flood Protection Elevation: A point not less than one (1) foot above the water surface profile associated with the regional flood plus any increases in flood heights attributable to encroachments on the flood plain. It is the elevation to which uses regulated by this Resolution are required to be elevated or flood proofed.
- 17.034 Structure: Anything constructed, set, placed, or erected on the ground or attached to the ground, including but not limited to, buildings, factories, sheds, cabins, mobile homes, and other similar items.
- 17.035 Watercourse: A channel in which a flow of water occurs either continuously or intermittently in a definite direction. The term applies to either natural or artificially constructed channels.
- 17.036 Water Surface Profile: A graph showing the relationship of water surface elevation to location, the latter generally expressed as distance above mouth for a stream of water flowing in an open channel. It is generally drawn to show surface elevation for the crest of a specific flood, but may be prepared for conditions at a given time or stage.
- 17.037 Establishment of Regulatory Flood Plain District: The Official Zoning Map delineating the landward limits of the Regulatory Flood Plain District together with all explanatory matter thereon and attached thereto and including the appropriate flood profile is hereby adopted by reference and declared to be a part of this Resolution. The Official Zoning Map will be on file in the office of the Township Clerk.
- 17.038 The flood hazard areas within the jurisdiction of this Resolution are hereby designated as the Regulatory Flood Plain District. The boundaries of this district will be shown on the Official Zoning Map and shall be determined by the water surface profile, and, in the event of a conflict, the water surface profile shall control. Within this district, only those uses allowed as Permitted Uses or Conditional Uses will be permitted. When sufficient information becomes available to designate separate Floodway and Floodway Fringe

Districts, this Regulatory Flood Plain District may be separated into the two districts.

- 17.039 This Resolution will apply to all lands within the jurisdiction of Reily Township shown on the Official Zoning Map or as may be identified by the water surface profile as being located within the boundaries of the Regulatory Flood Plain District.
- 17.040 The regulations in this Resolution will be construed as being supplementary to and do not change any regulations imposed on the same lands or uses permitted by virtue of the land being part of a Zoning District.
- 17.041 The regulatory flood protection elevation and necessary floodway areas will be established by the Board, consistent with the methods specified in Sections 17.042 and 17.062 of this Resolution.
- 17.042 The Board will estimate the discharge of the regional flood which is representative of large floods known to have occurred in this region and which are reasonably characteristic of what can be expected to occur on the particular streams subject to this Resolution. It is in general order of a flood which would be expected to occur on the average of once every 100 years.
- 17.043 The boundaries of the Regulatory Flood Plain District will be determined by scaling distance on the Official Zoning Map and consulting water surface profiles. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Board will make the necessary interpretation. The person contesting the location of the district boundary will be given a reasonable opportunity to present his/her case to the Board and to submit his/her own technical evidence if he so desires.

### 17.03 COMPLIANCE.

- 17.031 No structure or land, whether public or private, shall hereafter be used and no structure shall be located, extended, converted, expended, enlarged, or structurally altered without full compliance with the terms of this Resolution and with all applicable county, state, and federal flood plain regulations.

### 17.04 REGULATORY FLOOD PLAIN DISTRICT PERMITTED USES. Only the following open space uses will be permitted within the Regulatory Flood Plain District, provided they are not prohibited by any other resolution, and, provided further, that they do not require structures, fill, or storage of materials or equipment. In addition, no use will adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributary to the main stream, drainage ditch, or any other drainage facility or system.

- 17.041 Agricultural uses such as general farming, pasturing, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

- 17.042 Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
- 17.043 Recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
- 17.044 Residential uses such as lawns, gardens, parking areas, and play areas.
- 17.05 PROHIBITED USES IN FLOODWAY PORTION OF REGULATORY FLOOD PLAIN DISTRICT. The following structures and uses are hereby prohibited in the floodway:
  - 17.051 Structures designed or used for human habitation.
  - 17.052 The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding or that have a high flood damage potential.
  - 17.053 Garbage and waste disposal facilities including any further encroachment upon the floodway at existing sites.
- 17.06 CONDITIONAL USES, GENERALLY.
  - 17.061 Uses other than those specified in Regulatory Flood Plain District Permitted Uses are permitted only upon application to the Zoning Inspector and the issuance of a special permit by the Board. The Board shall determine whether the proposed Conditional Use is located within a floodway or floodway fringe area. If it is determined that the proposed use is located within the floodway the provisions of Conditional Uses in Floodway portion of Regulatory Flood Plain District of this Resolution shall apply. If it is determined that the proposed use is located within the floodway fringe, the provisions of Conditional Uses in Floodway Fringe portion of Regulatory Flood Plain District of this Resolution shall apply. All uses shall be subject to standards contained in this Resolution.
  - 17.062 The Board may deny, grant, or conditionally grant a conditional use permit in accordance with the provisions of Conditional Uses in Floodway portion of Regulatory Flood Plain District and Conditional Uses in Floodway Fringe portion of Regulatory Flood Plain District of this article after it:
    - A. Determines the specific flooding threat at the site of the proposed conditional use and determines whether the use is located in a floodway or floodway fringe area by:
      - a. Calculation of water surface elevations and flood protection elevations based upon a hydraulic analysis of the portions of the stream channel and other areas inundated by the regional flood. Flood protection elevations shall be one (1) foot above the water surface elevations of the regional flood

plus the increase in flood heights caused by the proposed development.

- b. Computation of the floodway required to convey this flood without increasing flood heights to an extent which would cause substantial upstream or downstream damage to existing or reasonably anticipated future development. Computation of increases in flood heights caused by any encroachment shall be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Any increase in flood stages attributable to encroachments on the flood plain of any river or stream shall not exceed 0.5 feet of any one reach or for the cumulative effect of several reaches.

- B. Evaluates the effects of the proposed use upon the public health, safety, convenience, comfort, prosperity, and general welfare in light of the purposes of this Resolution and the standards established herein.

17.07 **CONDITIONAL USES IN FLOODWAY PORTION OF REGULATORY FLOOD PLAIN DISTRICT.** The following Conditional Uses shall be permitted within the floodway, provided they comply with the provisions of this Section, Prohibited Uses in Floodway Portions of Regulatory Flood Plain District and Conditional Uses, generally, and other standards established in this Resolution, and any conditions attached by the Board to the issuance of the Conditional Use Permit. No temporary or permanent structure, fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other use will be permitted, which, acting alone or in combination with existing or reasonably anticipated uses, will result in an increase in stage beyond that permitted in Section 17.062-1-B. Where permitted, such fill or other materials will be protected against erosion by vegetative cover, riprap, or bulkheading. Consideration of the effects of a proposed use will be based on a reasonable assumption that there will be an equal degree of Encroachment extending for a significant reach on both sides of the stream. Conditional Uses include:

- A. Uses or structures accessory to open space or Conditional Uses.
- B. Circuses, carnivals, and similar transient amusement enterprises.
- C. Extraction of sand, gravel, and other materials.
- D. Navigational and drainage aids, marinas, boat rentals, docks, piers, wharves, and water measuring and control devices.
- E. Railroads, streets, bridges, utility transmission lines, underground culverts, pipes, and pipelines.

- F. Other uses similar in nature to uses described in Regulatory Flood Plain District Permitted Uses or this subsection which are consistent with the provisions set out in the purpose clause.
- 17.071 Structures (temporary or permanent) accessory to Conditional Uses listed in Section 17.07 are permitted as follows, provided:
- A. They have a low flood damage potential.
  - B. They are constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
    - a. Whenever possible, structures will be constructed with the longitudinal axis parallel to the direction of flood flow, and
    - b. So far as practicable, structures will be placed approximately on the same flood flow lines as those of adjoining structures.
  - C. They are firmly anchored to prevent flotation which may result in damage to other structures, restriction of bridge openings, and other narrow sections of the stream or river.
  - D. Service facilities such as electrical and heating equipment are placed at or above the regulatory flood protection elevation for the particular area or adequately flood proofed.
- 17.072 Storage of material or equipment other than that prohibited in Section 17.052 may be allowed upon issuance of Conditional Use Permits if not subject to major damage by floods and firmly anchored to prevent flotation or are readily removable from the area within the time available after flood warning.
- 17.073 Public utility facilities and water-oriented industries which must be adjacent to watercourses are permitted provided that the development is located so that it will not significantly alter flood flows, heights, or velocities of the regional flood. Whenever necessary, compensating measures will be required to be undertaken to offset any adverse effects of allowing the use within the floodway and to keep increases in stages of the regional flood within the limits specified in this Resolution.
- 17.074 Structural works for flood control such as dams, levees, dikes, and floodwalls will not be allowed within the floodway except upon issuance of a Conditional Use Permit. In addition, any proposed structural work in the beds of public waters as defined in Section 1521.06, Ohio Revised Code, which will change the course, current, or cross section of the waters will be subject to the provisions of Sections 1521.06 and 1521.07, Ohio Revised Code, and other applicable statutes.
- 17.08 **CONDITIONAL USES IN FLOODWAY FRINGE PORTION OF REGULATORY FLOOD PLAIN DISTRICT.** The following structural or other uses are permitted within the

floodway fringe as Conditional Uses to the extent they are not prohibited by any other resolution and they meet the following applicable standards:

- 17.081 Conditional uses permitted in Conditional Uses in Floodway Portion of Regulatory Flood Plain District.
- 17.082 Residential Uses: Residences, consisting of four (4) units or less, erected, constructed, reconstructed, altered, or moved on fill or otherwise elevated will be located so that the lowest floor, including basement, is at least one (1) foot above the water surface elevation in the profile of the regional flood plus any increase in flood heights caused by the proposed development. Such buildings, structures, or additions shall have a means of ingress and egress to land outside the Regulatory Flood Plain which is at or above the regulatory flood protection elevation. This means of ingress and egress shall be fill or constructed of materials which will withstand the pressures associated with the discharge of a regional flood. The means of ingress and egress shall be at or above the regulatory flood protection elevation and shall be a minimum of fifteen (15) feet wide, or a minimum of five (5) feet wide if equipped either with handrails or other safety features as may be reasonably required.
- 17.083 Nonresidential Uses other than those described in Sections 17.084 through 17.089. New construction and substantial improvements of structure and buildings, except for attendant utility and sanitary facilities which shall be flood proofed to the regulatory flood protection elevation, shall be elevated as provided for in Section 17.082 except in special circumstances where they may be protected to a point at or above the regulatory flood protection elevation.
- 17.084 Commercial Uses: New construction of and substantial improvements to commercial structures and buildings will be elevated as provided for in Section 17.082 except in special circumstances where they may be protected to a point at or above the regulatory flood protection elevation. Accessory land uses, such as yards, railroad tracks, and parking lots may be at lower elevations. However, a permit for such facilities to be used by the general public will not be granted, in the absence of a flood warning system, if the area is inundated to a depth greater than two (2) feet or subject to flood velocities greater than four (4) feet per second upon the occurrence of the regional flood.
- 17.085 For purposes of this Section, residential structures, containing more than four (4) units, will be considered Commercial Uses and the provision of Section 17.084 will apply. Also, such building, structures, or additions shall have at least one (1) means of ingress and egress to land outside the regulatory flood plain in the same manner as set forth in Section 17.082.
- 17.086 Manufacturing and Industrial Uses: New construction of and substantial improvement to manufacturing and industrial buildings, structures, and appurtenant works will be raised to the flood protection elevation or flood proofed and otherwise protected to the floor protection elevation. Measures will be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Certain accessory land uses

such as yards, railroad tracks, and parking lots may be at lower elevations subject to requirements set out in Section 17.084. In considering permit applications, the Board will give due consideration to needs of an industry whose business requires that it be located in flood plain areas.

- 17.087 Utilities, Railroad Tracks, Streets, and Bridges: Public utility facilities, roads, railroad tracks, and bridges will be designed not to increase the flood stage more than 0.5 feet in any one reach or for the cumulative effect of several reaches and will be compatible with local comprehensive flood plain development plans. Protection to the regulatory flood protection elevation will be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary roads, railroads, or utilities.
- 17.088 Storage of Materials: Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life will be stored at or above the flood protection elevation, flood proofed, or protected by structural measures consistent with the standards set forth herein. Storage of materials likely to cause pollution of the waters, as defined by Ohio law, if subject to flooding, are permitted only if adequate safeguards approved by the appropriate State agencies are provided.
- 17.089 Waste Treatment and Waste Disposal:
- A. No new construction, addition, or modification to existing waste treatment facilities will be permitted within floodway fringe areas unless emergency plans and procedures for action to be taken in the event of flooding are prepared, filed with, and approved by the appropriate State agencies. The emergency plans and procedures must provide for measures to prevent introduction of any pollutant or toxic material into the flood waters.
  - B. There shall be no disposal of garbage or solid waste materials within floodway fringe areas except by issuance of a Conditional Use Permit at sites approved by the Ohio Environmental Protection Agency.
- 17.0891 Flood Control Works: Flood Control Works shall be subject to the provisions of Section 17.074, and the following provisions:
- A. The minimum height and design of any dikes, levees, flood walls, or similar structural works shall be based upon the flood profile of the regional flood confined between the structures subject to the following:
    - a. For jurisdictional areas, the minimum height and design of structural works shall be at least three (3) feet above the elevation of the regional flood.

b. Modifications and additions to existing structural works shall assure that the work will provide a means of decreasing the flood damage potential in the area. Any existing structural work which potentially threatens public health, safety, convenience, comfort, prosperity, and general welfare shall be modified or reconstructed in order to meet the standards contained herein within a period of one (1) year of the effective date of this Resolution.

B. Flood protection elevations and floodway limits which reflect proposed measures for flood control, that will reduce the flood elevation, shall not become effective until such measures have been constructed and are operative. If the proposed measures will increase flood heights, the regulatory flood protection elevations and flood plain limits shall reflect the anticipated increases.

C. Detailed plans shall be submitted to the Board for any new developments placed on the flood plain landward from dikes and levees. The plans must provide for ponding areas or other measures to protect against flooding from internal drainage.

17.09 NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the adoption of this Resolution, but which is not in conformity with the provisions of this Resolution may be continued subject to the following conditions:

17.091 No Nonconforming Use shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged, or altered in the floodway.

17.092 No Nonconforming Use in the floodway fringe shall be expanded, extended, replaced, reconstructed, substituted, changed, enlarged, or altered in a way which increases its nonconformity.

Alternative A: Structural alterations or additions to any nonconforming structure, shall not exceed, in the aggregate, over the life of the structure, sixty percent (60%) of its assessed building valuation at the time of the adoption of this Resolution, unless the structure is permanently changed to a Conforming Use.

Alternative B: Structural alterations or additions to any nonconforming structure, shall not exceed, in the aggregate, over the life of the structure, sixty percent (60%) of its ground floor areas at the time of the adoption of this Resolution, unless the structure is permanently changed to a conforming structure.

17.093 If such use is voluntarily discontinued for two (2) years or more, any future use of the building premises shall conform to the Resolution.

17.094 If any Nonconforming Use, created by this Resolution, is destroyed by any means, including floods, to an extent of fifty percent (50%) or more of its assessed value, it shall not be reconstructed except in conformity with the

provisions of this Resolution. The Board may permit reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately flood proofed, elevated, or otherwise protected in conformity with this Resolution.

- 17.095 Repairs and maintenance work required to keep a Nonconforming Use in sound condition may be made.
- 17.096 Any alteration or addition to any Nonconforming Use which would result in substantially increasing its flood damage potential shall be protected by measures pursuant of this Resolution.
- 17.097 Except as provided in Section 17.094, any use which has been permitted as a Conditional Use shall not be considered as a Nonconforming Use.
- 17.098 The Zoning Inspector shall prepare a list of those Nonconforming Uses which have been flood proofed or otherwise adequately protected. The Inspector shall present such list to the Board which may issue a certificate to the owner stating that such uses as a result of these corrective measures are in conformity with the provisions of this Resolution.
- 17.099 Whenever a Nonconforming Use has been changed to a Conforming Use, such use shall not thereafter be changed to a Nonconforming Use.
- 17.100 Uses or adjuncts thereof or accessory uses which are found by the appropriate Common Pleas Court as nuisances shall not be entitled to continue as Nonconforming Uses.
- 17.101 The provisions in this Section of Nonconforming Uses are not intended and shall not be construed to permit greater expansion, extension, enlarging, or replacement than is permitted under any existing Zoning Code Sections relating to Nonconforming Uses.

## ARTICLE 18

### SPECIAL PROVISIONS

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#### 18.1 PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS, AND FILLING STATIONS.

##### 18.11 OFF-STREET LOADING SPACE.

18.111 In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by manufacturing, storage, warehouses, goods display, retail store, wholesale store, market, motor hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with 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.

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

18.113 Subject to the limitations in Subsection 18.114 such space may occupy all or any part of any required yard or court space.

18.114 No space shall be located closer than fifty (50) feet to any other lot in any R District or recorded 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.

##### 18.12 OFF-STREET PARKING SPACE.

18.121 Required Automobile Parking Spaces. In all districts, in connection with every industrial business, 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.

18.122 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 or 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.

18.123 Floor Area Defined. For the purpose of applying the requirements in Subsection 18.124, "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 nonpublic 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.

18.124 Number of Parking Spaces Required. The number of off-street parking spaces required shall be as set forth in the following:

Uses	Parking Spaces Required
Adult Entertainment Facilities	1.0 per 150 sq. ft. of floor area
Antique and Auction Stores	1 for each 200 sq. ft. of floor area
Automobile or Machinery Sales and Service Garages.....	1 for 800 sq. ft. floor area
Banks, Business and Professional Offices	1 for each 400 sq. ft. floor area
Bowling Alleys.....	5 for each alley
Churches and Schools	1 for each 4 seats in an auditorium or 2 for each 17 classroom seats; whichever is greater
Dance Halls and Assembly Halls: without fixed seats, exhibition halls except church assembly rooms in conjunction with auditorium	1 for each 100 sq. ft. of floor area
Dwellings.....	2 for each family or dwelling unit
Funeral Homes, Mortuaries	6 for each parlor or 1 for each 50 sq. ft. of floor area
Furniture & Appliance Stores Household Equipment or Furniture Repair Shop	
Hospitals	1 for each 400 sq. ft. of floor area 1 for each 2 beds
Lodging Houses	1 for each 2 bedrooms

Manufacturing Plants, Research, or Testing Laboratories, Bottling Plants	1 for each 1 employee in the maximum working shift, or 1,200 sq. ft. of floor area, whichever is greater
Medical or Dental Clinics	1 for each 200 sq. ft. of floor area
Motels and Motor Hotels	1 space for each living or sleeping unit plus 3 additional for employees
Restaurants, Beer Parlors, and Night Clubs	5 for each 200 sq. ft. of floor area
Retail Stores, Shop, etc.	2 for each 150 sq. ft. of floor area
Sanitarian, Convalescent Homes, Children's Homes	2 for each 6 beds
Sports Arenas, Auditorium, Theaters, Assembly Halls other than schools	3 for each 6 seats
Wholesale Establishments or Warehouses	1 for each 1 employee on maximum shift or for each 3,000 sq. ft. of floor area, whichever is greater

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.

18.125 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 not less than four (4) feet or 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 evergreen 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 wall of height hereinabove prescribed.
- B. Minimum Distances and Set-Backs. No part of any parking and 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 wall of 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 binder pavement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provide for orderly and safe loading or unloading and parking and storage of self-propelled vehicles. The foregoing requirements with respect to surfacing shall not apply to a parking area in an M-District if more than two hundred (200) feet distant from any R District, or recorded residential subdivision, except that a dustless surface shall be provided in any case.
- 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.

18.126 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.

#### 18.13 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING AREAS.

The Board of Appeals may authorize, as a conditional use, subject to the provisions of Subsection 21.41, the establishment and operation of an off-street parking area for ten (10) or more automobiles in such parts of any A, R, or F District that abut at least fifty (50) feet either directly or across an alley, 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 business 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- five (25) feet distance 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 18.12; and any additional conditions or requirements, in respect to development, maintenance, and operation, which the Board deems necessary or desirable for the protection of adjacent property or the public interest.
- 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 street, any part of any one of which properties is within two hundred (200) feet of any part of said proposed parking lot and is located in an R District or 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 above described. 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.

#### 18.14 FILLING STATIONS, PUBLIC GARAGES, AND PARKING LOTS.

- 18.141 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.

- 18.142 No gasoline filling station or public garage shall be permitted where any oil draining pit or visible appliance, for any purposes, other than filling caps, is located within twelve (12) feet of any street or lot line or within twenty-five (25) feet of any R District or recorded residential subdivision, except where such appliance or pit is within a building.

## 18.2 MOTELS AND MOTOR HOTELS.

- 18.21 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:
- 18.210 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.
- 18.211 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.
- 18.212 Parking. All areas used for automobile access and parking shall comply with the applicable provisions of this resolution.
- 18.213 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.
- 18.214 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-year period.
- 18.22 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.
- 18.220 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.

18.3 BILLBOARDS AND OTHER OUTDOOR ADVERTISING SIGNS AND STRUCTURES;  
REAL ESTATE AND OTHER SIGNS.

18.31 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-1 District the minimum set-back shall be at least fifty (50) feet from the established right-of-way, except that at all intersections the minimum set-back shall be at least one hundred (100) feet from the established right-of-way.

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, historical monument, or safety rest area.

18.32 Adjacent to primary highways no outdoor advertising sign or structure shall be erected within three hundred (300) feet of another sign structure on the same side of the highway. All distances between signs shall be measured along the nearest edge of the pavement directly opposite the signs, along each side of the highway. On premise signs shall not be considered in determining space requirements.

The maximum area for any billboard shall be six hundred seventy-two (672) square feet per side/facing exclusive of any border, trim, base, support, etc. The billboard structure may contain one (1) or two (2) advertisements per side/facing. Each side/facing shall not exceed the maximum area. Double-sided/faced structures and rotating billboards will be permitted with the maximum 672 square feet area being allowed for each side/facing.

The use of any revolving or flashing device duplicating an emergency type light shall be prohibited.

18.33 One sign, the bottom of which is more than ten (10) feet above the ground and provided such sign does not project beyond the right-of-way line of the street, not exceeding sixty (60) 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.

18.34 Real estate signs advertising the sale, rental, or lease of the premises on which they are maintained and portable advertising signs shall set back from every street lot line at least a distance in feet equal to one-half (1/2) the number of square feet area of the sign, but such set-back shall not be less than ten (10) feet from the established right-of-way line in any A or F District, and not less than the least depth of the required front yard in any other district, but such set-back need not be more than seventy (70) feet. Provided, however, that such real estate sign, not exceeding nine (9) square feet in area shall be permitted beyond the established right-of-way.

- 18.35 Small announcement or professional signs where permitted, shall not exceed two (2) square feet in area; except that a church, school, community center or other public or institutional building board not over eighteen (18) square feet in area which is not attached flat against a building, shall be at least six (6) feet from all established right-of-way lines.
- 18.36 Temporary political signs and portable advertising signs are permitted in all districts provided there is no interference with traffic visibility. Reference setback regulations in 18.34.
- 18.4 DWELLING GROUPS. A zoning certificate for the erection of a dwelling group, in those districts where permitted, may be issued by the Zoning Inspector, provided such dwelling group conforms to all of the following conditions and requirements.
- 18.41 The area of the lot on which the dwelling group is to be erected shall be at least twenty (20) percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.
- 18.42 Each dwelling in the group shall front either on a street, or other permanent public open space at least forty (40) feet wide, or on a common yard or outer court. The least width of such yard, if flanked by buildings on one side only shall be:
- |                 |         |
|-----------------|---------|
| 1-1-1/2 stories | 30 feet |
| 2-2-1/2 stories | 35 feet |
| 3 stories       | 40 feet |
- If flanked by buildings on both sides, the least width of such yard shall be:
- |                 |         |
|-----------------|---------|
| 1-1-1/2 stories | 40 feet |
| 2-2-1/2 stories | 50 feet |
| 3 stories       | 60 feet |
- In each case the distances between principal buildings, other than the distances specified above, shall not be less than the sum of the least widths of side yards required in the district in which the dwelling group is to be located.
- 18.43 In case where the principal buildings are arranged in some other manner than indicated in 18.42 above, the minimum distance between such buildings shall not be less on at least two sides of each building than the least widths of a required outer court, and on any other side not less than the otherwise required sum of the least widths of side yards.
- 18.44 The distance between principal buildings and the nearest lot lines, other than a front lot line, shall be not less than the height of the building, nor less than thirty (30) feet in any case.

18.45 Every dwelling in the dwelling group shall be within sixty (60) feet of an access roadway or drive, having a right-of-way at least twenty (20) feet wide, providing vehicular access from a public street, and within five hundred (500) feet, measured along the route of vehicular access, from a public street.

18.5 PLANNED UNIT DEVELOPMENT - NEIGHBORHOOD CONVENIENCE COMMERCIAL USES.

18.51 The conditions for Approval of Neighborhood Convenience Commercial Uses with a Planned Unit Development shall be as follows:

18.511 The Planned Unit Development landholding shall contain not less than fifty (50) acres.

18.512 The Neighborhood Convenience Commercial area shall contain not more than two percent (2%) of the total Planned Unit Development landholding.

18.513 The Neighborhood Convenience Commercial area shall be located so as to have adequate pedestrian and vehicular access from within the PUD along public rights-of-way which are regularly maintained and adequate to handle the traffic generated by the use.

18.514 Off-street loading and parking shall be provided in accordance with the provisions specified in Sections 18.11 and 18.12, inclusive.

18.515 Parking areas shall be located not less than fifty (50) feet from any adjoining residential uses.

18.516 Outdoor artificial lighting shall be approved by the Board of Reily Township Trustees.

18.6 NEIGHBORHOOD AND COMMUNITY SHOPPING CENTER PROJECTS.

18.61 The owner of a tract of land - located in any District at or near where a proposed shopping center is shown on the Land Use Plan - and containing not less than two (2) acres in the case of a neighborhood shopping center (B-1 District type), and not less than fifteen (15) acres in case of a community shopping center (B-2 District type), may submit to the Planning Commission for its review a preliminary plan for the use and development of such tract of land for an integrated shopping center project.

18.62 In accepting such plan for review, the Commission must be satisfied that the proponents of the integrated neighborhood or community shopping center are financially able to carry out the proposed project; that they intend to start construction within one (1) year of the approval of the project and necessary change in zoning, and intend to complete it within a reasonable time as determined by the Commission.

- 18.63 It shall then be the duty of the Commission to investigate and ascertain whether the location, size, and other characteristics of the site and the proposed plan comply with the following conditions:
- 18.631 The proposed shopping center is at a location where traffic congestion does not exist at present on the streets to be utilized for access to the proposed shopping center, and where such congestion will not likely be created by the proposed center; or where such congestion will be obviated by presently projected improvement of access thoroughfares by demonstrable provision in the plan for proper entrances and exits, and by internal provisions for traffic and parking.
  - 18.632 The plan provides for a shopping center consisting of one or more groups of establishments in buildings or integrated and harmonious design, together with adequate and properly arranged traffic and parking facilities and landscaping, which will be an attractive and efficient shopping center, convenient, pleasant, and safe to use, and which will fit harmoniously into and will have no adverse effects upon the adjoining or surrounding development.
- 18.64 The uses permitted in an integrated neighborhood shopping center shall be those retail business, commercial, and service uses permitted in the B-1 District; and the uses permitted in an integrated community shopping center shall be the same kind of uses as permitted in the B-2 District. No residential, heavy commercial, or industrial uses shall be permitted, or any use other than such as is necessary or desirable to supply with goods or services the surrounding neighborhood or community as the case may be.
- 18.65 The following regulations shall apply to an integrated neighborhood or community shopping center:
- A. Building Heights: No building shall exceed two (2) stories or twenty-five (25) feet in height; except as modified by Section 19.2 of this Resolution.
  - B. Yards: No building shall be less than fifty (50) feet distant from any boundary of the tract on which the shopping center is located. The center shall be permanently screened from all adjoining properties located in any R District or recorded residential subdivision, and, except for necessary entrances and exits from all properties located across the street and within one hundred (100) feet from such center in any R District or recorded residential subdivision, by a solid wall or compact evergreen hedge not less than four (4) or over six (6) feet in height. Such wall or hedge shall be placed at least five (5) feet from the property line, and the space between such property line and the wall or hedge shall be properly and permanently landscaped and properly maintained.

- C. Tract Coverage: The ground area occupied by all the buildings shall not exceed in the aggregate twenty-five (25) percent of the total area of the lot or tract.
- D. Customer Parking Space: Notwithstanding any other requirements of this Resolution, there shall be provided one (1) off-street parking space for each two hundred (200) square feet of rental floor space not including basement storage space, in an integrated neighborhood shopping center; and one (1) off-street parking space for each one hundred (100) square feet of rental floor space, not including basement storage space in an integrated community shopping center.
- E. Loading Space: Notwithstanding any other requirements of this Resolution, there shall be provided one (1) off-street loading or unloading space for each twenty thousand (20,000) square feet or fraction thereof of aggregate floor space of all building in the center. At least one-third (1/3) of the spaces required shall be sufficient in area and vertical clearance to accommodate trucks of the tractor-trailer type.
- F. Accessway and Illumination of Parking Areas: These shall conform to the requirements for off-street parking area in Subsection 18.12.
- G. Signs: In addition to signs permitted and as regulated in the B-1 or B-2 District, respectively, each such center shall be permitted two (2) free-standing signs not over twenty-five (25) feet in height, having a maximum total area of one hundred (100) square feet. All signs within the center shall be controlled by written agreement between the owners and tenants of the center otherwise, to avoid excessive advertising and insure a harmonious appearance to the centers as a whole. In a neighborhood shopping center, all signs shall only be indirectly illuminated with white light - in both for a neighborhood or community shopping center, all signs shall conform to the distance requirements for property lines for the buildings in the center.

18.66 Upon determination by the Butler County Planning Commission that the proposed integrated neighborhood shopping center or community shopping center, as the case may be, as shown in the preliminary plan, appears to conform to the requirements of this Section and all other applicable requirements of this Resolution, the proponents shall prepare and submit a final development plan, which plan shall incorporate any changes or modifications required or suggested by the Butler Country Planning Commission.

18.67 If the final development plan is found to comply with the requirements set forth in this Section and other applicable provisions of this resolution, the Butler County Planning Commission shall submit said plan with its report and recommendations, together with the required application by the proponents of

the necessary change in zoning classification of the site of the proposed center, to the Zoning Commission, who shall hold a public hearing on both the development plan and the application for a change in zoning.

18.68 Following a public hearing, the Zoning Commission may modify the plan consistent with the intent and meaning of this Resolution, and may rezone the property to the classification permitting the proposed center, for development in substantial conformity with the final plan, as approved by them.

18.69 After the final development plan has been approved by the Zoning Commission, and in the course of carrying out this plan, adjustments or rearrangements of buildings, parking areas, loading areas, entrances, heights, or yards, may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this Resolution, such adjustments or rearrangements may be authorized by the Zoning Commission.

#### 18.7 COMMERCIAL MINES, QUARRIES, GRAVEL PITS.

18.71 Any owner, lessee or other person, firm or corporation having an interest in mineral lands may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that he/she shall comply with all requirements of the District in which said property is located, and with the following additional requirements:

A. No quarrying operation shall be carried on or any stock pile placed closer than seventy-five (75) 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; provided that this distance requirement may be reduced to fifty (50) feet by written consent of the owner or owners of the abutting property.

B. In the event that the site of the mining or quarrying operation is adjacent to the right-of-way of any public street or road no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.

C. Fencing shall be erected and maintained around the entire site. Such fencing is necessary for the protection of the public safety and shall be of a type specified by the Board.

D. 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.

E. 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.

- 18.72 In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.
- 18.73 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) description of equipment to be used; (9) method of rehabilitation and reclamation of the mine area.
- 18.74 Upon receipt of such application, the Board shall set the matter for a public hearing, which shall be advertised in a newspaper of general circulation at least 15 days prior to the date of hearing.
- 18.75 The Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. It shall either approve, deny, or conditionally approve 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.
- 18.76 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a performance bond running to Reily Township, Butler County, Ohio, in an amount of not less than \$10,000 and not more than \$250,000 as a guarantee that such applicant, in restoring, recommittal, and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board, meet the following minimum requirements.
- A. 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, noninflammable, and noncombustible solids, to secure (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. Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.

- C. 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.

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 mines, quarries, or gravel pits as the Board may deem necessary for the protection of adjacent properties and the public interest.

The said conditions and the amount of performance bond shall be determined by the Board prior to issuance of the permit.

18.8 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 determines that such use is proper.

18.81 Any one-family detached dwellings housing more than five (5) residents, not related by blood or marriage, shall be considered for approval by the Board.

18.9 AUTOMOBILE WRECKING YARDS - JUNK YARDS.

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

18.92 The site shall not contain less than ten (10) acres.

18.93 A solid fence not less than eight (8) feet high with no advertising and well maintained, approved by the Board and located not less than five hundred (500) feet from any lot in an R District, or a recorded residential subdivision.

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

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

18.96 Any accessory building will be subject to the approval by the Board.

18.97 RADIO TOWERS, TELEVISION TOWERS, OR MASTS OF A SIMILAR NATURE. In any district, application for a Zoning Certificate for radio towers, television towers, or masts of a similar nature in accordance with Section 6.04 shall require authorization by the Board. The Board shall authorize approval only after height and location have been approved by all governmental agencies charged with the responsibility for maintaining air safety and providing there is a yard area with a radius of half the height of the tower or mast.

18.98 PARKING, REBUILDING, AND STORAGE OF INOPERATIVE 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 vehicle in process of being dismantled shall be kept over thirty (30) days without being in an enclosed building.

18.99 RESIDENTIAL USE IN COMMERCIAL DISTRICT. In any B-1, B-2, or B-3 District, a dwelling or dwellings may be permitted if such dwelling is made a part of the principal building and approved by the Board.

18.10 SMALL SOLAR FACILITIES.

Solar facilities of fifty (50) megawatts or more shall be required to submit an application with the Ohio Power Siting Board (OPSB) at the Public Utilities Commission of Ohio (PUCO) and are required to meet OPSB regulations.

18.101 PERMITTED USES

- A. Integrated Solar Energy Solar Systems: Subject to the restrictions contained herein any construction, erection, or siting of an Integrated Solar Energy System shall be a permitted use in the following zoning districts: R1, R2, R3, B2, B3, A1.
- B. Rooftop Solar Energy Systems: Subject to the restrictions contained herein any construction, erection, or siting of a Rooftop Solar Energy System shall be a permitted use in the following zoning districts: R1, R2, R3, B2, B3, A1.
- C. Ground Mounted Solar Energy Systems: Subject to the restrictions contained herein, any construction, erection, or siting of a Ground Mounted Solar Energy System shall be a permitted use in the following zoning districts: A1.

18.102 CONDITIONAL USES

- A. Small Solar Facilities: Subject to the restrictions contained herein, as well as any other relevant conditions as the Board of Zoning Appeals may determine, any construction, erection, or siting, shall be a conditional use in the following zoning district: A1.

18.103 GENERAL REQUIREMENTS

- A. Noise. Any Solar Energy System or Small Solar Facility shall comply with the noise resolution and all applicable noise restrictions set forth within the Township, including, but not limited to, those applicable to the zoning district where located. In the event there are no applicable provisions regarding noise, no Solar Energy System or Small Solar Facility shall emit sound to an adjacent lot at a level exceeding sixty-five (65) decibels.
- B. Maintenance: must always be maintained in good working order. The owner of the property, within thirty (30) days of permanently ceasing operation, shall provide written notice of abandonment to the Zoning

Inspector. Unused Solar Energy System or Small Solar Facility may stand no longer than three (3) months following abandonment. All costs associated with the dismantling/demolition of the Solar Energy System or Small Solar Facility and associated equipment shall be borne by the property owner. Solar Energy System or a Small Solar Facility is considered abandoned when it ceases transmission of electricity for thirty (30) consecutive days. Removal includes removal of all apparatuses, supports, and or other hardware associated with the existing Solar Energy System or Small Solar Facility and, in the case of Ground Mounted Solar Energy Systems installed returning the property to a graded, seeded and/or landscaped state like its condition prior to the construction/installation.

- C. Building Permits: All Solar Panel installations and Small Solar Facilities and parts thereof shall obtain all applicable required Building Permits from the State of Ohio and County or other local building jurisdiction.
- D. Glare: Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
- E. Other Restrictions: Solar Energy System or A Small Solar Facility shall comply with all applicable federal, state, and local laws, rules, and regulations.
- F. Integrated or Rooftop Solar Energy Systems:
  - i) Height: The maximum height of any Integrated or Rooftop Solar Energy System shall not exceed the maximum height applicable to principal structures located in the zoning district where located. An Integrated or Rooftop Solar Energy System mounted on a roof shall not vertically exceed the highest point of the roof to which it is attached.
- G. Ground Mounted Solar Energy Systems:
  - i) Height: The maximum height of any Ground Mounted Solar Energy System at any point shall not exceed ten (10) feet.
  - ii) Coverage: Ground Mounted Solar Energy Systems shall not exceed in the aggregate 35% of the total area of the lot or tract not to exceed five (5) acres.
  - iii) Location: No Ground Mounted Solar Energy System shall be located **on a septic system, or** in the front yard or facing a public right-of-way unless no part of the system is located within five hundred (500) feet from the right of way.
  - iv) Setback: No Ground Mounted Solar Energy System occupying 1000sqft or less shall be located within fifty (50) feet of a public right-of-way, shared-use driveway, or property line (other than components located entirely underground). Ground Mounted

Solar Energy Systems occupying more than 1000sqft shall be located one hundred and fifty (150) feet or more from a public right-of-way, shared-use driveway, or property line (other than components located entirely underground).

- v) Lighting: Any lighting shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Ground Mounted Solar Energy System must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Ground Mounted Solar Energy Systems shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.

#### 18.104 CRITERIA FOR CONDITIONAL USES

- A. A Small Solar Facility to be located in a zoning district in which it is identified as a conditional use is subject to and shall follow the application process for a Conditional Use Permit provided under this Zoning Resolution.
- B. Where identified as a conditionally permitted use, any Small Solar Facility shall comply with the following specific requirements:
  - i) Road Use Maintenance Agreement: The property owner shall provide for the adequate maintenance and protection of Township maintained, protected, or managed infrastructure (including, but not limited to roadways, rights-of-way, and easements) to be used in connection with the Small Solar Facility as detailed further in a road use and maintenance agreement (\*RUMA") with the Township. Any damaged public roads, culverts, and bridges shall be repaired promptly to their previous or better condition by the property owner or their designee under the guidance of the appropriate regulatory authority.
  - ii) Safety Services: The property owner shall provide sufficient evidence that the property can be adequately served by the appropriate safety services, for example, a letter from Reily Township Fire Department verifying that emergency response personnel and vehicles can safely reach and service the property, including the area where the Small Solar Facility is located.
  - iii) Height: The maximum height of any Small Solar Facilities at any point shall not exceed ten (10) feet.
  - iv) Coverage: Small Solar Facilities shall be included as part of any lot/tract/ground coverage calculation applicable to the zoning district where located. In the event a zoning district does

not have a restriction limiting the ground area occupied by buildings, structures, parking areas, sidewalks, or other impervious surfaces, Small Solar Facilities shall not exceed in the aggregate 35% of the total area of the lot or tract not to exceed five (5) acres.

- v) Lighting: Any lighting shall meet any lighting restrictions applicable to the zoning district where located. In the event there are no applicable provisions regarding lighting, all lighting in, of, and associated with the Small Solar Facility must narrowly focus light inward toward the solar equipment, be downlit and shielded, and result in a maximum horizontal illuminance level not to exceed one foot-candle. Small Solar Facilities shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways.
  
- vi) Advertising: Small Solar Facilities and the property where located shall not be used for the display of advertising. For the purposes of this section, reasonable and customary identification (name, insignia, logo, and/or similar) of the manufacturer or operator of the system that is incorporated into or manufactured on the equipment itself shall not be considered advertising.
  
- vii) Location:
  - 1. A Small Solar Facility other than an Integrated or Rooftop Solar Energy System (except components located entirely underground) shall be located entirely in the rear yard.
  - 2. No Small Solar Facility shall be located on the front façade of any structure or on any façade facing a public right-of-way.
  - 3. No Small Solar Facility shall be located in front of a principal building or structure. In the case of corner lots, no Small Solar Facility shall be located between a principal building or structure and a public right-of-way.
  
- viii) Buffers and Setbacks:
  - 1. Where a Small Solar Facility is located on property adjacent to or in close proximity to property zoned for residential use, no part of the Small Solar Facility (other than components located entirely underground) shall be located within two hundred (200) feet of another property line.

- ix) Fencing: Any fencing and/or screening installed in connection with the Small Solar Facility shall always be maintained in good repair.
- x) Conditions: Any conditions or other requirements as determined by the Board of Zoning Appeals in connection with the issuance of a Conditional Use Permit.

18.105 CERTIFICATE OF ZONING COMPLIANCE

- A. A certificate of zoning compliance shall be required before any construction is commenced on a Solar Energy System or Small Solar Facility.
- B. Applicant shall provide Zoning Inspector with the following items and/or information when applying for a certificate of zoning compliance:
  - i) An engineering report that shows:
    - 1. The total size and height of the proposed Solar Energy System or Small Solar Facility.
    - 2. Data specifying the kilowatt size and generating capacity in kilowatts of the Solar Energy System or Small Solar Facility.
    - 3. Hazardous materials containment and disposal plan.
  - ii) A site drawing showing the location of the Solar Energy System or Small Solar Facility including all equipment and components thereof in relation to (and measurements of distances from) all existing structures on the property, roads and other public rights-of-way, and neighboring property lines.
  - iii) Evidence of compliance with applicable setback and all other applicable zoning restrictions.
  - iv) A maintenance schedule as well as a dismantling plan that outlines how the Solar Energy System or the Small Solar Facility including all equipment and components thereof will be dismantled at the end of their use and/or upon abandonment.
  - v) Any other information or materials reasonably requested by the Zoning Inspector.

## ARTICLE 19

### EXCEPTIONS AND MODIFICATIONS

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

- 19.1 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:
- 19.11 In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, and provided, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is the greater.
- 19.12 The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than ten (10) feet.
- 19.2 HEIGHT LIMITS. Height limitations stipulated elsewhere in this Resolution shall not apply:
- 19.21 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.
- 19.22 To places of public assembly in churches, schools, and other permitted public and semi-public buildings, provided that these 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.
- 19.23 To bulkheads, elevator pent houses, 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) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.

19.3 AREA REQUIREMENTS.

19.31 Any other regulations of this resolution notwithstanding, in any district, except A-1 and R-1, where public water and sanitary facilities are not accessible the lot area and frontage requirements otherwise specified shall be increased as follows:

19.311 Where both public sewage and public water supply are not accessible:

Minimum Lot Area: 1/2 acre, 21,780 sq. ft.  
Minimum Lot Frontage: 200 ft.

19.312 Where public water supply and sewerage are accessible in any A-1 or R-1 districts, the lot area and frontage requirements specified for these respective districts shall apply as set forth in Article 7 and 8 of this Resolution.

19.32 Deleted November 20, 1997.

19.33 In any A-1, R-1, or R-1A District, a one-family detached dwelling may be erected on any parcel located to the rear of an officially recorded residential subdivision, provided that at least one parcel has been designated for a future street or the otherwise required frontage is provided.

19.4 FRONT YARD MODIFICATIONS.

19.41 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.

19.42 In any R District or recorded residential subdivision where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Resolution, such garage may be located within such front yard, but not in any case closer than six (6) feet to the street line.

19.5 DOUBLE FRONTAGE LOTS. Building on lots having frontage on two nonintersecting 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.

19.6 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 (1/2) of the width of the alley may be included as a portion of the required rear or side yard, as the case may be.

19.7 SIDE YARD MODIFICATIONS.

19.71 Each side yard shall be increased in width by two (2) inches in any 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.

19.72 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 (1/2) the otherwise required least width, or narrower than three (3) feet in any case.

19.73 Width of one side yard may be reduced when authorized by the Board, in the case of a one-family dwelling, to a width, not less than three (3) feet; provided the sum of the widths of the two 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 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 or more lots.

19.74 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 (1/2) the required depth of the front yard on such other lot fronting the side street.

19.8 PROJECTION INTO REQUIRED YARDS.

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

19.811 Into any required front yard, or required side yard adjoining a side street lot line -

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

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

- C. An uncovered stair and necessary landing may project a distance not to exceed six (6) feet, provided such stair and landings shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.
  - D. Bay windows, balconies, and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.
- 19.812 Subject to the limitations in Subsection 19.811 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.
- 19.813 Subject to the limitations in Subsection 19.811 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.
- 19.82 Fences, walls, and hedges may be located in required yards as follows:
- A. If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, such may be located in any yard or court.
  - B. If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in an R District or recorded residential subdivision, no such fence, wall, or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.
  - C. A fence between lots platted for residential use shall be of approved material and shall be kept in good repair and appearance. The use of barbed wire, electrical, or similar type fences shall be prohibited.
  - D. On any 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. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light from adjoining properties.

## ARTICLE 20

### ENFORCEMENT

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- 20.1 ENFORCEMENT BY ZONING INSPECTOR. 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.
- 20.2 FILING PLANS. 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 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.

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.

- 20.3 ZONING CERTIFICATE – See Definition on Page 20

20.31 It shall be unlawful for an owner to use or to permit the use of any structure, building, or land, part thereof, hereinafter created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. Such Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the 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.

No permit for excavation or construction shall be issued by the Zoning Inspector, unless the plan specifications and the intended use conform to the provisions of this Resolution.

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 20.2. He shall either issue a Zoning Certificate

within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefor. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

- 20.32 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.
- 20.33 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.
- 20.34 FEES. A Zoning Certificate fee to be charged at a rate to be determined by resolution of the Zoning Commission, and to be reviewed by the Zoning Commission and changed by resolution as the conditions dictate.
- 20.35 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, which ever occurs first.
- 20.36 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, which ever occurs first.
- 20.37 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 by 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 written confirmation of uninhabitability of the premises by a knowledgeable source such as the fire chief or an official of the Butler County General Health District. 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 Butler County General Health District 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.

20.4 VIOLATIONS AND PENALTIES. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any of the provisions of this Resolution, or any amendment or supplement thereto adopted by the Board of Reily 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 thereof, shall be fined not more than one hundred dollars (\$100). Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance of use continues, may be deemed a separate offense.

20.5 VIOLATIONS - REMEDIES. In case any building 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 Reily 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, actions, proceeding, or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

## ARTICLE 21

### BOARD OF ZONING APPEALS

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21.1 APPOINTMENT. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members who shall be residents of the unincorporated territory of Reily 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 shall be removable for nonperformance 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/her 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.

21.2 PROCEDURE. 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/her 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.

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, as may reasonably be required.

21.3 APPLICATIONS, APPEALS, HEARINGS, AND STAY OF PROCEEDINGS.

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

21.32 Appeals - When and by Whom Taken. An appeal to the Board may be taken by any person aggrieved or by any officer of the 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.

21.33 Hearings. The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice in writing to the parties in interest, and giving notice of such public hearing by one publication in one or more newspapers in general circulation in the Township 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 Reily Township Board of Trustees, 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 grounds that the decision was unreasonable or unlawful. A notice of appeal shall be accompanied with a check made payable to the Board of 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 complained of in the appeal.

21.34 Decision of the Board. The Board shall decide all applications and appeals within thirty (30) days after the final hearing thereon.

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/her, and he/she 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.

A decision of the Board shall not become final until the expiration of ten (10) days from the date such decision is made, 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.

21.35 Stay of Proceedings. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board, after notice of appeals shall have been filed with him/her, that by reasons of facts stated in the certificate, a stay would, in his/her 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 shown, be granted by the Board on application after notice to the Zoning Inspector, or by judicial proceedings.

## 21.4 POWERS OF THE BOARD OF ZONING APPEALS.

21.41 Conditional Uses, Specified Exception, and Interpretations of Zoning Map. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, application, filed as hereinbefore provided, for conditional uses, special exceptions, or for interpretation of the Zoning Map,

or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. An application to the Board for authorization to establish a conditional use or specified exception shall be accompanied by the written consent of the owners of at least fifty-one (51) percent of all properties, except properties devoted to a nonconforming use, within 2,640 feet (one-half mile) measured from the perimeter of the premises where such conditional use or specified exception is sought to be established, enlarged, or extended. In considering an application for a conditional use, a special exception or 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.

21.411 Conditional Uses and Special Exceptions. In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

21.4111 NONCONFORMING USES.

- A. The substitution of a nonconforming use existing at the time of enactment of this Resolution, by another nonconforming use, if no structural alternations, except those required by law or resolution, are made; provided, however, that in an R District or recorded residential subdivision no change shall be authorized by the Board to any use which is not permitted or conditional use in any R District or recorded residential subdivision, and in a B District no change shall be authorized to any use which is not permitted or conditional use in any B District.
- B. The extension of a nonconforming building upon the lot occupied by such building, or on an adjoining lot; provided that such lot was under the same ownership as the lot in question at the time the use of such building became nonconforming and that such extension is necessary and incidental to such existing nonconforming use; provided that the value of such extension shall not exceed in all twenty-five (25) percent of the assessed valuation for tax purposes of the existing building devoted to a nonconforming use, and that such extension shall be within a distance of not more than fifty (50) feet of the existing

building or premises; and provided, further, that such extension shall in any case be undertaken within five (5) years of the enactment of this Resolution. Provided, however, that the Board shall not authorize any extension or enlargement which would result in extending the useful life of a nonconforming building, or which would result in violation of the provisions of this Resolution with respect to any adjoining premises.

- 21.4112 Extension of Use on Border of District. The extension of a use or building into a more restricted District immediately adjacent thereto, but not more than twenty-five (25) feet beyond the dividing line of the two Districts, under such conditions as will safeguard development in the more restricted district.
- 21.4113 Conditional Industrial Uses. Permitting in such parts of any M-2 District, as are more than six hundred (600) feet distant from any R District or recorded residential subdivision, and more than two hundred (200) feet from every other District except an M-1 or F-1 District, any of the industries or uses listed in Section 16.03 and permitting in any M-1 District as an accessory use, any use permitted in an M-2 District as a principal use, as specified in Subsection 15.047. In doing so, the Board may require the installation, operation, and maintenance in connection with the proposed use of such devices or such methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce fumes, gas, dust, smoke, odor, water-carried waste, noise, vibration, or similar objectionable features, and may impose such conditions regarding the extent of open spaces between such industries or uses and surrounding properties as will tend to prevent or reduce the harm which might otherwise result from the proposed use of surrounding properties and neighborhoods.
- 21.4114 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.

21.412 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.

21.42 ADMINISTRATIVE REVIEW AND VARIANCES.

21.421 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.

21.422 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; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause undue and unnecessary hardship.

21.4221 Where by reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this Resolution, or by reason of exceptional topographic conditions, or other extra ordinary situation or condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the liberal enforcement of the requirements of this Resolution would involve practical difficulty or would cause unnecessary hardship - unnecessary to carry out the spirit and purpose of this Resolution - the Board shall have power to authorize a variance from the terms of this Resolution, so as to relieve such hardship, and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. 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 it 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.

21.4222 No such variances in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes of uses in the same zoning district.
- B. That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same zoning district and in the same vicinity.
- C. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this Resolution or the public interest.
- D. That the authorizing of such variance will not constitute a change in zoning.
- E. Granting the variance will not adversely affect the health, safety, morals, and welfare of the community.

No grant of a variance shall be authorized unless the Board specifically finds that the conditions or situation of the specific piece of property, or the intended use of said property, for which variance is sought - one or the other or in combination - 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.

21.423 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.

## 21.5 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY.

### 2.51 Application Requirements

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

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

- A. The applicant must co-locate except where they can demonstrate by clear and convincing evidence that its telecommunication antennas or equipment cannot 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.
- B. Wireless and Cellular Facilities must be designed to accommodate such uses including public telecommunication

needs. Appropriate shared parking and access must be provided for co-located facilities on one tower.

- C. 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.
- D. 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.

#### 21.53 Design Standards for Free-Standing Towers

- A. All such uses shall be prohibited from locating in any R-district, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- B. All such uses shall be located not less than two hundred and fifty feet (250) from the right of way of any public street.
- C. All such uses shall be located not less than five hundred (500) feet from any R-district, recorded subdivision, farm dwelling, or lot containing a dwelling.
- D. All such uses shall be located no closer to any lot line than fifty (50) percent of the height of the proposed tower.
- E. 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.
- F. 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.
- G. 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.

- H. 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, the Ohio Department of Transportation (ODOT), or their respective successors.
- I. 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, 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.
- J. No advertising is permitted anywhere on the Telecommunication Facility. An identification sign not to exceed one square foot in size which includes a telephone number to be contacted in the event of an emergency shall be required.
- K. 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.
- L. Parking areas and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

21.54 Telecommunication Equipment on Existing Structures.

- A. All such uses shall be prohibited from locating in any R-district, recorded subdivision, or lot containing a dwelling other than a farm dwelling.
- B. All such uses shall be located not less than two hundred and fifty feet (250) from the right of way of any public street.
- C. All such uses shall be located not less than five hundred (500) feet from any R-district, recorded subdivision, farm dwelling, or lot containing a dwelling.
- D. All such uses shall be located no closer to any lot line than fifty (50) percent of the height of the proposed tower.
- E. 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. The outside storage of vehicles or equipment must be contained inside the screened area.

- F. 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.
- G. 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.
- H. 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, the Ohio Department of Transportation (ODOT), or their respective successors.
- I. 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, 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.
- J. No advertising is permitted anywhere on the Telecommunication Facility with the exception of identification signage not to exceed one square foot in size.
- K. 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.

## 21.6 ADULT ENTERTAINMENT FACILITY

- 21.61 All Adult Entertainment Facilities shall have direct access to a principal or minor arterial, or, major or minor collector street.
- 21.62 One parking space per 150 sq. Ft. Of floor area shall be provided as specified in Section 18.124.
- 21.63 Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.

- 21.64 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 public or semi-public area, sidewalk or street.
- 21.65 Displays or promotional items shall not be visible from public view. This prohibition shall not extend to advertising of the existence or location of such adult entertainment facility.
- 21.66 One (1) sign no more than fifty (50) square feet mounted flat against the building shall be allowed.
- 21.67 A landscaped buffer, approved by the Board, 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. Adult drive-in theaters shall provide a solid fence eight (8) feet in height absent of advertising and in good condition along all lot lines.
- 12.68 All such uses shall have a minimum lot area of Twenty-thousand (20,000) square feet.
- 21.69 All such uses shall be located not less than 1,000 feet from any: lot in any R-District, recorded subdivision, or dwelling; 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.
- 21.70 All such uses shall be located not less than 1,000 feet from any lot of any other adult entertainment facility.
- 21.71 No employee/independent contractor of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in such a manner distracting, distasteful, and/or detrimental to the adjacent business interest, residents or passerby.
- 21.72 Adult entertainment facilities shall only be open for public access between 4:00 p.m. and 2:30 a.m.
- 21.73 All such uses shall be located not less than 1,000 feet from any Agricultural, Residential or Business District; recorded subdivision, or dwelling; 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.

A 6-foot high chain link fence shall be provided on all side and rear lot lines, maintained in good condition at all times.

## ARTICLE 22

### DISTRICT CHANGES AND RESOLUTION AMENDMENTS

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22.1 GENERAL. For the purpose of promoting the public health, safety, and morals the Board of Township Trustees may in accordance with a comprehensive plan, by resolution, after recommendation thereon by the 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. An amendment, supplement, reclassification, or change may be initiated by passing a resolution therefore by the Board of 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 lessees of property within the area proposed to be changed or affected by this Resolution.

22.21 Amendments - Procedure to Initiate. Amendments or supplements to the zoning resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Township Trustees, or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

22.211 Hearing Notice. Upon the adoption of such motion, or the certification of such resolution, or the filing of such application the Township 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 Township Zoning Commission by one publication in one or more newspapers of general circulation at least fifteen (15) days before the date of such hearing.

22.212 Hearing Notice - 10 Parcels or Less. If the proposed amendment or supplement intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least twenty (20) 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 rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Board of 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 township.

- 22.22 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 Township 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 Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.
- 22.23 Zoning Commission - Recommendations. The Township 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.
- 22.233 County Plan. Before a proposed amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification by the Director of Transportation or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Reily Township Zoning Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Reily Township Zoning Commission may proceed as required by law; however, the Reily 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 Reily Township Trustees that he/she shall proceed to acquire any land needed, then the Reily Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Reily 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 or any extension thereof agreed upon by the Director of Transportation and the property owner, the Reily Township Trustees shall proceed as required by law.
- 22.24 Township Trustees - Hearing. The 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 Township 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, 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 a summary of the proposed amendment or supplement.

22.25 Township Trustees - Final Action. Within twenty (20) days after such public hearing the Board shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the Board shall be required.

22.251 Effective Date - Referendum. Such amendment or supplement adopted by the Board shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the Township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board to submit the amendment for approval or rejection, at the next primary or general election.

22.252 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.

22.26 Fees. Each application for zoning amendment, except those initiated by the Zoning Commission, shall be accompanied by a check payable to the Reily Township Board of Trustees, or a cash payment in an amount to be determined by the Zoning Commission to cover the cost of the publishing, posting, and/or mailing the notices of the hearing or hearings required by the foregoing provisions and/or other expenses in conjunction therewith.

## ARTICLE 23

### VALIDITY AND REPEAL

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- 23.1 VALIDITY. If any article, section, subsection, paragraph, sentence, or phrase of this resolution is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Resolution.
- 23.2 TOWNSHIP ZONING PLAN REPEAL, PROCEDURE, REFERENDUM. In any township in which there is in force a plan of township zoning, the plan may be repealed by the Board of Township Trustees in the following manner:
- A. The Board may adopt a resolution upon its own initiative.
  - B. The Board 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 in the unincorporated area of such township included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting that the question of whether or not the plan of zoning in effect in such township shall be repealed be 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.

## ARTICLE 24

### WHEN EFFECTIVE

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24.1 WHEN EFFECTIVE. As provided under Section 519.11 of the Ohio Revised Code "Upon Certification by the Board of Elections the Resolution shall take immediate effect."

24.11 This Resolution shall be in full force and effect in all portions of unincorporated Reily Township, effective March 6, 2021.

**Board of Township Trustees  
Reily Township  
Butler County, Ohio**

Signed

Trustee

Signed

Trustee

Signed

Trustee

Date \_\_\_\_\_

## **AMENDMENTS**

Amended August 13, 1997

Amended December 17, 1997 – Agriculture definition change, Adult Entertainment, B-2 and changes to “Purpose”, Special Zoning Certificate for replacement of mobile homes and dwellings, Article 22 change in 22.26 Fees

Amended November 10, 2003 – Accept Butler County Flood Plain Map

Amended March 22, 2006 – Emergency Zoning Certificate

Amended June 7, 2006 – Penal Institutions

Amended September 6, 2006 – 2.1 acre minimum lot size in A-1 District

Amended June 7, 2017 – Medical Marijuana Resolution

Amended March 6, 2021 – Zoning Resolution

Amended January 18, 2023 – Updated wording in 6.23, “no inoperable vehicle”

Amended February 15, 2023 – Updated zoning of Parcel ID J4330049000033 from B2 to R2

Amended April 2, 2024 – Resolution prohibiting marijuana retail dispensaries, cannabis operators, and cultivators.

Amended July 2, 2024 – Resolution for Solar

## DISTRICT SYMBOLS AND USES

DISTRICT	SYMBOL	PRINCIPAL USES
A-1	AGRICULTURE (1 & 2) Public Buildings, Farms, 1 & 2 Family Homes, Churches, Schools, Parkland, Nurseries, Kennels, & Riding Stables	LOT AREA - FRONTAGE - SET BACK - BUILDING HEIGHT SIDE & REAR YARDS AS REQUIRED BY REILY TOWNSHIP ZONING RESOLUTION AND/OR OHIO BUILDING CODE
R-1	SUBURBAN RESIDENCE (1 & 2) One-Family Homes, Churches, Schools, Parkland, Nurseries, Farms, Public Buildings	
R-1A	SUBURBAN RESIDENCE (1 & 2) One-Family Homes, Churches, Schools, Parkland, Nurseries, Farms, Public Buildings	
R-2	SINGLE-FAMILY RESIDENCE (2) One-Family Homes, Churches, Schools, Parkland, Public Buildings, Farms	
R-3	ONE & TWO-FAMILY RESIDENCE (2) One & Two Homes, Churches, Schools, Parkland, Public Buildings, Farms	
R-4	MULTIPLE-FAMILY RESIDENCE (2) Parkland, One & Two-Family Homes, Dwelling Groups, Multi-Family, Public Bldgs., Churches, Schools	
R-PUD	PLANNED UNIT DEVELOPMENT One & Two-Family Homes, Multi-Family, Churches, Parkland	
R-MHP	MOBILE HOME PARK Mobile Homes, Private Parks, Related Communal Facilities	
B-1	NEIGHBORHOOD BUSINESS (2) Local Retail & Service, Restaurants, Gas Stations	
B-2	COMMUNITY BUSINESS (2) Drive-In Restaurants, Cocktail Lounges, Auto Sales & Service, Hotels, Motels	
B-3	GENERAL BUSINESS (2) Drive-In Theaters, Commercial Recreation, Wholesale Business, Storage Yards	
M-1	LIGHT INDUSTRIAL (2) Wholesale Operations, Warehouses, Limited Commercial	
M-2	GENERAL INDUSTRIAL (2) Manufacturing, Processing, Heavy Industrial	
F-1	FLOOD PLAIN (2) Farms	

(1) Except as Modified by Section 19.32

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