

FAIRFIELD TOWNSHIP

BUTLER COUNTY, OHIO

ZONING RESOLUTION

BOARD OF TRUSTEES

MARK SUTTON

STEVE MORGAN

TERRY SCHARNHORST

FISCAL OFFICER

NANCY BOCK

ADMINISTRATOR

MICHAEL A. RAHALL

The logo consists of a yellow oval with a blue border. Inside the oval, the text "Fairfield Township" is on the top line and "Zoning Department" is on the bottom line, both in a blue, serif font with a white outline.

Fairfield Township
Zoning Department

EFFECTIVE: JULY 10, 2008

FAIRFIELD TOWNSHIP ADMINISTRATION BUILDING
6032 MORRIS ROAD, FAIRFIELD TWP., OHIO 45011
(513) 887-4400

FAIRFIELD TOWNSHIP

BUTLER COUNTY, OHIO

ZONING RESOLUTION



BOARD OF TRUSTEES

MARK SUTTON, PRESIDENT

STEVE MORGAN, VICE— PRESIDENT

TERRY SCHARNHORST, TRUSTEE

FISCAL OFFICER

NANCY BOCK

TOWNSHIP ADMINISTRATOR

MICHAEL A. RAHALL

FAIRFIELD TOWNSHIP ZONING COMMISSION

FAIRFIELD TOWNSHIP BOARD OF ZONING APPEALS

ZONING DEPARTMENT

SKYLOR R. MILLER, ZONING ADMINISTRATOR / ASST. TWP. ADM.

ROBERT B. MCINTYRE, ZONING INSPECTOR

This Resolution shall be in full force and effect in all portions of Fairfield Township as follows:

January 1, 1972 and as amended;
July 29, 1994, April 17, 2002,
January 20, 2007, December 27, 2007,
& July 10, 2008

FAIRFIRELD TOWNSHIP ZONING RESOLUTION
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ARTICLE 1

PURPOSE

1.1 This Resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; conserving and protecting property and property values; securing the most appropriate use of land, and to facilitate adequate and economical provisions for public improvement, all in accordance with a comprehensive plan for the desirable future development of Fairfield Township, Butler County, Ohio 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

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

ARTICLE 3

INTERPRETATION OF STANDARDS

3.1 The provision of this Resolution states minimum requirements. Where this Resolution is more restrictive than lawful requirements or regulations the provisions of this Resolution shall control.

3.2 **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 effectaffect the validity of the remaining portion of this Resolution.

3.3 **Uses not Specifically Mentioned -** Any use of land, a structure, or a building that is not specifically named as a permitted principal or accessory use within any zoning district shall not be permitted until it is determined by the Zoning Administrator that such use is similar and compatible to those uses expressly permitted within such district. The decision of the Zoning Administrator may be appealed as provided in Article 26

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ARTICLE 4**DEFINITIONS**

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of the Resolution; and words used in the present tense include the future; the singular number shall include plural, and the plural the singular; the word "building" shall include the word "structure", the word "used" shall include "arranged", "designed", "constructed", "altered", "converted", "rented", "leased", or "intended to be used"; and the word "shall" is mandatory and not directory; and the word "may" is permissive.

4.1 **ACCESORY BUILDING**. A building that is subordinate to the principal use of the primary building on the same lot and serving a purpose customarily incidental to the use of the primary building. (i.e. including but not limited to detached garages, sheds, pole barns, etc.)

4.2 **ACCESSORY STRUCTURE**. A use 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.(i.e. including but not limited decks, fences, retaining walls, pools, gazebo, etc.)

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

4.4 **ADULT BOOK OR VIDEO STORE**: An establishment whose principal business purpose, or significant stock in trade of more than twenty (20) percent, or significant portion of its floor area of more than twenty (20) percent, is allocated to adult material; or having more than twenty (20) percent of their gross receipts derived from adult material.

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

person(s) who appear nude or in a state of nudity or semi-nude; or
live performances which are characterized by the exposure of specified anatomical areas or by specified sexual activities; or
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.

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

4.7 **ADULT ENTERTAINMENT FACILITY**: Any adult arcade, adult book/video store, adult cabaret, adult mini motion picture theater, adult motel, adult motion picture theater, adult massage establishment, adult nude model studio, adult escort agency, or any other business providing adult material, adult entertainment or adult services.

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

4.9 **ADULT MASSAGE ESTABLISHMENT**: Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation's, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of adult entertainment facilities shall not include the practice of massage in any licensed

hospital, nursing home or medical clinic, nor by any licensed physician, surgeon, chiropractor, osteopath, physical therapist or massage therapist nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program, nor barbershop or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

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

4.11 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.

4.12 ADULT MOTEL: A motel, hotel, or similar commercial establishment which:

Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmission, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or

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

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

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

4.14 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.

4.15 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.

4.16 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.

4.17 ADULT SERVICE: Any service which is distinguished or characterized by an emphasis on specified sexual activities, specified anatomical areas, sexual excitement, or human bodily functions of elimination.

4.18 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.

4.19 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.

- 4.20 **AGRICULTURE.** As used in section 519.02 to 519.25 of the Ohio Revised Code, "agriculture" includes 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.
- 4.21 **ALLEY.** A public or private way not more than thirty (30) feet wide affording only secondary means of access to abutting property.
- 4.22 **BASEMENT.** A story whose floor is more than twelve (12) inches, but not more than half of its story height below the average level of the adjoining ground (as distinguished from a "cellar" which is a story more than one-half (1/2) below such level). A basement, when used as a dwelling, shall be counted as a story for purposes of height measurement, as a half-story for purpose of side yard determinations.
- 4.23 **BED AND BREAKFAST/ TOURIST HOME.** A residential facility that serves as a single-family unit for a permanent family and also includes rooms for tourists and transient guests for short-term "overnight" accommodations.
- 4.24 **BEGINNING OF CONSTRUCTION.** Begins with date of issuance of valid building permit from the Butler County Building and Zoning Department.
- 4.25 **BILLBOARDS OR SIGNBOARD.** Any structure or portion thereof, situated on private premises, on which lettered, figured, or pictorial matter is displayed for advertising purposes, whether a profit or non-profit organization, other than the name and occupation of the user of the premises or the business conducted thereon or the products primarily sold or manufactured thereon.
- 4.26 **BOARD OF ZONING APPEALS.** (FTBZA). The Board of Zoning Appeals of Fairfield Township, Butler County, Ohio.
- 4.27 **BOARD OF TOWNSHIP TRUSTEES:** Board of Fairfield Township Trustees.
- 4.28 **BOARDING OR LODGING HOUSE.** A dwelling of part thereof, other than a hotel or restaurant, where meals and/or lodging are provided, for compensation for three (3) or more persons and where no cooking or dining facilities are provided in individual rooms.
- 4.29 **BUILDING.** Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of person, animals or property.
- 4.30 **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.
- 4.31 **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.
- 4.32 **CHURCH.** A building used principally for religious worship, not to include group homes, schools, or used for any type of permanent or temporary dwelling. Churches shall exist as public buildings, and as such, shall meet state and local building codes.
- 4.33 **CLUB.** A building owned or rented by a non-profit association made up of bona fide members paying dues, the use of which is restricted to said members and their guests.
- 4.34 **COMMERCIAL VEHICLE.** Any motor vehicle that has motor power and is designed and/or used for carrying merchandise or freight, commercial equipment, or that is used as a commercial tractor. Any motor vehicle

rated at 1&1/2 ton or greater that has motor power and is designed and used for occupational, employment or enterprise purposes that is carried for by the owner, lessee, or licensee.

- 4.35 COMMISSION, PLANNING. County Planning Commission of Butler County, Ohio.
- 4.36 COMMISSION, ZONING. (FTWPZC) Zoning Commission of Fairfield Township, Butler County, Ohio.
- 4.37 CONDEMN. To adjudge unfit for occupancy
- 4.38 CONDOMINIUM. A dwelling unit located within a building designed for three (3) or more dwelling units.
- 4.39 CONFERENCE CENTER. A facility designed to provide space for meetings, presentations and seminars. Such facility may also include kitchen facilities and recreational amenities, and not more than 25% of the square footage of the structure(s) may be used for sleeping accommodations.
- 4.40 COURTYARD. An open unoccupied and unobstructed space other than a yard, on the same lot with a building or group of buildings.
- 4.41 COURTYARD, OUTER. A court which extends directly to an opens for its full length on a street, or other permanent open space or yard at least twenty-five (25) feet wide.
- 4.42 DAY CARE CENTER. A place where child day care is provided, with or without compensation, for a daily average of five (5) or more infants, pre-school or school age children. This number shall exclude children of the owner or administrator of the center.
- 4.43 DISTRICT. A portion of the territory of Butler County in which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this ordinance. The term "R-District" shall mean any R-1, R-1A, R-2, R-3, R-4, R-MHP or R-PUD District; the term "B-District" shall mean any B-1, B-2, B-3, B-4 or B-PUD District; the term "M-District" shall mean any M-1 or M-2 District; the term F-1 shall mean flood plain district.
- 4.44 DISTRICT, MORE RESTRICTED OR LESS RESTRICTED. Each of the districts in the following listing shall be deemed more restricted than any of the other districts succeeding it, and each shall be deemed to be less restricted than any of the other districts proceeding it: R-1, R-1A, R-2, R-3, R-4, R-PUD, R-MHP, B-PUD, A-1, B-1, B-2, B-3, M-1, M-2, F-1.
- 4.45 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.
- 4.46 DWELLING, ACCESSORY. A second dwelling located within a principal structure or on the same lot as a principal structure where such accessory dwelling is without full kitchen facilities and is clearly incidental to the principal dwelling.
- 4.47 DWELLING, SINGLE FAMILY. A building designed for or used exclusively for residence purpose by one (1) family or housekeeping unit.
- 4.48 DWELLING, TWO FAMILY. A building designed or used exclusively by two (2) families or housekeeping units.
- 4.49 DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
- 4.50 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.
- 4.51 FAMILY. One or more persons living together as a single housekeeping unit.

4.52 **FLOOD PLAIN.** Lands in Butler County which would be subject to inundation, if the characteristics of the 1913 Miami River flood should be repeated, taking into account the flood control and defense works provided since, based on information available from the Miami Conservancy District, and as defined by and subject to the regulations of the Federal Emergency Management Agency (FEMA).

4.53 **FLOOR AREA.** The total horizontal area of all floors finished as usable area. Measurement of the floor area shall be taken to the outside of the exterior walls. Floor area shall not include: unfinished basement; elevator and stair bulkheads; attic space; terraces; breezeways and open porches; uncovered steps and garages.

4.54 **FRATERNITY.** A club or social activity officially associated with a recognized national association and supervised by an institution for higher education whose membership is limited exclusively to students of said institution and/or association.

4.55 **GARAGE, RESIDENTIAL.** 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.

4.56 **GARAGE, BUSINESS.** A structure or portion thereof, used for the storage, sale, hire, care, repair vehicles or trailers.

4.57 **GARBAGE.** The animal or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

4.58 **HABITABLE SPACE.** Space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.

4.59 **HIGHWAY, PRIMARY.** An officially designated, federal or state numbered highway or a county or other road designated as a primary thoroughfare on the official Land Use Plan and/or the official Thoroughfare Plan for Butler County, Ohio.

4.60 **HIGHWAY, SECONDARY.** A county or other road designated as a secondary thoroughfare on the official Land Use Plan and/or the Official Thoroughfare Plan for Butler County, Ohio.

4.61 **HOME OCCUPATION.** Any occupation or profession fully or partially carried on in a residential dwelling that causes excess; traffic, materials storage, or other nuisances, by a member of the immediate family residing on the premises.

4.62 **HOSPITAL.** An establishment for the medical, surgical or psychiatric care of bed patients of a continuous period longer than twenty-four (24) hours, which is open to the general public twenty-four (24) hours each day for emergency care as licensed by the State of Ohio Department of Health.

4.63 **IMMEDIATE AND/OR INTERMEDIATE HEALTH CARE FACILITY.** An establishment which provides emergency and short term medical care such as out patient procedures and is fully licensed by the State of Ohio Department of Health.

4.64 **IMMINENT DANGER.** A condition which could cause serious or life-threatening injury or death at any time.

4.65 **INFESTATION.** The presence, within or contiguous to, a structure or premises of insects, rats, vermin or other pests.

4.66 **INOPERABLE VEHICLE.** Any transportation device which is unfit for use or due to not being currently licensed for use on roads in the State of Ohio or is unfit for travel due to the lack of a part or parts so as to make it not road worthy according to the Ohio Revised Code.

4.67 **JUNK.** Waste, discarded or compiled: metal; paper; tires; building materials or equipment; bottles; glass; appliances; furniture; fixtures; rags; rubber; inoperable: motor vehicles, recreational vehicles, farm equipment or

implements not used in conjunction with a permitted farm operation, boats, or parts thereof; except when processed as part of a recycling operation in permitted areas.

- 4.68 JUNK YARD. Open areas where waste, and/or discarded or salvaged materials are stored, bought, sold, exchanged, baled, packed, disassembled or handled, including house wrecking yards, used lumber yards and a place for storage of house wrecking and structural steel materials and handling equipment, except for junk tire storage.
- 4.69 JUNK, VEHICLE. (See Inoperable Vehicle).
- 4.70 KENNEL. Any structure or premises on which five (5) or more dogs and/or cats that are more than five (5) months of age are kept.
- 4.71 LAND USE PLAN. The long range plan for the desirable use of land in Butler County as officially adopted, and as amended from time to time, by the Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs, in the appropriate subdividing and development of undeveloped land, and in the acquisition of rights-of-way or sites for such public facilities as streets, park, schools and other public buildings. (See Section 4.85: Thoroughfare Plan)
- 4.72 LET FOR OCCUPANCY OR LET. To permit, provide or offer possession or occupancy of a dwelling, dwelling unit, rooming unit, building, premise or structure by a person who is or is not the legal owner of record thereof, pursuant to a written or unwritten lease, agreement or license, or pursuant to a recorded or unrecorded agreement of contract for the sale of the land.
- 4.73 LOT. A piece or parcel or tract of land occupied or intend 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.
- 4.74 LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one-hundred thirty-five (135) degrees. The point of intersection of the street lines is the “corner”.
- 4.75 LOT COVERAGE. That portion of a lot, which may be covered with structures including all principal and accessory structures under roof.
- 4.76 LOT FRONTAGE. That portion of a lot running along the right-of-way lines of any adjoining unlimited access public thoroughfare. When the lot is located on a curve in the road or on a cul-de-sac the lot frontage may be measured along the curved building line provided that the side property lines run radial to the curve.
- 4.77 LOT, INTERIOR. A lot other than a corner lot.
- 4.78 LOT, AREA. The computed area contained within the lot lines.
- 4.79 LOT, DEPTH. The mean horizontal distance between the front and rear lot lines.
- 4.80 LOT, LINES. The property lines bounding the lot.
- 4.81 LOT LINE, FRONT. The line separating the lot from a street. May be the centerline of the road on established rights of way or the right of way line dedicated rights of way.
- 4.82 LOT LINE, REAR. The lot line opposite and most distant from the front lot line.
- 4.83 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.
- 4.84 LOT LINE, STREET OR ALLEY. A lot line separating the lot from a street or alley.

- 4.85 LOT WIDTH. The mean width of the lot measured at right angles to its depth.
- 4.86 MANUFACTURED HOME. Any non-self-propelled vehicle, so designed for transportation after fabrication on streets, highways, land, air, or water, and arriving at the site where it is to be occupied as a one-family dwelling unit complete and ready for occupancy as such except for minor and incidental unpacking and assembly operations and fixed to the ground with appropriate tie-downs and supports, connections to utilities and approved sanitary facilities. Not including recreational vehicles.
- 4.87 MANUFACTURED HOME PARK. An area of land divided into three (3) or more sites with foundations laid out to provide sites for manufactured homes permanently affixed to the land for a period of time exceeding sixty (60) days; including any building or structure, fixture or equipment that is used or intended to be used in connection with providing that accommodation, including provisions of sewer, water, electric and any other similar facilities required to permit occupancy of such manufactured homes thereon.
- 4.88 MODULAR HOUSING. An assembly of materials or products comprising all or part of a total residential structure that, when constructed, is certified by the State of Ohio or other certified agencies to meet required Building Codes, is self-sufficient, or substantially self-sufficient, and contains plumbing, wiring and heating at the point of manufacture, and which, when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.
- 4.89 MOTEL/HOTEL. A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guest.
- 4.90 NON-CONFORMING USE. A building, structure, accessory building or premises legally existing and/or used at the time of adoption of this Resolution, or any amendment thereto, and which does not conform with the use regulations prescribed by this resolution for the district in which located.
- 4.91 OFFICES OR FACILITIES FOR MEDICAL AND ALLIED HEALTH CARE. A building, structure, or premises used by licensed, professional health care providers for the healing arts and counseling of persons on an out-patient basis.
- 4.92 OWNER. Any person, agent, operator, firm or corporation having legal or equitable interest in the property; or recorded in the official records of the state, county, or township, as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by the court.
- 4.93 OUTDOOR ADVERTISING/BILL BOARDS. Any sign used as a freestanding sign, which has a maximum allowable size of 448 square feet in area.
- 4.94 PARKING AREA, PRIVATE. An open area for the same uses as a private garage.
- 4.95 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.
- 4.96 PARKING SPACE. A permanently surfaced area, concrete, asphalt or equivalent of not less than one hundred eighty (180) square feet, either with a structure or in the open, exclusive of driveways or access drives, for the parking of one (1) motor vehicle.
- 4.97 PLANNED UNIT DEVELOPMENT. A development that is planned to integrate a variety of uses with collateral uses, in which lot size, setback lines, yard areas, and building types may be varied and modified to achieve particular design objectives and make provisions for open spaces, common area, utilities, public improvements, and collateral uses.
- 4.98 PUBLIC BUILDINGS. Any structure owned or occupied by a government entity and/or public agency for use by the general public.

4.99 RECREATIONAL VEHICLES PARK. An area of land containing two (2) or more travel trailers or providing space where two (2) or more travel trailers are harbored or parked or intended to be harbored or parked for a maximum of sixty (60) days, 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.

4.100 RECREATIONAL VEHICLES. Any vehicle or mobile structure which is designed for highway travel on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicles; 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.

4.101 REST HOMES/NURSING HOMES. An establishment that provides full-time convalescent or chronic care or both for three (3) or more individuals who are not related by blood or marriage to the operator and whom, by reason of chronic illness or infirmity, are unable to care for themselves.

4.102 ROAD. See "Street".

4.103 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.

4.104 ROW HOUSE. See "Town House".

4.105 RUBBISH. Combustible and non-combustible waste materials, except for garbage; the term shall include the residue from the burning of wood, coal, coke and other combustible materials, paper rags, cartons, boxes, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery and dust and other similar materials.

4.106 SECOND STORY RESIDENTIAL. A dwelling unit or units above a first story commercial use.

4.107 SEXUALLY ORIENTED BUSINESSES: Adult entertainment facilities (public or private and whether all or part) and/or uses including but not limited to: Cabarets, Clubs, Adult Video and any other sexually oriented activities and/or materials for sale, for rent or accessible by any means.

4.108 SCHOOL, PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY. Any primary, secondary, college or university school or seminary, technical or vocational institute, having regular sessions with regularly employed instructors teaching subjects which are fundamental and essential for a general academic education, under the supervision of, and in accordance with, the applicable statutes of the State of Ohio.

4.109 STABLE, PRIVATE. A structure wherein an owner or occupant of the premises may keep such horses and ponies as said owner or occupant owns, and no other.

4.110 STABLE PUBLIC. A structure for the keeping of horses and ponies that is used by the general public either free of charge or for remuneration purposes as a commercial establishment.

4.111 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.

4.112 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.

4.113 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 care taker and his family, shall be deemed the first story.

- 4.114 STREET. A public right-of-way sixty (60) feet or more in width which provides means of access to abutting property, or any such right-of-way more than thirty (30) feet 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.
- 4.115 STRUCTURE. Anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground.
- 4.116 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams or girders.
- 4.117 SUBDIVISION. A major or minor subdivision, as defined by the Ohio Revised Code, in which property is subdivided into lots having the minimum front, side and rear yards as specified by the Zoning Resolution and with each lot having the requisite frontage on a dedicated public street.
- 4.118 THOROUGHFARE PLAN. The official Thoroughfare Plan as adopted, and as amended from time to time, by the Planning Commission of Butler County, Ohio, establishing the general location and official right-of-way width of the primary and secondary highways and thoroughfares in Butler County, on file in the office of the County Recorder and the County Planning Commission. (See also Section 4.44; Land Use Plan.)
- 4.119 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.
- 4.120 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.
- 4.121 WELL HEAD PROTECTION AREA. The surface and subsurface areas supplying water to wells or well fields through which contaminants are likely to move and reach such wells or well fields. The Wellhead Protection Area includes one (1), five (5), and ten (10) year time-of-travel zones.
- 4.122 WELLHEAD PROTECTION PROGRAM (WHPP). A program established by Section 1428 of the Safe Drinking Water Act of 1986 (Public Law 93-523) designed to minimize the potential for contamination of groundwater being used as a source of public drinking water.
- 4.123 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.
- 4.124 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.
- 4.125 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.
- 4.126 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.
- 4.127 WIRELESS AND CELLULAR HEIGHT. The distance measured from the ground to the highest point on a tower, structure or antenna.
- 4.128 WIRELESS AND CELLULAR EQUIPMENT. Any antenna, satellite dish, communication device or equipment which is used for transmitting, relaying or receiving communication signals, except equipment preempted from regulations by the Telecommunications Act of 1996 (P.L. 104-104), as amended.

- 4.129 WIRELESS AND CELLULAR TELECOMMUNICATIONS 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.
- 4.130 WIRELESS AND CELLULAR TOWER. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.
- 4.131 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.
- 4.132 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.
- 4.133 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.
- 4.134 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.
- 4.135 YARD, REAR, LEAST DEPTH. The shortest distance measured horizontally, between any part of a building, other than such parts herein after excepted, and the rear lot line.
- 4.136 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.
- 4.137 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.
- 4.138 YARD, YARD LEAST WIDTH, HOW MEASURED. Such widths shall be measured from the nearest side lot line and, in case the nearest lot line is a side street lot line from the right-of-way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard width shall be measured from the right-of-way of such street as designed on the Thoroughfare Plan.
- 4.139 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.
- 4.140 ZONING INSPECTOR. The Zoning Inspector or his authorized representative, appointed by the Fairfield Township Trustees of Butler County, Ohio.
- 4.141 ZONING MAP. The Zoning Map or Maps of Fairfield Township, Butler County, Ohio, dated January 1, 1972, together with all amendments subsequently adopted.
- 4.142 ZONING PLAN. The Zoning Resolution of Butler County, Ohio, dated November 17, 1956, together with all amendments and updates subsequently adopted and The Fairfield Township Zoning Resolution, dated January 1 1972, together with all amendments and updates subsequently adopted .

ARTICLE 5**DISTRICTS AND BOUNDARIES THEREOF**

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

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

5.2 The boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of Fairfield Township, Ohio which map or maps are hereby made a part of the 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, Fairfield Township Trustees and Fairfield Township Zoning Commission, Butler County, Ohio.

5.3 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.

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

5.5 Questions concerning the exact location of a district boundary line shall be determined by the Board as provide in subsection 26.7 and in accordance with rules and regulations, which may be adopted by it.

5.6 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.

5.7 In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Butler CountyFairfield Township 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.

5.8 SUMMARY OF PERMITTED AND CONDITIONAL USES BY DISTRICT

RESIDENTIAL USES

P = Permitted
 C = Conditional
 X = Prohibited

| USES | A-1 | R-1 | R-1A | R-2 | R-3 | R-4 | R-PUD | R-MHP | H-B | F-1 |
|--------------------------------|-----|-----|------|-----|-----|-----|-------|-------|-----|-----|
| Agricultural | P | P | P | P | P | P | P | X | P | P |
| Single-Family Dwellings | P | P | P | P | P | P | P | X | P | X |
| Two-Family Dwellings | P | X | X | X | P | P | P | X | P | X |
| Multi-Family Dwellings | X | X | X | X | X | P | P | X | X | X |
| Nursing Homes | C | X | X | X | C | C | X | X | C | X |
| Manufactured Home Park | X | X | X | X | X | X | X | P | X | X |
| Parkland | P | P | P | P | P | P | P | P | X | P |
| Places of Worship | P | P | P | P | P | P | P | X | C | X |
| Schools | P | P | P | P | P | P | P | X | X | X |
| Public Buildings | P | C | C | C | C | C | P | X | C | X |
| Country Clubs | C | C | C | C | C | C | P | X | X | X |
| Golf Courses | C | C | C | C | C | C | P | X | X | X |
| Hospitals | C | C | C | C | C | C | P | X | X | X |
| Child Care, Nursery Schools | C | C | C | C | C | C | P | X | X | X |
| Cemeteries | C | C | C | C | C | C | P | X | X | X |
| Public Utilities | P | P | P | P | P | P | P | P | P | X |
| Travel Trailer Parks | C | X | X | X | X | X | X | P | X | X |
| Office Uses | X | X | X | X | X | C | X | X | X | X |
| Kennels & Stables | P | X | X | X | X | X | X | X | X | X |
| Outdoor Advertising | P | X | X | X | X | X | X | X | X | X |
| Airports | C | X | X | X | X | X | X | X | X | X |
| Mining & Quarrying | C | X | X | X | X | X | X | X | X | X |
| Sanitary Landfills | C | X | X | X | X | X | X | X | X | X |
| Animal Hospitals | C | X | X | X | X | X | X | X | X | X |
| Garden Stores | C | X | X | X | X | X | X | X | X | X |
| Bed & Breakfast | C | X | X | X | X | X | X | X | X | X |
| Conference Center | C | X | X | X | X | X | X | X | X | X |

BUSINESS, OFFICE AND INDUSTRIAL USES

P = Permitted
 C = Conditional
 X = Prohibited

| USES | B-1 | B-2 | B-3 | B-4 | M-1* | M-2* | B-PUD |
|-----------------------------------|-----|-----|-----|-----|------|------|-------|
| Dwelling Units | C | C | C | X | X | X | P |
| Retail Uses | P | P | P | X | P | P | P |
| Service Uses | P | P | P | X | X | X | P |
| Restaurants | P | P | P | X | X | X | P |
| Drive-Thru Restaurants | X | P | P | X | X | X | P |
| Auto Service- Minor Repair | P | P | P | X | X | X | P |
| Auto Service- Major Repair | X | P | P | X | X | X | P |
| Financial Institutions | P | P | P | P | X | X | P |
| USES | B-1 | B-2 | B-3 | B-4 | M-1 | M-2 | B-PUD |
| Drive-Thru Financial Institutions | X | P | P | P | X | X | P |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Office Uses | P | P | P | P | P | P | P |
| Office Uses | P | P | P | P | P | P | P |
| Medical Office | X | P | P | X | X | X | P |
| Bed & Breakfast | C | C | X | X | X | X | P |
| Bars | X | P | P | X | X | X | P |
| Commercial Entertainment | X | P | P | X | X | X | P |
| Theaters | X | C | P | X | X | X | P |
| Carpenter, Plumbing, Heating, & Cooling, etc., Shops | X | P | P | X | X | X | P |
| Printing & Publishing | X | P | P | X | X | X | P |
| Funeral Homes | X | P | P | X | X | X | P |
| Garden Stores | X | P | P | X | X | X | P |
| Hotels/Motels | X | C | C | X | X | X | P |
| Animal Hospitals, Veterinary Clinics, Kennels | X | X | P | X | X | X | P |
| Laundry, Clothes Cleaning | X | X | P | X | X | X | P |
| Warehouses | X | P | P | X | X | X | P |
| Building Material/ Retail Lumber Yards | X | X | P | X | X | X | P |
| Commercial Recreation | X | X | P | X | X | X | P |
| Manufacture of: baked goods, candy, pharmaceuticals, toiletries, food products (not meat, fish, sauerkraut, vinegar, yeast) | X | X | X | X | P | P | P |
| Manufacture of semi-finished products: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood yards. | X | X | X | P | P | P | P |
| Outdoor Advertising/Billboards | C | C | P | C | P | P | P |
| Outdoor Storage | X | X | P | X | P | P | X |
| Laboratories | X | X | P | X | P | P | P |
| Bottling Plants | X | X | P | X | P | P | X |
| Trucking Terminals | X | X | X | X | P | P | X |
| Hospitals | X | X | P | X | X | X | X |
| Schools, Universities, Colleges | X | C | C | P | X | X | X |
| Nursery Schools, Child Care | P | P | P | X | X | X | X |
| Contractors Equipment Storage | X | X | P | X | P | P | X |
| Grain and Feed Storage | X | X | P | X | P | P | X |
| Stone and Monument Works | X | X | P | X | P | P | X |
| Blacksmith & Welding Shops | X | X | P | X | P | P | X |
| Foundry, Casting Light Metal Works | X | X | X | X | P | P | X |
| Ice Manufacture | X | X | X | X | P | P | X |
| Storage, Inflammable Liquids | X | X | X | X | X | P | X |
| Auto Wreckage Yards | X | X | X | X | X | C | X |
| Breweries | X | X | X | X | X | P | X |
| Manufacture of Items Mention which Require Noxious Processes | X | X | X | X | X | C | X |

More uses Permitted, refer to Specific Article

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ARTICLE 6**GENERAL PROVISIONS**

6.1 **CONFORMANCE REQUIRED.** Except as herein after 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.

6.2 **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.

6.3 **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 building or structures are located, and no Zoning Certificate shall be required for any such use, building or structure. The Agricultural use exception is subject to a minimum of five (5) acres devoted to such use pursuant to Ohio Revised Code Section 519.21.

6.4 **RETAIL ESTABLISHMENTS AND PLACES OF ENTERTAINMENT.** Nothing contained in this Resolution shall confer any power to prohibit the sale or use of alcoholic beverages in the area where the establishments and operations of any retail business, hotel, lunchroom, or restaurant is permitted.

6.5 **PUBLIC SEWER AND WATER SERVICE.** All uses on lots less than 20,000 square feet shall be provided with public water and sewer service. Where lots are not serviced by public water and sewer service they shall be serviced through private methods that are approved by the County Board of Health.

6.6 **OUTDOOR ADVERTISING.** Outdoor advertising shall be classified as a business use and shall be permitted in districts zoned for industry and business, subject to the provisions of Section 23.5 and the applicable district regulations.

6.7 **FLOOD PLAIN DISTRICT.** Nothing herein provide shall be so construed as to prohibit the owner of lands within and "F-1" District from lawfully filling, draining, construction levels or otherwise improving his land, so as to eliminate or reduce the danger of flood or erosion, in ways that are consistent with applicable FEMA Regulations. The Board shall determine the type and height of any material used.

6.8 **NON-CONFORMING USES OR BUILDINGS.** No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises in 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:

6.8.1 **SUBSTITUTIONS OR EXTENSIONS.** When authorized by the Board, in accordance with the provisions of subsection 26.5, the substitution for a non-conforming use may be made if the new or extended use in more consistent with the provisions of this Resolution for the district in, which the use in located, as determined by the Board of Zoning Appeals pursuant to Section 26.4.1 of this code.

6.8.2 Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

6.8.3 When authorized by the Board, in accordance with the provisions of subsection 26.5, a non-conforming use may be extended throughout those parts of a building which were manifestly designed or arranged for use prior to the date when such use or building became non-conforming, if no structural alterations, except those required by law, are made therein.

6.8.4 **DISCONTINUANCE.** No building, structure or premises where a non-conforming use has ceased for two (2) years or more shall again be put to a non-conforming use.

6.8.5 ZONING CERTIFICATE APPLICATION FOR REPLACING DAMAGE BUILDINGS. Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God; may be restored or reconstructed and used as before such happenings provided that it shall be done within 120 days of such happening an application for a zoning certificate has been applied for and the required plans are submitted provided the building size is not increased and the building can meet current building code standards.

6.8.6 REPAIRS AND ALTERATIONS. Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board of Zoning Appeals.

6.9 CONVERSION OF DWELLING. 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.

6.10 ONE PRINCIPAL BUILDING/DWELLING PER PARCEL. Except as provided in the specific provisions herein after in this resolution, a maximum of one principal building/dwelling shall be permitted per parcel, unless authorized by the Board of Zoning Appeals through the granting of a Variance or as approved in a PUD District.

6.11 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICTS. Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this Resolution, shall have a minimum width and depth equal to the average of the required minimum widths or depths for such side yards, rear yards or courts in the two districts on either side of such zoning boundary line. In 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.

6.12 ACCESSORY BUILDINGS IN R-DISTRICTS:

6.12.1 Accessory buildings shall be permitted in rear and side yards on conventional lots having the standard front, 2-sides and standard rear yard configuration as shown in figure 6.12-Acc1. On lots situated on a corner of two streets an accessory building shall be permitted to be erected in the side yard as shown in figure 6.12-Acc2. Lots with frontage on three sides shall be reviewed for its location of an accessory building as shown in figure 6.12-Acc3. On lots differing from the previously mentioned configurations, placement of an accessory building shall be reviewed for its compliance.

6.12.2 Accessory buildings without the requirements of footings or piers or any form of permanent foundation may be permitted to be placed no closer to the property lines than three (3) feet. Accessory building requiring permanent foundations or pier footings shall be a minimum of five (5) feet to a side property line and minimum of ten (10) feet from the rear property line, and shall not be placed in any drainage or utility easement. Proper plot plans must be filed with the application showing proof of lot layout and any easements, whether the easements are private or public.

6.12.3 No accessory building shall contain facilities used for dwelling purposes.

6.12.4 In any R-District or recorded subdivision, where a corner lot adjoins in the rear yard of a lot fronting on the side street no part of an accessory building on such corner lot shall be nearer a side street lot line than the least depth of front yard required along such side street for a dwelling on such adjoining lot.

6.12.5 Accessory structures, unless an integral part of the principle building, shall be a minimum distance of six (6) feet from principle building.

6.12.6 The number of accessory structures and sizes shall be based on square footage of residential lots as shown below:

| <u>Lot Size (in SQFT)</u> | <u>Max. Size of Bldg. (SQFT)</u> | <u>Max Ht. (ft)</u> | <u>Qty</u> |
|---------------------------|----------------------------------|---------------------|------------|
| Up to 6000 | Up to 650 | 14 | 1 |
| 6001 - 9000 | Up to 750 | 14 | 1 |
| 9001 - 12000 | Up to 900 | 14 | 1 |
| 12001 - 15000 | Up to 1000 | 14 | 1 |
| 15001 - 21800 | Up to 1200 | 14 </td <td>1</td> | 1 |
| 21801 - 43560(1AC) | Up to 1500 | 14 | 1 |
| 43561 - 130680(3AC) | 2000 / each | 20 | 2 |
| 130681 & Above | 2500 / each | 20 | 2 |

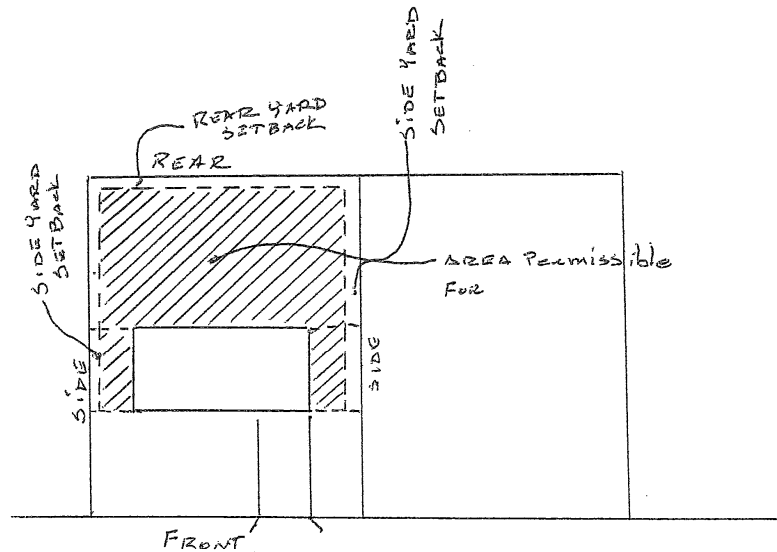


FIGURE 612-ACC 1

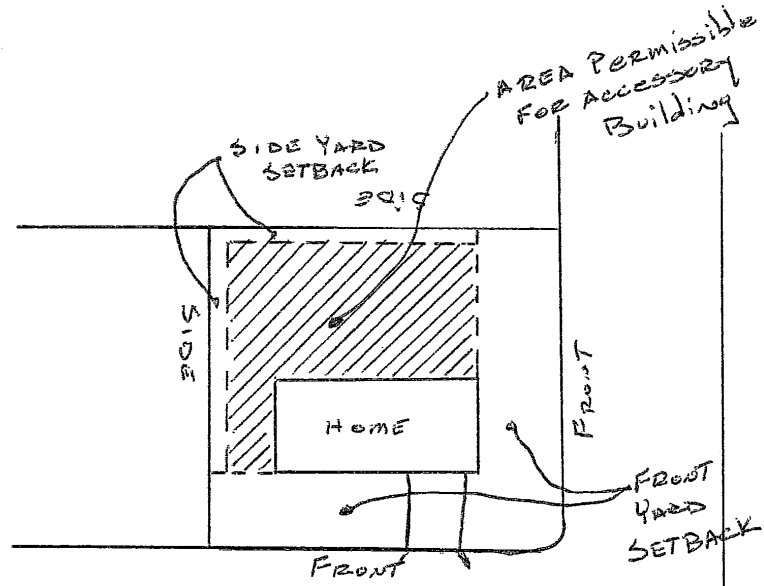


FIGURE 6.12-ACC#2

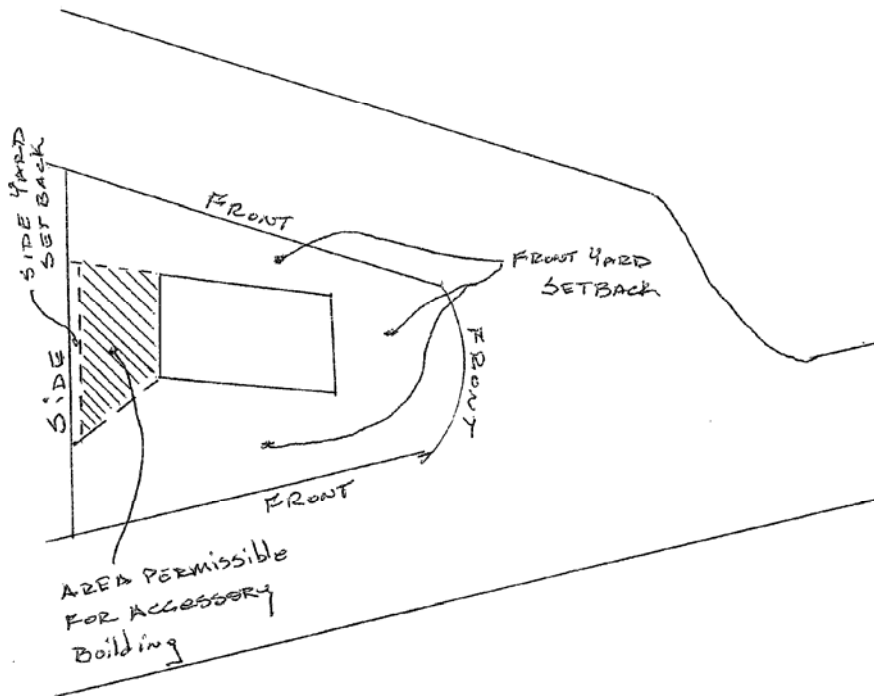


FIGURE 6.12-ACC#3

6.13 ACCESSORY STRUCTURE. All accessory structures, including but not limited to; decks, gazebos, pools, fences, and walls, shall be kept in good repair.

6.13.1 Accessory structures, unless an integral part of the principle building, shall be a minimum distance of six (6) feet from principle building.

6.13.2 Temporary storage devices and dumpsters can be placed on the driveway or rear property for a period no longer than fourteen (14) days. Such items shall not obstruct traffic or be placed in the public right-of-way. Temporary storage devices and dumpsters shall not be placed on any public street unless permission is granted from Fairfield Township. A copy of the rental receipt shall be required for permit application.

6.14 STREET FRONTAGE REQUIRED. Except as permitted by other provisions of this Resolution , no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least the minimum required distance of the applicable zoning district. There shall be no more than one (1) principal use for such frontage.

6.14.1 On a cul-de-sac roadway, of a dedicated public street, the required frontage may be reduced to forty (40) feet. The required forty (40) foot street frontage shall be measured at the street right-of-way completely on the ball of the cul-de-sac.

6.14.2 Frontage along limited-access, interstate roadways shall not be considered as part of the required street frontage in any zoning district.

6.14.3 SIDEWALKS REQUIRED. Sidewalks shall be required on both sides of the street in accordance with Butler County Engineer standards, for a lot platted in a residential subdivision after the effective date of this Resolution which are located in a A-1, R-1, R-1A, R-2, R-3 or R-4 zones.

6.15 TRAFFIC VISIBILITY ACROSS CORNER LOT. In any R-District or recorded residential subdivision on any corner lot, no fence ,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.

6.16 COURT REQUIREMENTS. Where a court is provided for the purpose of furnishing light and air to rooms, such courts shall be an outer court, the least dimensions of which shall be as follows:

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

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

6.17 REQUIRED AREA OR SPACE CANNOT BE REDUCED. No lot, yard, court, parking or other space shall be reduced in area or dimensions so as to make said area or dimensions less than that 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.

6.18 OFF-STREET PARKING AND LOADING. In any district, spaces for off-street parking and for loading or unloading,unloading shall be provided in accordance with the provisions of Section 23.1 of this Resolution.

6.18.1 PARKING AND/OR STORAGE OF TRAILERS, CAMPER,WATERCRAFT, OR OTHER RECREATIONAL VEHICLES. No trailer, camper, watercraft, or other recreational vehicle shall be permitted in any front yard, unless such item is a minimum of fifty (50) feet from any Right of Way, and shall only be stored/parked on an impermeable surface. Any such vehicle or equipment shall not encroach any R-District side or rear yard requirements for accessory buildings. No living quarters shall be maintained or any business conducted while vehicle is so parked.

6.19 UNSAFE BUILDINGS AND STRUCTURES. Shall be removed or reconstructed to meet current Butler County building codes.

6.20 PENDING APPLICATIONS FOR ZONING/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 stated prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month period, and not discontinued until completion, except for reasons beyond the builders' control.

6.21 STREET LIGHTING: All new developments and/or subdivisions are required to install street lighting as provided for under section 515.02 of the Ohio Revised Code.

6.22 GENERAL MAINTENANCE STANDARDS: Any lot in any district shall be maintained and kept in good condition and good repair including all structures, buildings, buildings, accessory buildings and fences. All property owners are expected to: mow grass, cut weeds or brush, remove fallen trees, paint or cover exterior surfaces when needed; repair or replace damaged or deteriorated fences; keep property free of trash, junk, and debris; repair driveways as needed; and other maintenance related items that are necessary to insure the health safety and welfare of the residents of Fairfield Township and to facilitate and maintain the highest possible property values and to enhance the quality of life in our community.

The exterior of a structure shall be maintained in good repair, structurally sound and sanitarily kept so as not to pose a threat to the public health, safety, and general welfare.

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

6.23 JUNK CAR STORAGE: Storing or parking is not permitted on any lot in any district except as provided for under the junk yard provisions of this resolution. Damaged and/or collector type vehicles in the process of restoration shall be stored in a suitable storage facility or accessory building.

6.24 NUMBER OF PRINCIPAL BUILDINGS PER LOT. No more than one (1) principal building per lot in any any A- or R- zoning district, unless otherwise provided within this resolution.

6.25 CONSTRUCTION SITE MAINTENANCE: All contractors, builders and developers are required to keep their construction sites in good order. All debris shall be kept in containers until such time it can be properly disposed of. All roadways, public and private, shall be kept free of construction debris, soil runoff, gravel, etc. Soil erosion control practices (i.e. silt fences, beaver dams) shall be implemented in order to maintain topsoil on site. Open burning of any kind is strictly prohibited unless written permission is obtained from the Fairfield Township Fire Department.

6.26 KENNELS, STABLES AND RIDING STABLES: Are not permitted in any "R" district.

6.27 BUTLER COUNTY: The Butler County Thoroughfare Plan and Land Use Plan are incorporated into this resolution by reference.

6.28 FAIRFIELD TOWNSHIP LAND USE PLAN: Is incorporated into this Resolution by reference.

6.29 PARKING, REBUILDING AND STORAGE OF CAMPERS, TRUCKS, TRAILERS OR OTHER VEHICLES. In any district, where not permitted, the repairing, rebuilding, dismantling or storage of inoperative vehicles outside of an enclosed building shall be prohibited. No inoperable or dismantled vehicle or other vehicle in process of being dismantled shall be kept over thirty (30) days without being in an enclosed building.

6.30 ACCUMULATION OF JUNK PROHIBITED. Unless otherwise permitted by this Resolution, no inoperable vehicle, unlicensed trailer or junk shall be permitted to remain 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 on the lot shall be exempted from these regulations so long as the dumpster remains on the lot no longer than thirty (30) days.

6.31 LAND USE IN WELLHEAD PROTECTION AREAS. The Hamilton/New Baltimore Wellhead Consortium conducted a comprehensive study [The Wellhead Study] to identify environmentally and ecologically

sensitive Wellhead Protection Areas associated with the Great Miami River aquifer. The study included portions of Fairfield Township as depicted by an overlay district on the zoning map.

The Wellhead Study may be used as a reference relating to zone change and conditional use and variance applications for the purpose of considering potential ground water contamination or pollution, which factors bear upon health and safety concerns according to R.C. 519.02.

The applicant shall demonstrate that the intended use will not present an unreasonable risk to designated Wellhead Protection Areas.

6.32 SWIMMING POOLS. Swimming pools shall be maintained in a clean and sanitary condition and in good repair. Swimming pools shall be completely enclosed in a sustainable, well maintained fence or other enclosure with a minimum height of four (4) feet above ground elevation before completion of pool and be equipped with a self closing, locking gate. A construction fence shall be required during the installation of pool. Above ground pools of four (4) feet or greater height shall not require a fence. All above ground pools without a fence enclosure shall have a removable or locking ladder which will not permit access when not in use. Any lighting used to illuminate the pool area shall be so arraigned as to deflect the light from adjoining properties.

6.33 COMMERCIAL VEHICLES. Commercial vehicles are prohibited from being stored or parked in any R-District unless otherwise permitted in this resolution.

6.34 COMMERCIAL EQUIPMENT. Commercial equipment are prohibited from being stored or parked in any R- District unless otherwise permitted in this resolution.

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ARTICLE 7**A-1 AGRICULTURAL DISTRICT**

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

7.2 **PRINCIPAL PERMITTED USES.**

7.2.1 Agricultural and Farms including any customary agricultural use, building, or structure, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, nurseries and greenhouses not including garden stores or supply centers; provided that any building in which more than five (5) farm animals are kept shall be located not less than two hundred (200) feet from any other lot in any R-District or recorded residential subdivision.

7.2.2 On any parcel with two hundred (200) feet or more of frontage and a minimum of five (5) acres, one (1) animal per acre, to a maximum of five (5) animals, is allowed. A building in which five (5) or less farm animals are housed, not including fowl or rabbits which shall be penned, shall be located not less than seventy-five (75) feet from any other lot in any R-District, recorded subdivision or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care not located on the same lot as the said uses or buildings.

7.2.3 One-family detached dwellings, including approved modular housing.

7.2.4 Schools and colleges

7.2.5 Neighborhood and community park land, open spaces.

7.2.6 Kennels and riding stables

7.2.7 Public buildings and properties of an administrative, cultural, recreational or service type; not including repair yards or warehouses.

7.3 **HOME OCCUPATIONS.** Customary incidental home occupations when conducted in a dwelling, as regulated in Section 25, provided that no stock in trade is kept or products sold, except such as are made on the premises; the office of a resident physician, dentist, architect, engineer of similar professional person - including a sign not over one (1) square foot in area in connection with each such use.

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

7.4.1 Accessory buildings on parcels containing five (5) acres or more shall be limited to two (2) accessory buildings not to exceed 1,500 square feet in size for each. For parcels less than five (5) acres refer to sec. 6.12.

7.4.2 A private garage, parking area or stable.

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

7.4.4 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

7.5 CONDITIONAL USES REQUIRING BOARD APPROVAL. These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this Resolution.

7.5.1 Country clubs, golf courses and other recreation area and facilities including swimming pools, provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in an R-District or a recorded residential subdivision.

7.5.2 Hospitals, religious or charitable institutions not including penal or corrective institutions.

7.5.33 Clubs, fraternities, lodges, conference centers and other meeting places of similar organization, not including any use that is customarily conducted as a gainful business.

7.5.44 Cemeteries.

7.5.55 Airports and landing fields.

7.5.66 Commercial hog, fur, or other commercial animal farms.

7.5.77 Commercial mines, quarries and gravel pits, temporary sawmill for cutting timber grown on the premises.

7.5.88 Waste disposal, sanitary landfills, disposal of garbage after prior approval of the Board of County Commissioners and subject to the provisions specified in subsection 22.41.

7.5.99 Animal hospitals and veterinary clinics.

7.5.1010 Nursing Homes.

7.5.1111 Day Care Facilities.

7.5.1212 Garden stores or garden supply centers, subject to the provisions specified in subsection 7.051.

7.5.1313 Group Homes.

7.5.14 Bed and Breakfast.

7.5.15 Storage and sale of grain, livestock feed or fuel.

7.5.16 Wireless communication towers and facilities Wireless communications towers and facilities

7.5.17 Churches, and other similar places of worship.

7.6 REQUIRED CONDITIONS

7.6.1 All uses, buildings or premises for which compliance with the distance requirements in this subsection is stipulated in the foregoing subsections of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District or recorded residential subdivision, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church or any institution for human care not located on the same lot as the said uses or buildings.

7.6.2 Height Regulations: No structure in this district shall be more than 2 1/2 stories or 30 feet in height, except as provided in Section 24.3.

7.6.3 Area, Frontage and Yard Requirements: The following requirements shall be observed, except as modified by provisions of Article 24.

7.6.4 A-1 AGRICULTURAL DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|---|--------------|-------------------|------------------|---------|-----------------|--------------|
| | | | One | Both | | |
| Customary Agricultural uses, as specified in sub-section 7.2.1; other principal permitted uses where larger areas not specified herein above 5 acres. | 300 ft. | 40 ft. | 50 ft. | 100 ft. | 50 ft. | 10% |
| Single family dwellings, churches, public buildings, on less than 5 acres | 200 ft. | 40 ft. | 25 ft. | 50 ft. | 50 ft. | 25% |
| All other permitted and conditionally permitted uses - 1 acre | 200 ft. | 40 ft. | 50 ft. | 100 ft. | 50 ft. | 20% |

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ARTICLE 8**R-1 SUBURBAN RESIDENCE DISTRICT**

8.1 **PURPOSE.** The intent of the R-1 Suburban Residence District is to reserve certain land area for one-family homes on lots containing a minimum of twenty thousand (20,000) square feet. These areas will constitute area of sound residential development.

8.2 **PRINCIPAL PERMITTED USES.**

8.2.1 One-family detached dwellings, including approved modular housing.

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

8.2.3 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in a R-District or a recorded residential subdivision.

8.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5 of this code.

8.3.1 Country clubs, golf courses and other recreation areas and facilities including swimming pools.

8.3.2 Nursery schools and child care centers.

8.3.3 Hospitals, religious or charitable institutions not including penal or corrective institution.

8.3.4 Cemeteries.

8.3.5 Nursing homes.

8.3.6 Public Buildings of administrative, cultural, recreational or service type.

8.3.7 Home Occupations, as regulated in Section 26.

8.3.8 Group Homes.

8.3.9 Churches, and other similar places of worship.

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

8.4.1 A private garage or parking lot.

8.4.2 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

8.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are not vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, these regulations shall not prohibit the keeping of any number of fish in aquarium.

8.6 **REQUIRED CONDITIONS.**

8.6.1 **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 24.3.

8.6.2 **Area, Frontage and yard Requirements:** The following minimum requirements shall be observed; except as modified by provisions of Article 24.

8.6.3 Sidewalks required both sides.

8.6.4 **STREET LIGHTS:** SEE SECTION 6.21.

8.7 **R-1 SUBURBAN RESIDENTIAL DISTRICT**

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|---|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 20,000 sq. ft (1). | 100 ft. | 35 ft. | 15 ft. | 30 ft. | 45 ft. | 40% |
| Other permitted and conditional uses -- 1 acre or as specified in Sec.26.5. | 200 ft. | 35 ft. | 20 ft. | 40 ft. | 45 ft. | 35% |

(1) See subsection 24.4.

ARTICLE 9**R-1-A SUBURBAN RESIDENCE DISTRICT**

9.1 **PURPOSE.** The intent of the R-1-A Suburban Residence District is to reserve certain land areas for one-family homes on lots containing a minimum of fifteen thousand (15,000) square feet where public water and sanitary facilities are available and to designate new undeveloped land acres for such residential development and housing.

9.2 **PRINCIPAL PERMITTED USES.**

9.2.1 One-family detached dwellings, including approved modular housing.

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

9.2.3 Neighborhood and community park land, open space, provide that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any R-District, or a recorded residential subdivision.

9.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this code.

9.3.1 Country clubs, golf courses and other recreation area and facilities including swimming pools.

9.3.2 Nursery schools and child care centers.

9.3.33 Hospitals, religious or charitable institutions not including penal or corrective institution.

9.3.4 Cemeteries.

9.3.5 Public Buildings of administrative, cultural, recreational or service type.

9.3.6 Home Occupations, as regulated in Section 26.

9.3.7 Group Homes.

9.3.8 Nursing homes.

9.3.9 Churches and other similar places of worship.

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

9.4.1 A private garage or parking lot.

9.4.2 Temporary real estate, political and small announcement signs subject to the provisions specified in section 23.2.

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

9.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

9.6 **REQUIRED CONDITIONS.**

9.6.1 **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 24.3.

9.6.2 **STREET LIGHTS:** SEE SECTION 6.2.1.

9.6.3 Sidewalks required both sides.

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

R-1A SUBURBAN RESIDENTIAL DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|--|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 15,000 sq. ft. (1) | 90 ft. | 30 ft. | 10 ft. | 25 ft. | 40 ft. | 40% |
| Other permitted and conditional uses -- 1 acre | 200 ft. | 35 ft. | 20 ft. | 40 ft. | 40 ft. | 35% |

(1) See subsection 24.4.

ARTICLE 10**R-2 SINGLE-FAMILY RESIDENCE DISTRICT**

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

10.2 **PRINCIPAL PERMITTED USES.**

10.2.1 One-family detached dwellings, including approved modular housing.

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

10.2.3 Neighborhood and community park land, open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.

10.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in sections 26.41 and 26.5 of this code.

10.3.1 Country clubs, golf courses and other recreation areas and facilities including swimming pools.

10.3.2 Nursery schools and child care centers.

10.3.3 Hospitals, religious or charitable institutions not including penal or corrective institution.

10.3.4 Cemeteries.

10.3.5 Home occupations as regulated in Section 26.

10.3.6 Public Buildings of administrative, cultural, recreational or service type.

10.3.7 Group Homes.

10.3.8 Nursing homes.

10.3.9 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

10.3.10 Churches and other similar places of worship.

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

10.4.1 A private garage or parking lot.

10.4.2 Temporary real estate, political and small announcement signs subject to the provisions specified in section 23.2.

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

10.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

10.6 REQUIRED CONDITIONS.

10.6.1 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 24.3.

10.6.2 STREET LIGHTS: SEE SECTION 6.21.

10.6.3 Sidewalks required both sides.

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

R-2 SUBURBAN RESIDENTIAL DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|--|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 9,000 sq. ft (1). | 75 ft. | 30 ft. | 8 ft. | 20 ft. | 40 ft. | 40% |
| Other permitted uses 20,000 sq. ft. | 100 ft. | 30 ft. | 30 ft. | 45 ft. | 45 ft. | 40% |

(1) See subsection 24.4

ARTICLE 11**R-3 ONE AND TWO FAMILY RESIDENCE DISTRICT**

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

11.2 **PRINCIPAL PERMITTED USES.**

11.2.1 One-family detached dwellings, including approved modular housing.

11.2.2 Two family dwellings.

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

11.2.4 Neighborhood and community park land, open space, provide that any principal building or swimming pool shall be located not less than one hundred (100) feet from any lot in any R-District , or a recorded residential subdivision.

11.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this code.

11.3.1 Country clubs, golf courses and other recreation area and facilities including swimming pools.

11.3.2 Nursery schools and child care centers.

11.3.3 Hospitals, religious or charitable institutions not including penal or corrective institution.

11.3.4 Cemeteries.

11.3.5 Home Occupations, as regulated in Section 26.

11.3.6 Rest homes or nursing homes for convalescent patients.

11.3.7 Public Buildings of administrative, cultural, recreational or service type.

11.3.8 Group Homes.

11.3.9 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

11.3.10 Churches and other similar places of worship.

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

11.4.1 A private garage or parking area.

11.4.2 Temporary real estate, political and small announcement signs subject to the provisions specified in section 23.2.

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

11.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

11.6 **REQUIRED CONDITIONS.**

11.6.1 **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 24.3.

11.6.2 Sidewalks required both sides.

11.6.3 **STREET LIGHTS:** SEE SECTION 6.202.1

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

R-3 SUBURBAN RESIDENTIAL DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|---|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 7,000 sq. ft. (1) | 60 ft. | 25 ft. | 8 ft. | 20 ft. | 30 ft. | 40% |
| Two-family dwellings 10,000 sq. ft. | 80 ft. | 25 ft. | 8 ft. | 20 ft. | 40 ft. | 40% |
| Other permitted uses— same as R-2 District conditional uses as specified in Sec. 26.5. | 100 ft. | 30 ft. | 15 ft. | 30 ft. | 40 ft. | 40% |

(1) See subsection 24.4.

ARTICLE 12**R-4 MULTIPLE FAMILY RESIDENCE DISTRICT**

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

12.2 **PRINCIPAL PERMITTED USES.**

12.2.1 One-family detached dwellings, including approved modular housing.

12.2.2 Two-family dwellings

12.2.3 Multi-family dwellings; garden apartments, row dwellings, town houses.

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

12.2.5 Neighborhood and community park land, open space.

12.2.6 Public utility or railroad structures uses.

12.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this code.

12.3.1 Country clubs, golf courses and other recreation area and facilities including swimming pools.

12.3.2 Nursery schools and child care centers.

12.3.3 Hospitals, religious or charitable institutions not including penal or corrective institution.

12.3.4 Cemeteries.

12.3.5 Home Occupations, as regulated in Section 26.

12.3.6 Rest homes or nursing homes for convalescent patients.

12.3.7 Public Buildings of administrative, cultural, recreational or service type.

12.3.8 Office uses.

12.3.9 Group Homes.

12.3.10 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

12.3.11 Churches and other similar places of worship.

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

12.4.1 A private garage or parking area.

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

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

12.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

12.6 **REQUIRED CONDITIONS.**

12.6.1 **HEIGHT REGULATIONS.** No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

12.6.2 Sidewalks required both sides.

12.6.3 **STREET LIGHTS:** SEE SECTION 6.20.

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

R-4 MULTIPLE FAMILY RESIDENTIAL DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|--|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 6,500 sq. ft. (1) | 55ft. | 25ft. | 8ft. | 18ft. | 35ft. | 30% |
| Two-family dwellings 7,500 sq. ft. | 60 ft. | 25 ft. | 10 ft. | 20 ft. | 40 ft. | 35% |
| Three-family dwellings 9,000 sq. ft. | 70 ft | 25 ft. | 10 ft. | 22 ft. | 40 ft. | 40% |
| Four-family dwellings 10,000 sq. ft. | 75 ft. | 25 ft. | 12 ft. | 26 ft. | 45 ft. | 40% |
| Multi-family dwellings (over 4 Families) 2,500 sq. ft. per dwelling unit | 100 ft. | 25 ft. | 14 ft. | 28 ft. | 50 ft. | 40% |
| Other permitted and conditional uses as specified in Sec. 26.5. | 100 ft. | 30 ft. | 10 ft. | 40 ft. | 50 ft. | 40% |

(1) See subsection 24.4.

ARTICLE 13**PLANNED UNIT DEVELOPMENT DISTRICT**

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

13.2 **REQUIRED CONTENTS OF THE PRELIMINARY R-PUD AND B-PUD PLAN.** The owner/developer(s) are encouraged to engage in informal consultation with the Zoning Inspector and Planning Commission prior to preparing the Preliminary PUD Plan, it being understood that no statement or representation by the Zoning Inspector or Planning Commission shall be binding upon the Fairfield Township Zoning Commission and/or the Fairfield Township Trustees. The owner/developer(s) of the tract of land to be developed on a planned unit basis shall prepare a Preliminary PUD Plan and shall submit nine (9) copies of this Preliminary PUD Plan along with an Application for a Change of Zoning District, to the Township Zoning Commissioners for their consideration. The Preliminary PUD Plan shall include the following items:

13.2.1 Base mapping of the property showing the physical features (general topography, drainage ways and water bodies, etc.) and existing land uses including the current zoning of the adjacent properties.

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

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

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

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

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

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

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

13.2.9 Time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a two (2) year time period following approval of a final PUD plan by the Zoning Commission.

13.3 **PROCEDURE.**

13.3.1 The owner/developer(s) shall submit this application for PUD zoning, and the Preliminary PUD Plan for the proposed development to the Township Zoning Commission for its review and recommendation. The Township Zoning Commission shall advertise and hold a public hearing in accordance with procedures outlined in the Ohio Revised Code, Section 519.021. Following the public hearing, the Township Zoning Commission shall forward the application, Preliminary Plan, their written recommendations, and the report from the Butler County Planning Commission to the Board of Fairfield Township Trustees, who shall advertise and hold a public hearing and approve, modify or disapprove the application and Preliminary PUD Plan in accordance with the procedures outlined in the Ohio Revised Code, Section 519.021 and those specified in Section 13.4 and 13.5 of this Resolution.

13.3.2 The Zoning Commission may explicitly impose special conditions relating to the Planned Unit Development with regard to the type and extent of public improvements to be installed, as well as to landscaping;

development, improvement and maintenance of common open space; and other pertinent development characteristics.

13.4 CONDITIONS FOR APPROVAL OF THE PRELIMINARY PUD PLAN.

13.4.1 Upon receipt of the report of the Fairfield Township Zoning Commission, the Board of Fairfield Township Trustees shall study and review the proposed PUD applications and Preliminary PUD plan to (1) see that all requirements have been satisfied and (2) ascertain that the following specific conditions are full met:

13.4.2 That the PUD District is in conformance with the Land Use Plan for Butler County, The Butler County Thoroughfare Plan, and the Land Use Plan for Fairfield Township.

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

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

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

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

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

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

13.5 BOARD OF FAIRFIELD TOWNSHIP TRUSTEES ACTION.

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

13.5.2 At the time of adopting any resolution establishing an R-PUD or a B-PUD District, the Board of Fairfield Township Trustees shall make appropriate arrangements with the applicant which will ensure the accomplishment of the public improvements and reservation of common open spaces as shown on the approved Preliminary PUD Plan.

13.5.3 TIME LIMITS AND EXTENSIONS. The Preliminary PUD Plan shall become null and void unless within three (3) years of Final PUD Plan for the first section of the planned unit landholding has been formally approved by the Zoning Commission in accordance with the conditions for approval specified in Section 13.6 and 13.8 and unless the final Subdivision Plan, where applicable, shall have been recorded in the Office of the Butler County Recorder.

13.5.4 A request for an extension of time limit or the minor modification of the Preliminary PUD Plan may be approved by the Fairfield Township Trustees. Such approval shall be given upon a finding of the purpose and necessity for such extension or minor modification and evidence of reasonable effort toward the accomplishment of the Preliminary PUD Plan, as well as the recommendation of the Fairfield Zoning Commission.

13.5.5 Should any PUD Plan become null and void as provided in Section 13.5.3, the subject PUD Zoning will revert back to the previous zoning district, subject to the provisions of Section 13.5.4

13.6 FINAL PUD PLAN APPROVAL PROCEDURE.

13.6.1 Once the R-PUD or B-PUD Zoning District and the Preliminary PUD Plan have been approved by the Fairfield Township Trustees, the owner/developer(s) shall proceed with the preparation of the detailed Final PUD Plan(s). The detailed Final PUD Plan(s) must be reviewed and approved by the (Planning Director) Zoning Commission prior to the issuance of any zoning certificates by the Zoning Inspector.

13.6.2 The detailed Final PUD Plan(s) shall be in accordance with the approved Preliminary PUD Plan; shall be prepared for the owner/developer(s) by a professionally competent urban planner, professional engineer, architect or landscape architect; and shall include the following;

13.6.3 Survey of the tract to be developed showing existing physical features (general topography, drainage ways and tree cover) and streets, easements and utility lines.

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

13.6.5 Preliminary building plans, including floor plans and exterior elevations.

13.6.6 Landscaping plans including quantity, size and variety of landscaping.

13.6.7 Specific engineering plans, including site grading, street improvements, drainage, soil testing if required, utility improvements, and extensions as necessary.

13.6.8 All necessary legal documentation relating to the incorporation of a Homeowner's Association in the case of an R-PUD or other similar association in the case of a B-PUD for the purpose of maintaining the specified common open space of common tenant space within the Planned Unit Development.

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

13.7 MAJOR CHANGES. Should the formulation of the detailed Final PUD Plan (s) for any section of the total Planned Unit Development landholding necessitate a major change in the original Preliminary PUD Plan, reconsideration and approval by the Board of Fairfield Township Trustees shall be required in accordance with the procedures specified in Sections 13.03 through 13.08 inclusive. Major changes shall include but not be limited to:

13.7.1 A change in overall density of the development.

13.7.2 Changes in the outside boundaries of the Planned Unit Development Landholding.

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

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

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

13.8.1 Upon receipt of the detailed Final PUD Plan(s) for each section of the Planned Unit Development landholding, the Fairfield Township Zoning Commission shall study and review the detailed Final PUD Plan(s) and shall approve, modify or disapprove the plan(s) on the basis of; (1) that all requirements have been satisfied, and (2) finding that the following specific conditions are fully met:

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

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

13.8.4 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 Fairfield Township Zoning Commission, left in its natural state.

13.8.5 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 Fairfield Township Zoning Commission and the Board of Fairfield Township Trustees.

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

13.8.7 That the Final PUD Plan(s) is consistent with the intent and purpose of this Resolution to promote public health, safety and general welfare of the residents of Fairfield Township, Butler County.

13R. R-PUD PLANNED UNIT DEVELOPMENT DISTRICT

13R.1 **PURPOSE.** The Residential-Planned Unit Development District (R-PUD) is intended to provide a permissive and alternate zoning procedure for residential development and housing. The Planned Unit Development District shall be used only when a relatively large landholding under unified ownership is planned and developed as a unit in accordance with an approved overall Preliminary PUD Plan and subsequently detailed Final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines, dwelling types and “cluster” type site planning whereby provisions for maximum overall “gross” density are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

13R.2 PRINCIPAL PERMITTED USES.

13R.2.1 One-family detached dwellings, including approved modular housing.

13R.2.2 Two-family dwellings

13R.2.3 Multi-family dwellings; garden apartments, row dwellings, town houses.

13R.2.4 Group Homes

13R.2.5 Neighborhood and community park land, private parks and common open space; provided that any principal building or swimming pool shall be located not less than one hundred (100) feet from any other lot in any R-District or a recorded subdivision.

13R.2.6 School.

13R.2.7 Public Buildings.

13R.2.8 County Clubs

13R.2.9 Golf Courses.

13R.2.10 Hospitals.

13R.2.11 Child Care, Nursery Schools.

13R.2.12 Cemeteries.

13R.2.13 Public Utilities.

13R.3 CONDITIONAL USES REQUIRING BOARD APPROVAL

13R.3.1 Churches and other similar places of worship.

13R.4 **DESIGN STANDARDS.** Unless otherwise specified below, the design standards for area, coverage, yard requirements, parking and screening for a proposed Planned Unit Development in the R-PUD District shall be governed by the standards of the “R” zoning district(s) consistent in nature and function to the proposed R-PUD District use(s) as determined by the Planning Commission. Standards for public improvements shall be governed by applicable ordinances and laws of the Township and County.

13R.4.1 MINIMUM LOT AREA, MINIMUM LOT AND MAXIMUM DENSITY.

13R.4.1.1 The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.

13R.4.1.2 Where the Planned Unit Development includes one-family dwelling units only, the maximum gross density shall not exceed four and one-half (4 1/2) dwelling units per acres.

13R.4.1.3 Where the Planned Unit Development includes both one-family and two-family dwelling units, the maximum gross density shall not exceed eight and one-half (8 1/2) dwelling units per acres.

13R.4.1.4 Where the Planned Unit Development contains a combination of single-family, two-family and multiple-family dwelling units, the maximum gross density shall not exceed twelve (12) dwelling units per acre.

13R.4.1.5 Where the R-PUD Planned Unit Development contains multiple-family dwelling units only, such project shall not exceed fifteen (15) acres and the maximum gross density shall not exceed thirteen (13) dwelling units per acre. Total open space for such projects shall be increased by ten percent (10%) over the open space requirements in Section 13R.033. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.03. Any project consisting of a building(s) more than three (3) stories may be allowed. However, open space requirements and building height shall be determined by the Fairfield Township Zoning Commission for such projects prior to submittal of the Preliminary PUD Plan or Final PUD Plan to the Fairfield Zoning Commission.

13R.4.2 YARDS. Subsequent to receiving approval of the R-PUD Preliminary PUD Plan from the Board of Fairfield Township Trustees, the owner/developer(s) shall establish the front, side and rear yard setbacks may vary from the regulations of Butler County relating to the platting of land pursuant to the Ohio Revised Code, Section 711.001 through 735.26 inclusive, subject to the review by the Planning Commission and approval by the Fairfield Township Zoning Commission.

13R.4.3 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common space. The minimum percentage of land area to be reserved shall be 25%. This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, golf courses, bridle paths, drainage ways, swimming pools, clubhouses, tennis courts, and other lands of essentially open character, exclusive of off-street parking areas and street rights-of-way. Ownership of this common open space either shall be transferred to a legally established Homeowners Association or be dedicated to Butler County-Fairfield Township and proper legal documents necessary for such transfer or dedication shall be approved by the Board of County Commissioners/Fairfield Township Trustees. Common open space that includes clubhouses, golf courses or other recreational facilities may remain in private ownership. However, size of such areas shall be determined by the Fairfield Township Zoning Commission. If accepted by the Township, all areas except for any open space areas so donated which are in excess of the minimum requirements approved hereunder shall be restricted to open space uses.

13.B B-PUD PLANNED UNIT DEVELOPMENT DISTRICT.

13B.1 **PURPOSE.** Business-Planned Unit Development District (B-PUD) is intended to provide a permissive and alternative zoning procedure for commercial and/or industrial development in the Township. The B-PUD shall be used as an option in areas of the Township with access to a primary or secondary thoroughfares. The projects are allowed to take advantage of shared parking, cluster building sites, reduced curb-cuts and unified signage. The B-PUD District shall be developed in accordance with an approved overall preliminary PUD Plan and subsequently detailed final PUD Plan for each section of the total landholding. The planning and development of the Planned Unit Development shall be carried out in such a manner as to have minimum adverse effects on the natural features and environment of the planned unit tract and its surrounding areas. Planned Unit Development typically features varied setback lines and “cluster” type site planning whereby provisions for maximum overall lot coverage’s are established to permit creation of usable common space without jeopardizing the overall intent of the Zoning Resolution or the public health, safety and welfare.

13B.2 **PRINCIPAL PERMITTED USES.** Any retail and/or services uses including but not limited to, grocery or other food stores, drug stores, barber shops, beauty salons, bakery goods, dry cleaning and laundry pick-up stations, business and professional offices and the like, supplying commodities or performing services.

13B.2.1 Restaurants, including drive-in restaurant, bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments.

13B.2.2 Financial institutions, including drive-in institutions.
Manufacturing and research facilities that are permitted in the M-1 District.

13B.2.3 Nursery Schools and Child Care Facilities.

13B.2.4 Office Uses.

13B.2.5 Office for Medical and Allied Health Care.

13B.2.6 Commercial Entertainment.

13B.2.7 Theaters.

13B.2.8 Hotels/Motels.

13B.2.9 Animal Hospitals, Veterinary Clinics, Kennels.

13B.2.10 Building Material and Retail Lumber Yards.

13B.2.11 Commercial Recreation.

13B.2.12 Outdoor Advertising/Billboards.

13B.2.13 Laboratories.

13B.2.14 Hospitals.

13B.2.15 CONDITIONAL USES REQUIRING BOARD APPROVAL

13B.2.15.1 Adult Entertainment Uses and Facilities defined in Section 4.0110 thru 4.0126, subject to the special provisions of Article 23.05 thru 23.0502.

13B.3 **DESIGN STANDARDS.** Unless otherwise specified below, the design standards for area, coverage, yard requirements, parking and screening for a proposed Planned Unit Development in the B-PUD District shall be governed by the standards of the “B” zoning district(s) most similar in nature and function to the proposed B-PUD District use(s) as determined by the Planning Commission. Exceptions to these standards may be granted by the

Board of Fairfield Township Trustees. Standards for public improvements shall be governed by applicable ordinances and laws of the township.

13B.3.1 MINIMUM LOT AREA. The tract of land to be developed on a planned unit basis shall be a minimum of three (3) acres.

13B.3.2 YARD REQUIREMENTS. The perimeter of the lot shall maintain a minimum of fifty (50) feet for side and rear yard setback requirements. A minimum of twenty (20) feet is required between unattached buildings, and a minimum of fifty (50) feet is required between residential zoning districts and all commercial buildings. No structure shall be allowed closer than twenty (20) feet from a public right-of-way.

13B.3.3 LOT COVERAGE. The total lot coverage of a Business-Planned Unit Development shall be no more than eighty (80) percent for projects under 10 acres and sixty-five (65) percent for all other projects; percents shall be calculated for the total development area.

13B.3.4 COMMON OPEN SPACE. There shall be reserved, within the tract to be developed on a planned unit basis, a minimum percentage of land area of the entire tract for use as common open space. This minimum percentage of land area shall be 20% for all tracts.

This common open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this common open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking area and street rights-of-way. Maintenance of this common space shall be the responsibility of the commercial management entity of the development and/or the developer.

13B.3.5 PARKING AND LOADING REQUIREMENTS. Parking and loading requirements shall be calculated as per Section 23.1 and 23.1.1 of these regulations for each intended use in the development. The total number of required spaces may be reduced by up to 10% if the Board of Fairfield Township Trustees determines that all uses can adequately be served by shared parking spaces. Loading requirements may be varied as deemed appropriate by the Fairfield Township Trustees if provisions are adequately addressed through a shared facility, however, no uses shall address their loading needs from the front of the structure.

13B.3.6 HEIGHT REQUIREMENTS. No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3. Any project consisting of a building(s) more than three (3) stories may be allowed. However, open space requirements and building height shall be determined by the Butler County Planning Commission for such projects prior to submittal of the preliminary PUD plan or final PUD plan to the Fairfield Zoning Commission.

13B.3.7 SCREENING. A landscaped and/or mechanical screen shall be provided at the rear and side lot lines of the project as approved by the Board of Fairfield Township Trustees.

ARTICLE 14**R-MHP MANUFACTURED HOME PARK DISTRICT**

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

14.2 **GENERAL PROVISIONS.**

14.2.1 Manufactured Homes, recreational vehicles, boats and house vehicles shall not be used as living quarters; except that manufactured homes may be occupied within a Manufactured Home Park.

14.2.2 No one may apply for a Zoning Certificate and Building Permit for a Manufactured Home Park without first obtaining an approval of plans from the State of Ohio, Environmental Protection Agency.

14.2.3 Any manufactured home not located within a Manufactured Home Park is privileged to remain at its recent location and shall be allowed to be replaced under conditions approved by the board provided no conditional use permit has been previously granted by said Board to the contrary.

14.2.4 No existing manufactured home park may be expanded without making application for a zoning permit and meeting the requirements of this Article. Any manufactured home park existing prior to the enactment of this resolution shall be exempt from the requirements of this Article. However, any addition to said park, shall meet the requirements of this Article.

14.2.5 The parking of any recreational vehicles, boats and house vehicles in an accessory private garage, building or in a rear yard in any district shall be permitted provided no living quarters shall be maintained or any business conducted while vehicle is so parked.

14.3 **PRINCIPAL PERMITTED USES.**

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

14.3.2 Private parks and common open space; provided that any principal building or swimming pool shall be located not less than two hundred (200) feet from any other lot in any R-District or a recorded residential subdivision.

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

14.4 **MANUFACTURED HOME PARK PLAN FILING PROCEDURE AND REQUIREMENTS.**

14.4.1 The owner/developer(s) shall file a Manufactured Home Park Plan for a proposed manufactured home park located within an existing R-MHP District with the Zoning Inspector. The Mobile Home Park Plan shall include and specify the information required in this Article, and shall contain the following text and map information.

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

14.4.3 Proposed location, size and use of the nonresidential portions of the tract, including usable open space, parklands, playgrounds and other area and spaces, including their suggested ownership.

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

14.4.5 Proposed traffic circulation pattern, including location of public and private streets, walks and other accesses showing their relationship to existing streets and topographic features.

14.4.6 Information on the use or re-use of existing features such as topography, drainage ways, tree cover, structures, streets and easements.

14.4.7 Names and addresses of the owner of all land adjoining any part of the tract proposed for R-MHP zoning.

14.4.8 Deed restriction, covenants, easements and encumbrances to be used to control the use, development, and/or maintenance of the R-MPH zoning tract.

14.5 DESIGN STANDARDS.

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

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

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

14.6.2 Each manufactured home dwelling, including accessory buildings, garages and porches, shall not cover more than fifty (50) Percent of the area of the manufactured home site on which it is placed. A typical manufactured home site plan shall be submitted.

14.6.3 Every manufactured home placed on a mobile home site and/or every manufactured home site shall front upon an interior street and said interior street shall be a dedicated public roadway or a private roadway with a public access easement.

14.6.4 YARD REQUIREMENTS. No manufactured home shall be placed on a manufactured home site unless the following yards are provided and maintained in connection with such manufactured home dwellings.

14.6.5 FRONT YARD. Each manufactured home site shall have a front yard of not less than ten (10) feet.

14.6.6 Side Yard. Each manufactured home site shall have a side yard on each side of not less than fifteen (15) feet, except for corner sites, which shall be not less than twenty (20) feet.

14.6.7 Rear Yard. Each manufactured home site shall have a rear yard of not less than twenty (20) feet.

14.7 STREETS, SIDEWALKS AND PARKING.

14.7.1 Every manufactured home park shall provide a main entrance drive not less than thirty-six (36) feet wide. No street shall have a usable travel width less than twenty-four (24) feet.

14.7.2 All streets shall be paved and shall be maintained in good condition and lighted at night.

14.7.3 All drives shall be protected at the edges by curbs, gutters, or other suitable edging, as determined by the County Engineer to provide for the stabilization of the pavement and adequate drainage.

14.7.4 All manufactured home sites shall abut a driveway.

14.7.5 Every manufactured home park shall contain common walkways not less than three (3) feet wide where pedestrian traffic is concentrated for the safety and convenience of the pedestrian. Driveways not including walks shall be graded in such a manner that walks can be added later. Individual walks from each manufactured home stand to its paved parking hall also be provided.

14.8 RECREATIONAL VEHICLE PARK FILING PROCEDURE AND REQUIREMENTS.

14.8.1 The owner/developer(s) shall file a Recreational Vehicle Park Plan for a proposed recreational vehicle park located within a A-1 District with the Board of Zoning Appeals. The Plan shall include the following requirements and information:

14.8.2 The proposed location, tract size, total number of recreational vehicle sites to be developed, including open space, playgrounds and other access spaces.

14.8.3 Recreational Vehicle Parks shall be served by a central water system and by a central sanitary sewage system by the State of Ohio, Environmental Protection Agency.

14.8.4 Recreational Vehicle Parks shall provide a main entrance drive not less than thirty-six (36) feet wide. All others shall be a width necessary for the use required; except that no street shall have a usable travel width less than twenty-four (24) feet.

14.8.5 All streets shall be paved and shall be maintained in good condition and lighted at night.

14.8.6 Adequate storm drainage for each recreational vehicle site shall be provided.

14.8.7 Proper refuse collection sites shall be provided and approved by the Butler County Board of Health.

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

14.9 UTILITY REQUIREMENTS.

14.9.1 **WATER.** Every manufactured home park shall be served by a central water system which has been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health, which provides adequate pressure and appropriate water connections for domestic usage.

14.9.2 **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 manufactured home site within the Every manufactured home park.

14.9.3 **SANITARY SEWERS.** Every manufactured home park shall be served by a sanitary sewerage system that provides appropriate connections for manufactured home usage. Such system shall have been inspected and approved by the State of Ohio, Environmental Protection Agency and the Butler County Board of Health. Connection between storm water drainage systems and sanitary sewage disposal systems shall not be permitted.

14.9.4 **STORM DRAINAGE.** Adequate storm drainage for each mobile home site connected to the main storm drainage system shall be provided.

14.9.5 **REFUSE COLLATION.** Where refuse collection is not carried out on an individual site basis, there shall be refuse disposal receptacles or incinerators located within two hundred (200) feet of each manufactured home site. The type, size and location of such receptacles or incinerators shall be approved by the Butler County Board of Health.

14.9.6 **LIQUEFIED PETROLEUM GAS OR FUEL.** When liquefied petroleum gas or fuel issued in the manufactured home park, the containers for such gas or fuel shall be the container approved by the Butler County Board of Health, according to its intended use.

14.9.7 **FUEL OIL SUPPLY.** When fuel oil systems are used, they shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks, cylinders and piping to the manufactured homes shall be securely fastened in place and protected against physical damage.

14.9.8 NATURAL GAS SYSTEM. When natural gas piping systems are used, they shall be installed underground in accordance with applicable codes and regulations and public utility standards. Each manufactured home site provided with piped natural gas shall have an approval manual shut-off valve installed upstream of the gas outlet. The outlet shall be equipped with unapproved method to prevent accidental discharge of gas when the outlet is not in use.

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

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

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

14.11.2 Laundry and drying facilities in a permanent structure which shall be in a convenient accessible location and which shall also provide laundry trays and slop sinks.

14.11.3 Safe, usable, conveniently located recreation area(s) shall be located in each manufactured home park and shall comprise an area equal to eight (8) percent of the gross area of the manufactured home park or one-half (1/2) acre, whichever is greater.

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

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

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

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

14.13.3 That the proposed development is in conformity with the Fairfield Township Land Use Plan or portion thereof as it may apply.

14.13.4 That the proposed development advances the general welfare of Fairfield Township and the immediate vicinity.

14.13.5 That the design charter and improved site arrangement justify the location and size proposed in the development.

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

14.13.7 The approval or the Conditional Use Permit shall be for a period of one (1) year to allow construction to be substantially started in accordance with the Manufactured Home Park Plan or Recreational Vehicle Park Plan with evidence that construction will be completed within a reasonable length of time. Unless construction, as described, is initiated within the one (1) year time limit the approval of the Conditional Use Permit shall be voided and all the land shall revert to the last previous zoning district; except if an application for the time extension is submitted and approved by the Planning Commission when located in an R-MHP District.

14.13.8 The Zoning Commission, upon making an affirmative finding with regard to the above criteria, and authorize the Zoning Inspector to issue a zoning certificate to the applicant when the manufactured home park is located in an R-MHP District. The Zoning Inspector must subsequently determine that all the required improvements have been installed prior to permitting the manufactured home park to be occupied.

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

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ARTICLE 15**H-B HOMEWOOD-BELMONT OVERLAY DISTRICT**

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

15.2 **PRINCIPAL PERMITTED USES.**

15.2.1 One-family detached dwellings, including approved modular housing.

15.2.2 Two family dwellings.

15.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations found in Section 26.41 and 26.5 of this code.

15.3.1 Churches and other similar places of worship.

15.3.2 Home Occupations, as regulated in Section 26.

15.3.3 Rest homes or nursing homes for convalescent patients.

15.3.4 Public Buildings of administrative, cultural, recreational or service type.

15.3.5 Group Homes.

15.3.6 Living quarters of persons employed on the premises, not rented or otherwise used as a separate dwelling.

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

15.4.1 A private garage or parking area.

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

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

15.5 **KEEPING OF ANIMALS.** The keeping of up to four (4) animals customarily considered as house pets shall be allowed provided that such animals are no vicious, as determined by the Butler County Dog Warden, and provided that these animals do not present unsanitary conditions, as determined by the Board of Health. Nothing in this section shall prohibit the temporary (less than five (5) months) keeping of newborn offspring of permitted animals, not shall these regulations prohibit the keeping of any number of fish in aquarium.

15.6 **REQUIRED CONDITIONS.**

15.6.1 **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 24.3.

15.6.2 Sidewalks required both sides.

15.6.3 STREET LIGHTS: SEE SECTION 6.21.

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

H-B HOMEWOOD-BELMONT OVERLAY DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Side Yard Widths | | Rear Yard Depth | Lot Coverage |
|--|--------------|-------------------|------------------|--------|-----------------|--------------|
| | | | One | Both | | |
| Single-family dwellings 5,400 sq. ft. (1) | 45 ft. | 20 ft. | 5 ft. | 10 ft. | 25 ft. | 40% |
| Two-family dwellings 8,400 sq. ft. | 70 ft. | 20 ft. | 5 ft. | 10 ft. | 30 ft. | 40% |

(1) See subsection 24.4.

15.8 OVERLAY USE AND EXERCISE THEREOF

15.8.1 The right to use the Homewood – Belmont Overlay District is conditional on the basis of the previous existence of the property. Only buildings (parcels) that pre-exist the implementation of this district shall be subject to its standards.

15.8.2 No new construction of a principal building shall be subject to or classified as being within the Homewood – Belmont Overlay District.

15.8.3 A non-conforming use status is not applicable to the Homewood – Belmont Overlay District and transferred to the underlying zoning district.

15.8.4 Conditional Uses not normally associated or reasonably carried on in a residential dwelling are not applicable and not covered by the Homewood – Belmont Overlay District and shall be reviewed as if classified by the underlying zoning district as provided in Article 26.

ARTICLE 16**B-1 NEIGHBORHOOD BUSINESS DISTRICT**

16.1 **PURPOSE.** The intent of the B-1 Neighborhood Business District is to receive 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.

16.2 **PRINCIPAL PERMITTED USES.**

16.2.1 Any retail and/or service uses including but not limited to: grocery or other food stores, drugstores, barber shops, garden stores, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, Laundromats, professional offices and the like, supplying commodities or performing services primarily for the residents of the neighborhood in which they are located.

16.2.2 Restaurants, not including drive-in restaurants.

16.2.3 Automobile service station, garages doing only minor repair work not including body work; subject to the provisions specified in Section 23.1.2.8.

16.2.4 Financial institutions, including drive-in facilities.

16.2.5 Nursery School and Child Care Facilities.

16.2.6 Any other local convenience retail and/or service establishment which is determined by the Board to be 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.

16.3 **ACCESSORY USES.**

16.3.1 A private garage or parking area.

16.3.2 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.

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

16.3.4 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

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

16.4 **CONDITIONAL USES REQUIRING BOARD APPROVAL.**

16.4.1 Residential dwelling units if a part of a principal building subject to provisions specified in Sections 23.3.

16.4.2 Bed and Breakfast.

16.4.3 Adult Entertainment Uses and Facilities defined in Section 4, subject to the special provisions of Article 23.5 thru 26.5.2.

16.4.4 Churches and other similar places of worship.

16.5 REQUIRED CONDITIONS.

16.5.1 The maximum building size on the ground floor shall be fifteen thousand (15,000) square feet in any B-1 District.

16.5.2 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.

16.5.3 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.

16.5.4 Goods for sale shall consist primarily of new merchandise, antiques excepted.

16.5.5 All products produced on the premises, whether primary or incidental shall be sold at retail primarily on the premises where produced.

16.5.6 Process and equipment and goods processed or sold shall be limited to those which are not objectionable because of odor, dust, smoke, cinders, gas, fumes, noises, vibration, refuse matter or water-carried waste.

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

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

16.7 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 24.3.

16.8 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions of Article 24. Subject to approval of the Board of Zoning Appeals on existing B-1 Districts and the Zoning Commission on proposed B-1 Zone changes.

B-1 NEIGHBORHOOD BUSINESS DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depth | Story | Side Yard Widths | | Rear Yard Depth |
|---------------|---------------|------------------|-------|------------------|--------|-----------------|
| | | | | One | Both | |
| See Sec. 16.8 | See Sec. 16.8 | 40ft. | 2 ½ | 20 ft. | 50 ft. | 25 ft. |

ARTICLE 17**B-2 COMMUNITY BUSINESS DISTRICT**

17.1 **PURPOSE.** The intent of the B-2 Community Business District is to reserve certain land areas for community and highway oriented retail and service establishments which serve the residents of a number of neighborhoods.

17.2 **PRINCIPAL PERMITTED USES.**

17.2.1 Any local convenience retail and/or service uses including but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, Laundromats, business and professional offices and the like, supplying commodities or performing services primarily for the residents in a portion of Fairfield Township.

17.2.2 Restaurants, including drive-through windows; theaters, bowling alleys, billiard parlors and other similar establishments.

17.2.3 Automobile service stations.

17.2.4 Automobile, truck, trailer and farm implement sales and service establishments for the display, hire and sales, including sales lots and repair of automobiles, trucks, trailers, and farm implements; provided that all such operations other than display and sales shall be conducted within a completely enclosed building; and further provided that any building used for repair work shall have no openings other than stationary windows or required fire exits when located within one hundred (100) feet of any R-District, or a recorded residential subdivision.

17.2.5 Financial institutions, including drive-in institutions.

17.2.6 Nursery schools and Child care facilities.

17.2.7 Hospitals.

17.2.8 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; storage or warehouses; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet of any R-District or recorded residential subdivisions shall have no openings other than stationary windows or required fire exits.

17.2.9 Garden stores and supply centers.

17.2.10 Any other local convenience retail and/or service uses are prohibited unless determined by the Board (BZA) 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.

17.3 **CONDITIONAL USES REQUIRING BOARD APPROVAL.**

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

17.3.2 Residential dwelling units if a part of a principal building subject to provisions specified in Section 23.3 and 23.6.

17.3.3 Adult Entertainment Uses and Facilities defined in Section 4.0110 thru 4.0126, subject to the special provisions of Article 23.5 thru 23.5.2.

17.3.4 Churches and other similar places of worship.

17.4 ACCESSORY USES.

17.4.1 A private garage or parking area.

17.4.2 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 an 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 in an R-District or recorded residential subdivision.

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

17.4.4 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

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

17.5 REQUIRED CONDITIONS.

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

17.5.2 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.

17.5.3 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.

17.5.4 Goods for sale shall consist primarily of new merchandise, antiques excepted.

17.5.5 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

17.5.6 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, vibrations, refuse matter of water-carried waste.

17.5.7 Such uses are conducted entirely within an enclosed building.

17.5.8 Where such uses are in buildings adjacent to any R-District or recorded residential subdivision, such building shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.

17.5.9 OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel. This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking area and street rights-of-way. Raised islands

shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.

17.6 **PROHIBITED USES.** Any use which is first permitted or which is prohibited in the B-3 District or as stated in Section 17.2.10.

17.7 **HEIGHT REGULATIONS.** No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.03.

17.8 **AREA, FRONTAGE AND YARD REQUIREMENTS.** The following minimum requirements shall be observed; except as modified by provisions in Article 24. Subject to approval of the Board of Zoning Appeals on existing B-2 Districts and the Zoning Commission on proposed B-2 zone changes.

B-2 COMMUNITY BUSINESS DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Story | Side Yard Widths | | Rear Yard Depth |
|--|----------------|-------------------|--------|------------------|--------|-----------------|
| | | | | One | Both | |
| See Sec. 17.08 | See Sec. 17.08 | 25 ft. | 3 Max. | 20 ft. | 50 ft. | 25 ft. |
| Motels & Motor Hotels (1) - 1 acre min.: 500 sq. ft. per bedroom | 100 ft. | 25 ft. | 3 Max. | 20 ft. | 50 ft. | 50 ft. |

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ARTICLE 18**B-3 GENERAL BUSINESS DISTRICT**

18.1 **PURPOSE.** The intent of the B-3 General Business District is to reserve certain land areas for central commercial uses which serve the general and service needs of the residents of the Township. Their locations shall accommodate the most intensive commercial and office development and shall reflect areas of sound organized development.

18.2 **PRINCIPAL PERMITTED USES.**

18.2.1 Any retail and /or service uses including but not limited to, hospitals, offices for medical and allied health care, grocery or other food stores, drugstores, barber shops, beauty salons, bakery shops, dry cleaning and laundry pick-up stations, Laundromats, business and professional offices and the like, supplying commodities or performing services primarily for the residents in a portion of Fairfield Township and beyond.

18.2.2 Restaurants, including drive-through windows; bars, cocktail lounges, night clubs, theaters, bowling alleys, billiard parlors and other similar establishments, provided that:

18.2.3 Automobile service stations.

18.2.4 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.

18.2.5 Financial institutions, including drive-in institutions.

18.2.6 Nursery schools and Child care facilities.

18.2.7 Hospitals.

18.2.8 Carpenter shops, electrical, plumbing, heating and air conditioning shops; printing, publishing and lithography shops; furniture upholstery; antique stores; storage or warehouses; funeral homes and mortuaries; provided that any such use shall be conducted within a completely enclosed building; and further provided that any building located within one hundred (100) feet of any R-District or recorded residential subdivisions shall have no openings other than stationary windows or required fire exits.

18.2.9 Garden stores and supply centers or commercial green houses.

18.2.10 Drive-in restaurants, summer gardens including entertainment and dancing; proving that any principal building shall be located not less than two hundred (200) feet form any R-District or residential subdivision.

18.2.11 Theaters, including drive-in theaters, when authorized by the Board in accordance with provisions specified in subsection 22.41; 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 no interference with traffic visibility.

18.2.12 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.

18.2.13 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academics, 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.

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

18.2.15 Bottling of soft drinks and milk; distribution stations; provide that any such building used for such processing and distribution shall be located not less than one hundred (100) feet from any lot in an R-District or a recorded residential subdivision.

18.2.16 The following uses - (1) when conducted wholly within a completely enclosed building, but not located within one hundred (100) feet of any lot in an R-District or a recorded residential subdivision; or (2) when conducted within an area enclosed on all sides with solid wall or uniformly painted solid board fence, not less than eight (8) feet high, but not within two hundred (200) feet of any R-District or a recorded residential subdivision.

18.2.17 Building material sales yard, not including concrete mixing.

18.2.18 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by contractor's.

18.2.19 Retail lumber yard, including mill work only when incidental.

18.2.20 Storage and sales of grain, livestock feed or fuel; provided dust is effectively controlled during all operations.

18.2.21 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.

18.2.22 Any other general business and/or service use which is determined by the Board to be of the same general character as the above permitted uses; but not including any use which is first permitted or which is prohibited in the M-1 District.

18.3 ACCESSORY USES.

18.3.1 A private or parking area.

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

18.3.3 Directional and other incidental signs not exceeding four (4) square feet in area, required in connection with the operations 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 motorist.

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

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

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

18.4 CONDITIONAL USES REQUIRING BOARD APPROVAL.

18.4.1 Hotels and motels subject to the regulations set forth in Sections 26.41 and 26.5 of these regulations.

18.4.2 Residential Uses.

18.4.3 Churches and other similar places of worship.

18.5 REQUIRED CONDITIONS.

18.5.1 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.

18.5.2 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.

18.5.3 Goods for sale shall consist primarily of new merchandise, antiques excepted.

18.5.4 All products produced on the premises, whether primary or incidental, shall be sold at retail primarily on the premises where produced.

18.5.5 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, vibrations, refuse matter or water-carried waste.

18.5.6 All outdoor storage shall be located in the rear yard and shall be contained within an eight (8) foot fence.

18.5.7 Where such uses are in buildings adjacent to any R-District or recorded residential subdivision, such building shall have no openings other than stationary windows or required fire exits on walls facing these residential uses.

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

18.6 PROHIBITED USES. Any use which is first permitted or which is prohibited in the M-1 District or as stated in Section 18.2.2.2.

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

18.8 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed; except as modified by provisions in Article 24. Subject to approval of the Board of Zoning Appeals on existing B-3 Districts and the Zoning Commission on proposed B-3 Zone changes.

B-3 GENERAL BUSINESS DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Story | Side Yard Widths | | Rear Yard Depth |
|--|---------------|-------------------|--------|------------------|--------|-----------------|
| | | | | One | Both | |
| See Sec. 18.8 | See Sec. 18.8 | 40 ft. | 3 Max. | 20 ft. | 50 ft. | 25 ft. |
| Motels & Motor Hotels (1) - 1 acre min.: 500 sq. ft. per bedroom | 100 ft. | 40 ft. | 3 Max. | 20 ft. | 50 ft. | 50 ft. |

ARTICLE 19**B-4 OFFICE DISTRICT**

19.1 **PURPOSE.** The intent of the B-4 Office District is to provide space in the Fairfield Township area for office development and research facilities. It is also intended to provide space for appropriate small-scale office uses in areas where a transition between residential uses and other more intensive uses is necessary. The limited number of uses permitted in this district is designed to allow the Fairfield Township to designate areas of transition which are compatible with residential uses and areas which can accommodate larger employment centers without congestion. Large scale office districts should be in clustered, open settings with adequate access to a primary thoroughfare.

19.2 **PRINCIPAL PERMITTED USES.**

19.2. Office uses and research and development facilities.

19.2. Schools and colleges.

19.2. Public buildings and properties of an administrative, cultural, recreational or service type.

19.3 **ACCESSORY USES.**

19.3.1 Private garage or other parking areas.

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

19.3.3 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.

19.3.4 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

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

19.4 **CONDITIONAL USES REQUIRING BOARD APPROVAL.**

19.4.1 Laboratories subject to the regulations set forth in Section 26.41 and 26.5 of these regulations.

19.4.2 Churches and other similar places of worship.

19.5 **REQUIRED CONDITIONS.**

19.5.1 All business, service or processing shall be conducted wholly within a completely enclosed building; except for off -street automobile parking and off-street loading.

19.5.2 In any B-4 District fronting directly across the street from any A-1, R-1, R-1A, R-2, R-3 or R-4 District, the parking and loading facilities shall be distant at least twenty (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.

19.5.3 **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, vibrations, refuse matter or water-carried waste.**

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

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

19.7 **HEIGHT REGULATIONS.** No structure shall exceed three (3) stories or forty (40) feet in height, except as provided in Section 24.3.

19.8 **AREA, FRONTAGE AND YARD REQUIREMENTS.** The following minimum requirements shall be observed; except as modified by provisions in Article 24. Subject to approval of the Board of Zoning Appeals on existing B-4 Districts and the Zoning Commission on proposed B-4 zone changes.

B-4 OFFICE AND RESEARCH DISTRICT

| Lot Areas | Lot Frontage | Front Yard Depths | Story | Side Yard Widths | | Rear Yard Depth |
|---------------|---------------|-------------------|--------|------------------|--------|-----------------|
| | | | | One | Both | |
| See Sec. 19.8 | See Sec. 19.8 | 40 ft. | 3 Max. | 20 ft. | 50 ft. | 25 ft. |

ARTICLE 20**M-1 LIGHT INDUSTRIAL DISTRICT**

20.1 **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 20.0218.

20.2 **PRINCIPAL PERMITTED USES.**

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

20.2.2 Bakery goods, candy, cosmetics, pharmaceuticals, toiletries, and food products; except fish or meat products, sauerkraut, vinegar and yeast.

20.2.3 Products from the following previously prepared material: bone, canvas, cellophane, cloth, cork, feathers, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious metals or stones, sheet metal (except where presses over twenty (20) tons rated capacity are employed), shell, textiles, tobacco, wax, wood yards.

20.2.4 Pottery and figurines, using previously pulverized clay and kilns fired only with gas or electricity.

20.2.5 Musical instruments, toys, novelties, rubber or metal stamps and other small rubber products.

20.2.6 Electrical and electric appliances, instruments and devices, television sets, radios, phonographs.

20.2.7 Electric and neon signs, billboards and other commercial advertising structures; light sheet metal products including heating and ventilating equipment, cornices, eaves and the like.

20.2.8 Laboratories - experimental film or testing; provided no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.

20.2.9 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.

20.2.10 Blacksmith, welding or other metal working shop, excluding punch presses over twenty (20) tons rated capacity, drop hammers and other noise producing operating tools.

20.2.11 Foundry, casting lightweight non-ferrous metals, or electric foundry not causing noxious fumes or odors.

20.2.12 Bag, carpet and rag cleaning, provided necessary equipment is installed and operated for the effective precipitation or recovery of dust.

20.2.13 Ice manufacturing and cold storage plant; creamery and bottling plant.

20.2.14 Warehouses, trucking and motor freight station or terminal.

20.2.15 Offices, business and professional.

20.2.16 The following uses, when located not less than two hundred (200) feet from any R-District or a recorded residential subdivision.

20.2.16.1 Inflammable liquids underground storage only, not to exceed twenty-five thousand (25,000) gallons per tank or storage unit.

20.2.16.2 Building material sales yards include concrete mixing, lumber yards, including millwork, open yards for storage and sale of feed and/or fuel.

20.2.17 Any other use that is determined by the Board, as provided in Article 25, to be of the same general character as the above permitted uses but not including any use which is first permitted in the M-2 District, or which is prohibited in said district under subsection 21.6.

20.2.18 Any use permitted and as regulated in the B-1, B-2, B-3 and B-4 Districts when located within three hundred (300) feet of any right-of-way, or projects being developed for multiple uses for which a general overall plan is submitted and approved, prior to the enactment of this resolution.

20.2.19 Display and sales establishments, provided that all such uses are part of a manufacturing and/or warehousing establishment and that all products for sale are made on the site, and where display space does not exceed 25% of the total square footage of the structure.

20.3 CONDITIONAL USES REQUIRING BOARD APPROVAL.

20.3.1 Automobile wrecking yards, junk yards; subject to the provisions specified in Section 26.5. , and Adult Entertainment Uses and Facilities defined in Section 4, subject to the special provisions of Article 23.05 thru 23.5.2.

20.3.2 RESIDENTIAL DWELLING UNITS IN AN M-1 DISTRICT

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

All such uses shall have a separate entrance and shall be provided with the required number of parking spaces as per Section 23.1.2 for residential uses.

20.3.3 OFFICE USES

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

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

All parking associated with these uses shall be provided in the side or rear yard and on more than ten (10) spaces shall be required (as per Section 6.18) to serve the use.

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

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

20.3.4 Churches and other similar places of worship.

20.4 ACCESSORY USES.

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

20.4.2 A private garage or parking area.

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

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

20.4.5 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.

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

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

20.4.8 When authorized by the Board, any use permitted in an M-2 District as a principal use when necessary and incidental to a use permitted in an M-1 District; subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become objectionable or offensive.

20.5 REQUIRED CONDITIONS.

20.5.1 No building customarily used for night operation shall have any opening, other than stationary windows or required fire exits, within one hundred (100) feet of any R-District or recorded residential subdivision, and any space used for loading and unloading commercial vehicles in connection with such an operation shall not be within one hundred (100) feet of any R-District or recorded residential subdivision.

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

20.6 PROHIBITED USES.

20.6.1 Any use which is first permitted in the M-2 District, or which is prohibited in said District under subsection 21.6.2, unless as an accessory use which is necessary and incidental to a principally permitted M-1 use.

20.6.2 No use shall be permitted or authorized to be established or maintained which, when conducted in compliance with the provisions of this Resolution and any additional conditions or requirements prescribed by the Board, is or may become hazardous, noxious or offensive, due to the emission of odor, dust, smoke, cinders, gas, fumes, noise, vibrations, refuse matter or water-carried waste.

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

20.7 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 24.3

20.8 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum requirements shall be observed: except as modified by provisions of Article 24. Subject to approval of the Board of Zoning Appeals on existing M-I Districts and the Zoning Commission on proposed M-1 zone changes.

M-1 LIGHT INDUSTRIAL DISTRICT.

| Lot Areas | Lot Frontage | Story | Front Yard Depths | Side Yard Widths | | Rear Yard Depth |
|---|--------------|---------------|-------------------|------------------|------|-----------------|
| | | | | One | Both | |
| See Sec. 20.8 | NONE | See Sec. 20.8 | 40 ft. | * | * | * |
| * None, except where adjoining a R-District or recorded subdivision, then not less than 100 ft. each side yard and 100 ft. rear yard. | | | | | | |

ARTICLE 21**M-2 GENERAL INDUSTRIAL DISTRICT**

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

21.2 **PRINCIPAL PERMITTED USES.**

21.2.1 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.

21.2.2 Any use principally permitted in M-1 Districts.

21.2.3 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 that one hundred (100) feet from any other district, except an M-1 or an F-1 District:

- a. Acetylene manufacturing in excess of fifteen (15) pounds pressure per square inch.
- b. Acid manufacture, except corrosive acids as specified as a conditional use in subsection 21.031.
- c. Automobile assembly.
- cc. Automobile salvage/wrecking yards, subject to the requirements of Section 26.522.
- d. Bleaching, cleaning and dyeing of large scale production.
- e. Boiler shops, machine shops, structural steel fabricating shops, railway car or locomotive shops, including repair, metal working shops employing reciprocating hammers or presses over twenty (20) tons rated capacity.
- f. Brewing or distilling liquors.
- g. Brick, pottery, tile and terra cotta manufacturing.
- h. Bulk station.
- i. Candle or sperm oil manufacturing.
- j. Coal yards, excepting such as permitted in this resolution
- k. Cooperage works.
- l. Dextrin, starch or glucose manufacturing.
- m. Disinfectant manufacture.
- n. Dye and dyestuff manufacture.
- o. Enameling, lacquering or japanning.
- p. Emery cloth or sandpaper manufacturing.
- q. Fats or oils redressing or refining.
- r. Felt manufacturing.
- s. Flour or grain mill.
- t. Forge or foundry works.
- u. Gas - generation or storage of illumination or heating.
- v. Grain drying or poultry feed manufacturing.
- w. Hair or hair products manufacturing.
- x. Lime or lime products manufacturing.
- y. Linoleum, oil cloth or oiled goods manufacturing.
- z. Match manufacturing.
- aa. Meat packing: but not stockyards or slaughterhouses, specified as a conditional use in this resolution
- bb. Oil, paint shells, turpentine, varnish or enamel manufacturing, or the grinding of colors by machine.
- ccc. Offices, business and professional.
- dd. Paper and pulp manufacturing.
- ee. Perfume manufacturing.
- ff. Pickle, sauerkraut or sausage manufacturing.
- gg. Plaster manufacturing.

- hh. Poultry, slaughter house, including packing and storage for wholesale; but not slaughter houses, specified as a conditional uses in subsection in this resolution
- ii. Printing ink manufacturing.
- jj. Sandblasting or cutting.
- kk. Sawmill, the manufacture of excelsior wood fiber or sawdust products.
- ll. Sewage disposal plant.
- mm. Shoddy manufacturing.
- nn. Shoe power plant, except where necessary to a permitted principal use.
- oo. Soap manufacturing.
- pp. Steam power plant, except where necessary to a permitted principal use.
- qq. Stone and monument works employing power driven tools unless complying with other provisions in this resolution
- rr. Storage, drying, rags, glass, cloth, paper or clipping, including sorting, refining, baling, wood pulling and scouring.
- ss. Sugar refining.
- tt. Tar distillation or manufacturing.
- uu. Vinegar manufacturing.
- vv. Wire or rod drawing - nut, screw or bolt manufacturing.
- ww. Warehouses, trucking and motor freight station or terminal.
- xx. Yeast manufacturing.
- zz. Any other use which, in the opinion of the Board, is of a similar character to those specified above.

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

21.3 CONDITIONAL USES REQUIRING BOARD APPROVAL.

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

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

- y. Junk yards; subject to the provisions specified in Section 26.
 - aa. Open storage.
 - bb. Adult Entertainment Uses and Facilities defined in Section 4.0110 thru 4.0126, subject to the special provisions of Article 23.5 thru 23.5.2.
 - cc. Any other use which in the opinion of the Board is of a similar character to those specified above.
- 21.3.2 Billboards subject to additional provisions specified in Sect. 23.2.
- 21.3.3 Churches and other similar places of worship.
- 21.4 ACCESSORY USES.
- 21.4.1 A private garage or parking area.
- 21.4.2 Exterior signs which pertain only to a permitted use on the premise; are either integral with an attached flat against the building or project not more than four (4) feet beyond any building line or three (3) feet above the roof line; and which do not face the side of any adjoining lot which is in an R-District or recorded residential subdivision. Such signs may be supported by free standing structures and may be located anywhere on the premises except within the required front or side yard, provided such signs comply with the requirement of this subsection that they shall not face the side of any adjoining lot which is located in an R-District or recorded residential subdivision.
- 21.4.3 Directional and other incidental signs, not exceeding four (4) feet in area, required in connection with the operation of an automobile service station, parking lot or similar establishment, provided such signs do not extend over street rights-of-way not otherwise obstruct or impair the safety of pedestrians or motorists.
- 21.4.4 Temporary real estate, political and small announcement signs, subject to the provisions specified in Section 23.2.
- 21.4.5 Temporary buildings for uses incidental to construction work shall be removed upon completion or abandonment of the construction work.
- 21.4.6 Other uses and structure customarily accessory and incidental to a permitted principal use except of a type which is permitted only subject to Board authorization.
- 21.4.7 Any other use when an incidental and necessary accessory use to a permitted principal use, when authorized by the Board subject to such conditions and requirements as may, in the opinion of the Board, be necessary to protect adjacent property and prevent conditions which may become noxious or offensive.
- 21.5 REQUIRED CONDITIONS. The requirement that certain businesses, services or processing shall be conducted within a completely enclosed building shall not apply to any principal use permitted under subsection 20.2 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 limitations set forth in Article 16.
- 21.5.2 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.
- 21.5.3 OPEN SPACE. There shall be reserved, within the tract to be developed, a minimum percentage of land area of the entire tract for use as open space. This minimum percentage of land area shall be 20% per parcel. This open space shall not consist of isolated or fragmented pieces of land, which would serve no useful purpose. Included in this open space may be such uses as pedestrian walkways, parkland, open areas, drainage ways, and other lands of essentially open character, exclusive of off-street parking area and street rights-of-way. Raised islands shall be included in the open space calculation. Maintenance of all open space shall be the responsibility of the commercial management entity of the development and/or the developer.
- 21.6 PROHIBITED USES.
- 21.6.1 Dwellings and residences including motel, mobile home parks, schools, hospitals, clinics and other institutions for human care, except where incidental to a permitted use; provided, however, that any of the aforesaid

uses legally existing in the M-2 District at the time of adoption of this Resolution, or any amendment thereto, shall not be classified as a non-conforming use as defined in subsection 4.62.

21.7 **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 24.3.

21.8 **AREA, FRONTAGE AND YARD REQUIREMENTS.** The following minimum requirements shall be observed: except as modified by provisions of Article 24. Subject to approval of the Board of Zoning Appeals on existing M-2 Districts and the Zoning Commission on proposed M-2 Zone changes.

M-2GENERAL INDUSTRIAL DISTRICT.

| Lot Areas | Lot Frontage | Front Yard Depths | Story | Side Yard Widths | | Rear Yard Depth |
|---|--------------|-------------------|----------------|------------------|------|-----------------|
| | | | | One | Both | |
| See Sec. 21.08 | NONE | 40' | See Sec. 21.08 | * | * | * |
| * None, except where adjoining a R-District or recorded subdivision, then not less than 100' each side yard and 100' rear yard. | | | | | | |

ARTICLE 22**F-1 FLOOD PLAIN DISTRICT**

22.1 **PURPOSE.** The intent of the F-1 Flood Plain District is to protect storm water channels so they can carry abnormal flows of water in times of high water and flooding; to prevent encroachment into those areas in which development will materially obstruct the flow of flood water, thereby increasing the magnitude of the flooding; and to prevent the loss of life and excessive property damage in the area of greatest flood hazard, as specified in the FEMA regulations and herein.

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

22.3 **CONDITIONAL USES, REQUIRING BOARD APPROVAL.** These conditional uses are subject to the additional regulations set forth in Section 26.5 of this Resolution.

22.3.1 Neighborhood and Community Parkland, open space.

22.3.2 County clubs, golf courses and other private noncommercial recreation.

22.3.3 Open storage of floatable material.

22.3.4 Resource and mineral extraction activities.

22.3.5 Churches and other similar places of worship.

22.4 **ACCESSORY USES.**

22.4.1 A private garage, parking area or stable.

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

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

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

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

22.4.6 Any other uses that is determined by the Board in Article 25, to be necessary and incidental to any aforesaid permitted principal use and located on the same lot therewith, but not including any permanent residence except for a watchman or caretaker employed on the premises.

22.5 **REQUIRED CONDITIONS.**

22.5.1 Approval by the Board and compliance with FEMA regulations will be required for construction of any building, enclosure or any type of material storage.

22.5.2 All uses and buildings or premises, for which compliance with the distance requirements in this subsection is stipulated in the foregoing subsection of this Article, shall be distant at least two hundred (200) feet from any lot in any R-District recorded residential subdivision or any lot occupied by a dwelling or by any school, church or institution for human care.

22.6 **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 24.03.

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

F-1 FLOOD PLAN DISTRICT

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

ARTICLE 23**SPECIAL PROVISIONS****23.1 PARKING AND LOADING AREAS, PUBLIC GARAGES, PARKING LOTS AND FILLING STATIONS.****23.1.1 OFF-STREET LOADING SPACE.**

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

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

23.1.1.3 Subject to the limitations in subsection 23.1.1.4 such space may occupy all or any part of any required yard or court space.

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

23.1.2 OFF-STREET PARKING SPACE.

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

23.1.2.2 Sizes and Access. Each off-street parking space shall have an area not less than one-hundred-eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of 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 the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas or loading and unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question, but, except where provided in connection with a use permitted in an R-District or recorded residential subdivision, such easement of access or access drive shall not be located in any R-District or recorded residential subdivision.

23.1.2.3 Floor Area Defined. For the purpose of applying the requirements in subsection 23.1.2.4, "Floor Area", in the case of offices, merchandising or service types of uses, shall mean the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, client or patients, including areas occupied by fixtures and equipment used for display or sales or merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores or buildings for toilet, for utilities or for dressing rooms, fitting or alterations rooms.

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

Residential Uses.

| | |
|-------------------------|---|
| Single-Family | 2.0 per dwelling unit, maximum of 5 |
| Two-Family | 2.0 per dwelling unit, maximum 3 per D.U. |
| Multi-Family | 2.0 per dwelling unit, maximum 3 per D.U. |
| Rooming/Boarding Houses | 1.0 per rental room not to exceed 5.0 off-street parking spaces |

Institution Uses.

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

Recreation Uses:

| | |
|------------------|---|
| Public Parks | Spaces are required cumulatively according to facilities included or fraction thereof |
| Athletic Fields | 8.0 per acre |
| Community Center | 10.0 per facility |
| Tennis Courts | 2.0 per court |
| Golf Course | 4.0 per hole |

Commercial Uses.

| | |
|--|-----------------------------------|
| Business or Professional Office | 1.0 per 400 sq. ft. of floor area |
| Retail or Service Establishments | 1.0 per 300 sq. ft. of floor area |
| Bowling Lanes | 5.0 per alley |
| Theaters or Assembly Hall Fixed Seating | 1.0 per 6 seats |

| | |
|--|--|
| Financial Institutions | 1.0 per 400 sq. ft. of floor area |
| Food Stores | 1.0 per 300 sq. ft. of floor area |
| Eating and Drinking Places | 1.0 per 150 sq. ft. of floor area |
| Printing and Publishing Establishments | 1.0 per 300 sq. ft. of floor area |
| Wholesale and Warehousing | 1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations plus 1.0 per 500 sq. ft. of storage space |
| Drive-In Theaters | 1.0 per speaker |
| Dance halls and Assembly Halls without fixed seats exhibition halls. | 1.0 per 100 sq. ft. of floor area |
| Animal Hospitals | 3.0 per every treatment room plus 1.0 per 100 sq. ft. of office space |
| Funeral Homes | 1.0 per 50 sq. ft. of floor space |
| Hotels, Motels and Lodging Houses | 1.0 per sleeping room, plus 1.0 per 100 sq. ft. of office square 1.0 per 150 sq. ft. of restaurant and lounge space. |
| Automobile Service and Repair | 1.0 per 800 sq. ft. of floor space |
| Gasoline Service Stations | 1.0 per 800 sq. ft. of floor space |
| Commercial Recreational Baseball Fields | 8.0 per acre |
| Medical or Dental Clinics | 1.0 per 200 sq. ft. of floor area |
| Golf Diving Ranges | 1.0 per tee |
| Carpenter Shops | 1.0 per 300 sq. ft. of floor area |
| Electric, Plumbing and Heating Shops | 1.0 per 300 sq. ft. of floor area |
| Furniture and Appliance Stores | 1.0 per 400 sq. ft. of floor area |
| <u>Industrial Uses:</u> | |
| Wholesale and warehousing | 1.0 per 3,000 sq. ft. of floor area |
| Carpenter Shops | 1.0 per 300 sq. ft. of floor area |
| Electrical, Plumbing and Heating | 1.0 per 300 sq. ft. of floor area |
| Furniture Upholstering | 1.0 per 300 sq. ft. of floor area |

Automobile Service
and Repair

1.0 per 800 sq. ft. of floor area

Industry and Manufacturing
Establishment1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft.
of manufacturing operations space plus 1.0 per 500 sq.
ft. of storage spaceResearch and Development
Establishment

1.0 per 1,200 sq. ft. of floor area

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

23.1.2.5 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 ground cover and maintained in good condition. In case the capacity of the parking area exceeds thirty (30) vehicles, it shall be screened by a masonry wall or solid fence of acceptable design.

b. Minimum Distances and Set-Backs. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an un-pierced masonry wall or acceptable design. If not in any 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 and 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 asphalt or portland cement or other impervious surfaced binder pavement so as to provide a durable and dustless surface, shall be no graded and drained as to dispose of all surface water accumulated within the area, and shall be so arranged and marked as to provided 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 distance from any R-District or recorded residential subdivision, except that a dustless surface shall be proved in any case.

d. Lighting. Outdoor lighting used to illuminate any area shall be so arranged as to reflect away from adjoining premises. Except approved street lighting and other safety requirements.

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

23.1.2.7 RESTRICTED BUSINESS OR INDUSTRIAL ACCESSORY PARKING AREAS. The Board of Appeals may authorize as a conditional use, subject to the provision of subsection 26.41, the establishment and operation of any off-street parking area for ten (10) or more automobiles in such parts of any A- or F- District that abuts at least fifty (50) feet either direction or across the 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 (20) 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 23.012; and any additional conditions or requirements, in respect to development, maintenance and operation, which the Board deems necessary or desirable for the protection of adjacent property or the public interest.
- d. No sign of any kind, other than designating entrances, exits and conditions of use, shall be maintained on such parking lot.
- e. No commercial repair work or services of any kind shall be conducted on such parking lot.
- f. 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 feature and appurtenances of the parking lot. Such application shall also be accompanied by the names and addresses of all the owners of all properties within the same block as the proposed parking lot and all properties separated there from by not more than one (1) street, any part of any one (1) of which properties in within two hundred (200) feet of any part of said proposed parking lot and is located in an R-District or recorded residential subdivision.
- g. Before making its final determination, the Board shall hold a public hearing, notice of which shall be given to owners of property as 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.
- h. Any permit authorized by the Board and issued by the Zoning Inspector may be revoked at the time that the aforementioned requirements are not complied with.

23.1.2.8 FILLING STATIONS, PUBLIC GARAGES AND PARKING LOTS.

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

23.2 BILLBOARDS AND OTHER OUTDOOR ADVERTISING SIGNS AND STRUCTURES: REAL ESTATE AND OTHER SIGNS.

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

23.2.2 GENERAL REGULATIONS.

- 23.2.2.1 Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance or governmental regulation shall be excluded from the regulations of this chapter.
- 23.2.2.2 No sign of any type shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.
- 23.2.2.3 All signs shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.

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

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

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

23.2.3 Measurement of Sign Area. The sign area shall be the area of the smallest combination of rectangles which can encompass all words, letters, figures, emblems and other elements of the sign message. Frames and structural members that are not advertising matter shall not be included in computation of surface area, but in no instance shall this supporting structure exceed by more than twenty percent of the area of the sign.

23.2.4 Sign Illumination. Any illuminated sign or lighting device shall emit only a constant intensity of light and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be direct or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

23.2.5 Non-Conforming Signs. The continuance of an existing sign that does not meet the regulations and requirements of this Chapter shall be deemed a non-conforming sign, which shall terminate by abandonment. A sign shall be considered abandoned when:

- a. The sign is associated with a discontinued use.
- b. The sign remains after a business has been closed to the public for at least ninety (90) consecutive days. Seasonal business are exempt from this determination.
- c. The sign is not maintained and together with all supports, braces, guys and anchors is in a state of disrepair.
- d. Based upon these definitions, abandonment shall be determined by the Zoning Administrator. Upon finding that the sign is abandoned, the right to maintain and use such sign shall terminated immediately.

23.2.6 SIGN PLACEMENT AND SIZE.

23.2.6.1 A billboard sign, where permitted, shall comply with the setback and side yard requirements for a principal building in the district where it is located.

23.2.6.2 No billboard sign shall be permitted within five hundred (500) feet from any parcel located in any of the Residential Districts; for example R-1, 2, 3, 4, R-PUD, A-1 District, or recorded residential subdivision. No billboard sign shall be permitted within five hundred (500) feet of any of the following: entrance to public park, public or parochial school, library, church, or museum, historical monument or rest area.

23.2.6.3 No billboard sign shall be located within five hundred (500) feet on either side of the street of another billboard sign visible to traffic approaching from the same direction.

23.2.6.4 The maximum area for any billboard sign shall be four hundred forty eight (448) square feet, excluding cutouts and embellishments. No billboard sign shall exceed forty (40) feet in height from the naturally occurring grade.

23.2.6.5 One two-sided (1) pole sign or one (1) ground sign per site shall be permitted, not exceeding one hundred (100) square feet in area and the sole content of the sign shall be to advertise products sold on the premises or to identify the business located on the premises. Free-standing pole signs shall not exceed twenty (20) feet in height measured from the highest naturally occurring topographical elevation of the subject parcel and the bottom edge shall be not lower than eight (8) feet from the ground immediately beneath the sign. Detached ground signs shall not exceed eight (8) feet in height, the bottom of the sign shall be no more than two (2) feet from the ground, and the

face of the sign shall be rectangular unless an alternative shape is approved by the Zoning Board of Appeals.

Ground signs may have a masonry base that does not count as a part of the allowable sign area, provided the base is not larger than an area equal to the allowable sign area. Any pole or ground sign shall be set back no less than ten (10) feet from all property lines, with no part of the sign extending over a lot line or into the right-of-way of any street.

23.2.6.6 Temporary real estate signs advertising the sale, rental or lease of the premises on which they are maintained 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 from the established right-of-way line in any District, and not less than fifteen (15) from the edge of the pavement in any case. The maximum sign area shall be nine (9) sq. ft.

23.2.6.7 A permit for one (1) temporary or promotional sign, which is not permanently attached to the ground by a masonry base or permanently attached to the building, or which does not conform with this Article may be issued when it is determined by the Zoning Inspector that use of such proposed sign will not be detrimental to the public peace, health or safety, or when he determines that a substantial hardship or injustice will prevail in refusing to issue a permit for use of such proposed sign for a period not to exceed fourteen (14) days. An applicant may not apply for another permit until sixty (60) days has lapsed from the expiration of any other such permit issued for the same premises.

Temporary signs not exceeding fifty (50) square feet in area, for use which is restricted to announcing special public or institutional events, or announcing a construction or development project may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall be placed no closer than fifteen (15) feet from any street right-of-way lines and are subject to additional regulations in section 23.2.

23.2.6.8 Temporary political signs are permitted in all districts provided that they are a minimum of fifteen (15) feet from the edge of the roadway and there is no interference with traffic visibility and that said political sign shall be posted no more than sixty (60) days before an election and shall be removed within seven (7) days following election.

23.2.6.9 Wall signs shall not be limited in number, provided that the total sign surface area not exceed ten(10) percent of the front façade and five(5) percent per side and rear façade. Any building, with more than one street frontage shall be permitted to increase wall sign surface area to ten(10) percent for each façade with public street frontage.

23.2.7 PROHIBITED SIGNS.

23.2.7.1 Animated signs that employ flashing lights, blinking lights or other elements that revolve, rotate, whirl, spin or otherwise make use of motion to attract attention are prohibited.

23.2.7.2 Any signage within a Right of Way without permission from the State, County or Township.

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

23.3 SINGLE-FAMILY RESIDENCES. A single-family residence may be located in a B and/or M District if such residence is an accessory to a principal permitted use in such district and the Board determines that such use is proper.

23.4 RESIDENTIAL - COMMERCIAL USE ADJOINING PIPELINES. No residential or commercial structure shall be located within one hundred (100) feet of a gas transmission main without oil company notification.

23.5 ADULT ENTERTAINMENT FACILITIES

23.5.1 Adult Entertainment Facilities as defined in Article 4 are prohibited on land parcels that have frontage along state highways or county roads.

23.5.2 Adult Entertainment Facility Requirements

1. The above uses shall have frontage on a principal or minor arterial, or major or minor collector street, as defined by the Butler County THOROUGHFARE Plan, by which access to the Adult Entertainment Facility is exclusively provided.
2. One parking space per 150 sq. ft. of floor area shall be provided as specified in Article 23.
3. Parking areas and general lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
4. All building openings, entries, windows, etc. for adult uses shall be located, covered or serviced in such a manner as to prevent a view into the interior from any exterior public or semi-public area, sidewalk or street.
5. Displays or promotional items of Adult Material shall not be visible from exterior public view. This prohibition shall not extend to advertising of the existence or location of such adult entertainment facility.
6. Only one (1) sign, which shall not contain adult material, advertising the existence or location of such adult entertainment facility shall be allowed as regulated in Article 22, no more than fifty (50) square feet in size mounted flat against the building.
7. A landscaped buffer of not less than ten (10) feet in width and six (6) feet in height shall be provided along all side and rear lot lines.
8. All Adult Entertainment Facilities shall have a minimum lot area of twenty-thousand (20,000) square feet.
9. All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot; in any R-District; recorded residential subdivision; church or similar place of worship; public building; school; day care center; public park, playground, or other recreation facility attended by person(s) under the age of eighteen; hotel; motel; pawn shop; pool hall; video game or pinball arcade; dance hall; or business selling alcohol for consumption on the premises, whether within this or any other political subdivision. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.
All Adult Entertainment Facilities shall be located not less than 1,000 feet from any residential dwelling on a lot greater than 5.1 acres in size in any A-District, which is not a recorded residential subdivision, whether within this or any other political subdivision. The measurement of distance for the purpose of this regulation shall be from the lot line of the Adult Entertainment Facility to the wall of the residential dwelling along the shortest possible course.
10. All Adult Entertainment Facilities shall be located not less than 1,000 feet from any lot of any other Adult Entertainment Facility. The measurement of distance for the purpose of these regulations shall be from lot line to lot line along the shortest possible course.
11. No Adult Entertainment Facility, except for an adult motel, may remain open at any time between the hours of one o'clock (1:00) A.M. and eight o'clock (8:00) A.M. local time on weekdays and Saturdays, and one o'clock (1:00) A.M. and noon (12:00) P.M. local time on Sundays.

23.6 COMMERCIAL AND INDUSTRIAL ZONE PARKING, LANDSCAPING AND SCREENING.

Subject to the provisions of Sections 23.1.2.5 thru 23.1.2.8, parking areas in commercial and industrial zones, except for PUD zones regulated by Article 13, shall comply with the following:

23.6.1 Parking areas, other than those spaces provided immediately adjacent to permitted buildings or structures shall contain curbed islands at each end of parking rows or at points adjacent to internal roadways. Further, islands shall also be required at least every 20 spaces in each row, unless the row contains fewer than 30 spaces. Subject curbed islands shall be grassed and contain hardy shrubs, trees or ground cover.

23.6.2 Parking areas for more than five (5) vehicles shall be separated from Township, County and State roadways by a landscaped strip not less than ten (10) feet in width (twenty (20) feet when across from any A-1 or R- District) except at points of ingress and egress. Landscaping shall consist of grass, ground cover, hardy shrubs and/or trees.

22.6.3 Curb radius at each point of ingress and egress (driveways and access points) shall be a minimum of forty (40) feet.

ARTICLE 24**EXCEPTIONS AND MODIFICATIONS**

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

24.2 **EXISTING LOTS OF RECORD.** In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record at the effective date of this Resolution, irrespective of its area or width, the owner of which does not own any adjoining property, provided:

24.2.1 In no case shall the width of any side yard be less than ten (10) percent of the width of the lot, and provided that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than eight (8) feet or twenty (20) percent of the frontage, whichever is the greater.

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

24.3 **HEIGHT LIMITS.** Heights limitations stipulated elsewhere in this Resolution shall not apply:

24.3.1 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, windmills, chimney, smokestacks, flag poles, sand and gravel processing plants, masts and aerials: to parapet walls extending not more than four (4) feet above the limiting height of the building.

24.3.2 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 buildings otherwise permitted in the district.

24.3.3 To bulkheads, elevator penthouses, water tanks, monitor and scenery lofts, provided no linear dimension of any such structure exceeds fifty (50) percent of the corresponding street lot line frontage; or to towers and monuments, fire towers, hose tower, cooling towers, grain elevators, gas holders, or other structures, where the manufacturing process required a greater height. Provided, however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distant not less than fifty (50) feet in all parts from every lot line not a street lot line.

24.3.4 Existing and future conditional uses in any A-1 (Agricultural) District may erect buildings and structures in excess of general height limits but not to exceed 3 ½ stories on parcels of 5 acres or more. Existing and future conditional uses in any A-1 (Agricultural) District may erect buildings and structures in excess of general height limits but not to exceed 4 ½ stories on parcels of 7.5 acres or more. A minimum of 100 feet shall be required between any building or structure in excess of general height limits and 25% of the subject parcel will be maintained as open space.

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

24.5 **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.

24.6 **SIDE YARD MODIFICATIONS.**

24.6.3 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 (2) side yards is not less than the required minimum, and provided the distance between the proposed dwellings and another dwelling, existing or

proposed on an adjacent lot is not less than the required minimum sum of the widths of two (2) side yards. Such reduction may be authorized only when the Board finds it to be warranted by the location of existing buildings or conducive to the desirable development of two (2) or more lots.

24.6.4 A side yard along the side street lot line of a corner lot, which lot abuts in the rear, either directly across an alley, the side lot line of another lot in an R-District or record 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.

24.7 PROJECTION INTO REQUIRED YARDS.

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

24.7.2 Into any required side yard, rear yard, and court yard, provide the following conditions are met:

- a. Cornices, canopies, eaves or other architectural features, any 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.
- e. Decks may encroach into rear yard set backs only, and at a maximum of eight (8) feet.
- f. In all cases structures requiring a foundation shall not encroach into the setback areas.

24.7.3 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 subdivision, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side 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 sound material and shall be kept in good repair and appearance. The use of barbed wire, chicken wire, electrical or similar type fences shall be prohibited in residential zoned areas.
- 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.
- e. Fences in residential districts shall not extend beyond the front face of the principal structure.
- f. Only one (1) fence along a lot line is permitted.

ARTICLE 25**ENFORCEMENT****25.1 ENFORCEMENT BY ZONING INSPECTOR.**

25.1.1 There is hereby established the office of Zoning Inspector, and for the purpose of this Resolution, the Fairfield Township Trustees appoint a Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Resolution in accordance with the administrative provisions of the County Building Code of this Resolution.

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

25.2 **LIABILITY.** Township Officials, be they employee, appointed or elected, charged with the enforcement and administration of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act required or permitted in the discharge of official duties.

25.3 FILING OF PLANS.

25.3.1 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 the plans relating to the location and size of the lot to be build upon, shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started.

25.3.2 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 of the proposed method of water supply and/or disposal of sanitary wastes.

25.4 ZONING CERTIFICATE.

25.4.1 **APPLICATIONS FOR ZONING CERTIFICATES AND FINAL INSPECTION CERTIFICATES.** The applicant shall submit the proper Zoning Certificate Application form, signed by the property owner or agent, together with the appropriate plan sets, as determined by the Department of Planning and Zoning. Plans shall be drawn to scale in blackline or blueline, showing the actual shape and dimensions of the lot to be built upon or changed in its use, in whole or 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 buildings is designed to accommodate; and where no buildings are involved, the location of the present use and the proposed use to be made of the lot; and such other information as required by this Resolution. Unless otherwise waived by the Director of Planning and Zoning, 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 prepared by a registered surveyor.

25.4.2 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, covered 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 apart thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution. It shall be the duty of the Zoning Inspector to issue a Zoning Certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof, and the proposed methods of water supply and disposal of sanitary wastes, conform with all the requirements of this Resolution.

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

25.4.4 The Zoning Inspector shall act upon all such applications which he is authorized to act upon by the provisions of this Resolution within thirty (30) days after the plans are filed in full compliance with all the applicable requirements as specified under subsection 25.2. He shall either issue a Zoning Certificate within said thirty (30) days or shall notify the applicant in writing of his refusal of such Certificate and the reasons therefore. Failure to notify the applicant in case of such refusal within said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

25.4.5 Under such rules as may be adopted by the Board, the Zoning Inspector may issue a Temporary Zoning Certificate for a part of a building.

25.4.6 Under written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this Resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

25.5 FEES.

25.5.1 There shall be a fee charge for all Zoning Certificates. The Board of Fairfield Township Trustees shall establish and publish a schedule of fees.

25.6 VIOLATIONS AND PENALTIES.

25.6.1 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 Fairfield Township Trustees of Butler County, Ohio. Any person, firm or corporation, violating any of the provision of this Resolution or, any amendment 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 of use continues, may be deemed a separate offense.

25.6.2 In case any building, structure, or sign is or is proposed to be located, erected, construction, 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 Fairfield Township Trustees, the Township Law Director, 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 26**BOARD OF ZONING APPEALS.**

26.1 **APPOINTMENT.** A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, who shall be residents of Fairfield Township. The terms of all members shall be of such length and so arranged that the term of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for non-performance of duty, misconduct in office or other causes, by the Fairfield 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 their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Fairfield Township Trustees and shall be for the un-expired term.

26.2 **PROCEDURE.**

26.2.1 The Board shall organize and adopt rules for its own government in accordance with this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Boards 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, all of which shall be immediately filed in the office of the Fairfield Township Trustees and shall be a public record.

26.2.2 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 appreciate in any matter of which the Board has original jurisdiction in this Resolution. The Board may call upon the County departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

26.3 **APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.**

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

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

26.3.3 **Hearing.** The Board shall fix a reasonable time for the hearing of the application or appeal, giving ten (10) days notice in writing to the parties in interest and giving notice of such public hearing by one (1) publication in one (1) or more newspapers in general circulation in the county at least ten (10) days before the date of such hearing, and decide the same within a reasonable time after it is submitted. Each application or appeal shall be accompanied by a check, payable to the Fairfield Township Board, 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 hearing, any party may appear in person or by attorney. Any person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County, on the ground that the decision was unreasonable or unlawful. A notice of appeal shall be accompanied with a check may payable to the Zoning Administrator in an amount to be determined by the Fairfield Township 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.

26.3.4 **Decision of the Board.**

26.3.4.1 The Board shall decide all applications and appeals within thirty (30) day after the final hearing thereon.

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

26.3.4.3 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.

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

26.4 POWERS OF THE BOARD OF ZONING APPEALS.

26.4.1 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 herein before provided, for conditional uses, special exception or for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, 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 requirement 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. The Board may require such evidence or surety or financial assurance, as it may deem necessary.

26.5 CRITERIA FOR GRANTING CONDITIONAL USES.

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

26.5.2 REQUIRED CONDITIONS FOR APPROVAL OF ALL CONDITIONAL USES.

26.5.2.1 GENERAL REQUIREMENTS. All uses designated as conditional uses shall meet the following requirements.

- a. Uses shall comply with the comprehensive land plan for Fairfield Township.
- b. Uses shall be located in districts where they are designated as conditional uses by these regulations.
- c. Uses shall not adversely impact the health, safety or welfare of the surrounding area.
- d. Parking area and general site lighting shall be designed and installed to avoid casting direct light or glare onto surrounding properties.
- e. A drainage plan for the site shall be provided to demonstrate that the site will create no more storm runoff after development than it did before development.

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

265.3 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY.

26.3.1 Non-cellular wireless and telecommunication towers and facilities licensed by the Federal Communications Commission, and Public Utilities licenses by the Public Utilities Commission of Ohio (PUCO) are exempted from the requirements of this Resolution.

Telecommunication Towers and the authority and limitations to regulate are subject to the Ohio Revised Code, sections 519.02 to 519.26.

26.3.2 ZONING CERTIFICATE PROCEDURES FOR WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS.

Any wireless and cellular telecommunication tower proposed to be located in an A- or R- District and which has been determined to be subject to township zoning shall require the issuance of a Zoning Certificate. Upon application of the public utility for such a Zoning Certificate, the and Zoning Inspector shall forward said application to the Board of Trustees. The Board of Trustees shall, upon receipt of such application, set a time for a public hearing on the proposed application within thirty (30) days from the date of receipt of the application. Notice of such public hearing shall be given by certified mail to the applicant and all property owners whose land is contiguous to or directly across the street from the property where the tower is proposed to be located. The notice shall set forth a time and place of the public hearing and a summary of the proposed tower.

26.3.3 The Township Board of Trustees shall have the power to hear and decide whether the proposed tower is in keeping with the intent of this Resolution to maintain the public health, safety and general welfare of the residents of Fairfield Township. In considering an application for a wireless and cellular telecommunication tower, the Board of Trustees shall give due regard to the nature and condition of all adjacent uses and structures and to ensure that the height and location of the tower has been approved by all other governmental agencies charged with the responsibility of maintaining air safety. The Board of Trustees shall also ensure that no other structure is located within a distance from the base of the tower that is less than the height of the tower itself. The Board of Trustees may impose other conditions and requirements as deemed necessary for the protection of adjacent properties and the public interest.

26.5.4 REST HOMES, NURSING HOMES, PUBLIC BUILDINGS AND ANIMAL HOSPITALS.

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

26.5.5 HOSPITALS, COLLEGES, UNIVERSITIES AND TECHNICAL SCHOOLS.

- 1) The above uses shall have direct access to a major arterial.
- 2) The application for a conditional uses permit for the above uses shall include a traffic impact study that demonstrates that the surrounding street system has the capacity to handle the expected traffic generated by this use.

- 3) A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site. Where parking is located in the front yard, a landscaped or mechanical hedge buffer of no less than two (2) feet shall also be provided.
- 4) All such uses shall be located not less than two hundred (200) feet from any lot in an R-District, or a recorded residential subdivision.
- 5) All of these uses shall have a minimum lot size of one (1) acre.

26.5.6 RECREATION FACILITIES, CEMETERIES, COUNTRY CLUBS AND GOLF COURSES.

- 1) The above uses shall have direct access to a major arterial or a collector street.
- 2) Where more than ten (10) parking spaces are required, there shall be a hard surface parking area provided.
- 3) A landscaped buffer of not less than three (3) feet shall be provided at the side and rear boundaries of the site at a height appropriate to the intensity of use. The front boundary may be required to be buffered in some way if the Township deems it necessary.
- 4) All associated buildings, pools and playing fields shall be a minimum of one hundred (100) feet from any other lot in an R-District, or a recorded residential subdivision.

26.5.7 CLUBS, FRATERNITIES, LODGES AND CONFERENCE CENTERS.

- 1) These uses shall have direct access to a major arterial or a collector street.
- 2) All associated buildings shall be a minimum of fifty (50) feet from all other lot in an A-1 District, or a recorded residential subdivision.
- 3) All of these uses shall have a minimum lot area of one (1) acre.

26.5.8 AIRPORTS.

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

26.5.9 NURSERY SCHOOLS AND DAY CARE CENTERS.

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

26.5.10 GROUP HOMES.

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

26.5.11 LANDFILLS.

These uses where permitted shall be a minimum of one thousand (1,000) feet from any lot in a R-District, Schools, Churches, Recreation Areas, Public Buildings, and other facilities providing uses to the general public.

- 2) All requests for a landfill conditional use permits must be accompanied by demonstrated approval from the appropriate County, State and Federal agencies with jurisdiction. This approval should not be construed to indicate conditional use approval.

26.5.12 HOME OCCUPATIONS.

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

26.5.13 BED AND BREAKFAST.

- 1) All bed and breakfast facilities shall be consistent in character with their surrounding land uses.
- 2) Uses shall be permitted one home occupation sign as regulated in Section 23.0267.
- 3) Uses shall require no more than seven (7) parking spaces; these spaces shall be located at the rear of the site and shall be buffered with landscape or fencing material form adjacent residential uses.

26.5.14 MOTELS

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

recorded residential subdivision shall provided twenty (20) foot wide planting strip which extends along all outside boundaries contiguous to the "R" Zoning District or the recorded residential subdivision. The strips shall be planted with trees and shrubs that will provide a dense screen at all times and that will be mature within a five (5) year period.

- g. Enlargement - Board Approval. Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate as if it were a new establishment.
- h. Enlargement - Existing Facilities to Comply. No enlargement or extensions to any motel or motor hotel shall be permitted unless the existing one is made to conform substantially with all the requirements for new construction for such an establishment.

26.5.15 AUTO SALVAGE/WRECKING YARDS AND JUNK YARDS.

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

26.5.16 MINES, QUARRIES AND GRAVEL PITS.

- a. Any owner, lease, or other person, firm or corporation having an interest in mineral lands may file with the Fairfield Township Board of Zoning Appeals an application for authorization to mine mineral there from, provide, however, that he shall comply with all requirement of the District in which said property is located, and with the following additional requirements:
 - 1) All of theses uses shall be on a lot not less than ten (10) acres in size.
 - 2) Any power-driven or power-producing machinery used in the operation of this facility shall be located a minimum of four hundred (400) feet from any lot in an R-District or a recorded residential subdivision.
 - 3) No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the Board where such is deemed necessary for the protection of adjacent property. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation.
 - 4) In the event that the site of 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 twenty-five (25) feet to the nearest line of such right-of-way. This distance may be extended if recommended by the County Engineer or the Ohio Department of Transportation.
 - 5) Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board such fencing is necessary for the protection of the public safety: this fencing shall be of a type specified by the Board.

- 6) All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free conditions by surfacing or other treatment as may be specified by the County Engineer.
- 7) The crushing, washing, and refining or other similar processing may be authorized by the Board as an accessory use, provided, however, that such accessory processing shall not be in conflict with the land use regulations of the District in which the operation is located.
- 8) In accepting such plan for review, the Board must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.
- 9) An application for such operation shall set forth the following information : (1) names of the owner or owners of the land from which removal is to be made: (2) names of the applicant making requests for such a permit: (3) name of the person or corporation conducting the actual removal operations: (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 uses of explosives will be required: (8) method of rehabilitation and reclamation of the mine area.
- 10) The Board shall make a complete record and transcript of all testimony and witnesses heard at the public hearing. The Board shall either approve, deny or 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.
- 11) 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 Fairfield Township, Ohio, in an amount of not less than ten thousand (\$10,000) and not more than fifty thousand (\$50,000) as a guarantee that such applicant, in restoring, reclamation and rehabilitating that such applicant, in 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, non-inflammable and non-combustible solids, to ensure (a) that the excavated area shall not collect and permute to remain therein stagnant water or (b) that the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
 - B. Where the mining site is reclaimed by creating a body of water, they current and subsequent property owners shall be responsible for protecting the groundwater table from contamination as much as possible.
 - 1) The body of water shall be surrounded by a berm or channels to cause storm water runoff to run away from the area.
 - 2) The body of water shall be fenced in to ensure limited access to prevent unauthorized dumping.
 - 3) Groundwater monitoring be undertaken on a regular basis, and annual tests shall be submitted to the Health District annually to ensure the quality of groundwater.
- 12) 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 waste as herein above provided.

- 13) 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.
- 14) 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.
- 15) The said conditions and the amount of performance bond shall be determined by the Board prior to issuance of the permit.

26.5.17 CONDITIONAL INDUSTRIAL USES.

All conditional permitted industrial uses shall be a minimum of one thousand (1,000) feet from any lot in a R-District, schools, churches, recreation areas, public buildings, and other facilities providing uses to the general public.

2. The following minimum standards shall apply to all conditionally permitted industrial uses within their designated district.
 - a. Fire and Explosion Hazards. All activities, including storage, involving flammable or explosive material shall include the provision of adequate safety devised against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited as enforced by the Ohio Environmental Protection Agency.
 - b. Air Pollution. No emission of air pollutants shall be permitted that violates the Clean Air Amendments of 1977 and subsequent amendments thereto, as enforced by the Ohio Environmental Protection Agency, and the Butler County Health District.
 - c. Glare, Heat, and Exterior Light. Any operations predicting intense light or heat, such high temperature processes like combustion, welding, or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way/
 - d. Dust and Erosion. Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
 - e. Liquid or Solid Wastes. No discharge at any point into any public sewer, private disposal system, or stream, or into the ground, of any materials of such nature or temperature that could contaminate any water supply or interfere with bacterial processes in sewage treatment shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
 - f. Vibration and Noise. No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth-shaking vibration which are discernible without instruments at or beyond the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
 - g. Odors. No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot lines of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to, as shall the standards and regulations of the Butler County Health District.
 - h. Toxic Materials. No emission of toxic or noxious matter which is injurious to human health,

comfort, or enjoyment of life and property or to animal or plant life shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.

- i. Chemicals. The storage, use, and manufacture of solid, liquid, and gaseous chemicals and other materials shall be permitted subject to the following conditions:
 - (1) No discharge shall be permitted at any point into public sewer, private sewage disposal system, or stream, or into the ground, of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.
 - (2) The storage, use or manufacture of solid combustible material or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
 - (3) All activities involving the use/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All above ground storage shall be enclosed in fireproof vaults.
 - (4) The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gasses shall be in the strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."
- j. Radioactivity. The handling of radioactive materials, discharge of such materials into air and water, and the disposal of radioactive wastes shall be in strict conformance with the following:
 - (1) The applicable regulation of the Department of Energy.
 - (2) The applicable regulations of any agency of the State of Ohio.

3. COMMERCIAL ANIMAL FARMS

- a. All such uses shall have a minimum lot area of ten (10) acres.
- b. All associated principal and accessory buildings used for holding animals shall be a minimum of four hundred (400) feet from any lot in and R-District and any recorded residential subdivision.

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

26.7 INTERPRETATION OF ZONING MAP. Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and boundary

line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board, and a determination shall be made by said Board.

26.8 ADMINISTRATIVE REVIEW AND VARIANCE.

26.8.1 ADMINISTRATIVE REVIEW. The Board shall have the power to hear and decide appeals, filed as herein before provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or Administrative Official in the interpretation of the provisions of this Resolution.

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

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

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

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

26.8.5 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 as ought to be made and to the end shall have all powers of the officer from whom the appeal is taken.

ARTICLE 27**DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

27.1 **GENERAL.** For the purpose of promoting the public health, safety and morals the Board of Fairfield Township Trustees may in accordance with a comprehensive plan, by resolution, after recommendation thereon by the Zoning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district, boundaries or classification 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 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.

27.2 **AMENDMENTS - PROCEDURE TO INITIATE.** Amendments or supplements to the zoning resolution may be initiated by motion of the Fairfield Township Zoning Commission, by the passage of a resolution therefore by the Board of Fairfield Township Trustees or by the filing of an application therefore by one or more of the owners or leases of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Fairfield Township Zoning Commission. The Board of Fairfield Township Trustees shall upon the passage of such resolution certify it to the Zoning Commission.

27.3 **PUBLIC HEARING.** Upon the adoption of such motion, or the certification of such resolution or the filing of such application the Fairfield 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 Zoning Commission by one publication in one or more newspapers of general circulation in each township affected by such proposed amendment or supplement at least ten (10) days before the date of such hearing.

27.4 **HEARING NOTICE.** 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 Fairfield Township Zoning Commission, by first class mail, at least twenty (20) day 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 Trustees. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published or 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 Board of Fairfield Township Trustees. Hearings shall be held in the Fairfield Township Administration Building or in a public place designated by the Fairfield Township Zoning Commission.

27.5 **BUTLER 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 Fairfield Township Zoning Commission shall transmit a copy thereof to the Butler County Planning Commission. The Butler 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 Fairfield Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Fairfield Township Zoning Commission on such proposed amendment or supplement.

27.6 **ZONING COMMISSION - RECOMMENDATIONS.** The Fairfield 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 Fairfield Township Zoning Commission thereon to the Board of Fairfield Township Trustees.

27.7 **SUBMISSION TO DIRECTOR OF TRANSPORTATION.** Before a proposed amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway 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 Fairfield Township Zoning Commission shall give notice, by registered or certified mail to the Director of Transportation. The Fairfield Township Zoning Commission may proceed as required by law, however, the Board of Trustees shall not approve the amendment for one hundred and twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Fairfield Township Trustees that he shall proceed to acquire any land needed, then the Board of Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Fairfield 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 Board of Fairfield Township Trustees shall proceed as required by law.

27.8 FAIRFIELD TOWNSHIP TRUSTEES - HEARING. The Board of Fairfield 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 Fairfield 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, in the county, at least ten (10) 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 supplement.

27.9 FAIRFIELD 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 modified the recommendation of the Fairfield Township Zoning Commission a unanimous vote of the Board shall be required.

27.10 EFFECTIVE DATE - REFERENDUM. Such amendment or supplement adopted by the Board shall be effective in thirty (30) days after the date of such adoption unless within thirty (30) days there is presented to the Board of Fairfield 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 of approval or rejection at the next primary or general election.

27.11 REFERENDUM VOTE - EFFECTS. No amendment or supplement for which referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

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

ARTICLE 28

WHEN EFFECTIVE

28.1 **WHEN EFFECTIVE.** As provided under Section 519 of the Ohio Revised Code, “Upon Certification by the Board of Elections, the Resolution shall take immediate effect in all areas of Fairfield Township, Butler County Ohio township which voted approval, eliminating from the plan any township which did not vote approval.”

28.2 This Resolution shall be in full force and effect in all portions of Fairfield Township as follows:

January 1, 1972 and as amended;
July 29, 1994, April 17, 2002,
January 20, 2007, December 27, 2007,
& July 10, 2008

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