

# Article 5: Base Zoning Districts and Principal Use Regulations

## 5.01 GENERAL PURPOSE AND INTENT (NEW)

The zoning districts contained in this resolution are created to:

- (A) Realize the general purpose set forth in Section [1.01: Purpose](#) of this zoning resolution;
- (B) Provide appropriately located areas for residential development that are consistent with township policy and with standards of public health and safety established by this resolution and any other appropriate governmental body;
- (C) Provide, in appropriate and convenient locations, sufficient areas for a full range and scale of nonresidential uses in accordance with the township comprehensive plan;
- (D) Provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities available in Ross Township;
- (E) Ensure the long-term maintenance of the township's quality residential neighborhoods;
- (F) Ensure adequate light, air, privacy and open space for each dwelling;
- (G) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects; and
- (H) Minimize the impact of business development on abutting residential districts.

## 5.02 SPECIFIC DISTRICT PURPOSE STATEMENTS<sup>12</sup>

The following are specific purpose statements for each of the base zoning districts. Purpose statements and district specific standards for Planned Unit Developments (PUDs) are established in Article <> (PUDs). Purpose statements and specific standards for overlay districts are established in Article <> (Overlay Districts).

### (A) Suburban Residential District (R-1)

The intent of the R-1 Suburban Residential District is to reserve certain land areas for single-family dwellings at a gross maximum density of 1.9 units per acre. These areas will constitute areas of sound residential development and will remain semi-rural in character.

### (B) Suburban Residential District (R-1A)

The intent of the R-1A Suburban Residential District is to reserve certain land areas for single-family homes at a gross maximum density of 2.4 units per acre where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing.

### (C) Single-Family Residential District (R-2)

The intent of the R-2 Single-Family Residential District is to reserve certain land areas for one-family homes at a gross maximum density of 4.1 units per acre where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing. These areas will constitute areas of sound residential development at medium densities.

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<sup>12</sup> The purpose statements are pulled from the Buter County Zoning Resolution.

**(D) One- and Two-Family Residential District (R-3)**

The intent of the R-3 One- and Two-Family Residential District is to reserve certain land areas for single-family or two-family dwellings, or a mixture thereof at a gross maximum density of 6.3 dwelling units per acre where public water and sanitary facilities are available and to designate new, undeveloped land areas for such residential development and housing. These areas will constitute areas of sound residential development at medium densities.

**(E) Multi-Family Residential (R-4)**

The intent of the R-4 Multiple-Family Residential District is to reserve certain land areas for multiple-family residential development as well as mixture of housing with a variety of housing units within individual districts. These areas will constitute areas of sound residential development at medium-high densities.

**(F) Neighborhood Business District (B-1)**

The intent of the B-1 Neighborhood Business District is to allow for small-scale retail commercial, office, and similar uses that are designed to meet the daily needs of local residents. Uses are typically located on small lots in close proximity to residential areas and may serve as a transition between more intense business and manufacturing districts and nearby residential districts.

**(G) Community Business District (B-2)**

The intent of the B-2 Community Business District is to provide for areas of the township that can be used for general business uses that cater to both local residents as well as the regional market. This district is designed to accommodate more intense business uses than the B-1 District provided there is sufficient site design to minimize traffic and other impacts of larger-scale commercial uses.

**(H) General Business District Business District (B-3)**

The intent of the B-3 General Business District is to provide for areas of the township that can be used for general business uses that cater to both local residents as well as the regional market. This district is designed to accommodate more intense business uses than the B-1 District and B-2 provided there is sufficient site design to minimize traffic and other impacts of larger-scale commercial uses.

**(I) Office District (B-4)**

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

**(J) Light Industrial District (M-1)**

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

**(K) Agricultural District (A-1)**

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.

**(L) Floodplain District (F-1)**

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

**5.03 PERMITTED USES**

**(A) General Use Regulations**

**(1) Number of Principal Buildings and Uses**

- (a) Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot in a residential zoning district.
- (b) Wherever an agricultural use is exempt from these regulations or permitted in accordance with this resolution, a single-family dwelling may be located on the same lot but shall not be exempt from this zoning resolution.
- (c) Multiple principal buildings may be permitted in the nonresidential zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this resolution.
- (d) Multiple principal uses may be permitted within a single principal building within the nonresidential zoning districts.
- (e) Multiple principal uses may be permitted on individual lots in a planned unit development district if approved in accordance with Article <> (PUDs).

**(2) Enclosed Building**

- (a) Unless otherwise stated in the name of the use (e.g., outdoors), by definition, or within the use-specific standards, all principal uses shall be required to take place in a fully enclosed building.
- (b) Wireless telecommunication facilities and mining and extraction are exempt from this requirement.

**(3) Prohibited Activities**

- (a) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes.
- (b) Any action to abate a nuisance shall be administered by the Board of Trustees or Zoning Inspector in accordance with applicable laws.
- (c) Marijuana dispensaries are specifically prohibited in Ross Township.

**(B) Permitted Use Table Summary**

[Table 5-1](#) sets forth the uses allowed within all zoning districts except planned development districts (See Article <> PUD)). The abbreviations used in the table are described as follows:

**(1) Permitted Uses**

- (a) A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.

- (b) Permitted uses are approved administratively by the Zoning Inspector through the zoning certificate procedure.

**(2) Permitted Uses with Standards**

- (a) A “PS” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 5-1](#). Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (b) Uses permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning certificate procedure.

**(3) Conditional Uses**

- (a) A “C” in a cell indicates that a use may be permitted if approved through the conditional use review. Conditional uses may be subject to use-specific standards as identified in the last column of [Table 5-1](#).
- (b) Conditional uses are subject to all other applicable regulations of this resolution.
- (c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review criteria for conditional uses in Section [3.06\(C\): Conditional Use Review Criteria](#).

**(4) Prohibited Uses**

A blank and/or shaded cell indicates that a use is prohibited in the respective zoning district.

**(5) Numerical References**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

**(6) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 5-1](#), the applicant may choose to take one of the following actions:

- (a) The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to Section [3.07: Appeals](#);
- (b) The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section [3.05: Zoning Text or Map Amendment](#); or
- (c) The applicant may present their case to the Zoning Commission and/or Board of Trustees to request that the township initiate a text amendment to address the proposed use and applicable standards.

**(C) Permitted Use Table**

**Article 5: Base Zoning Districts and Principal Use Regulations**  
5.03: Permitted Uses

TABLE 5-1: PERMITTED USE TABLE													
Permitted Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use Blank Cell = Prohibited	A-1	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	F-1	Use-Specific Standards See Section:
	<b>Agricultural Use Classification</b>												
Agricultural Uses on Lots of Greater than Five Acres	Exempt pursuant to Section <a href="#">3.02(A)</a> .												
Agricultural Uses on Lots of Five Acres or Less	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	<a href="#">5.04(A)(1)</a>
Nurseries or Greenhouses	PS								P				<a href="#">5.04(A)(2)</a>
<b>Residential Use Classification</b>													
Bed and Breakfast Establishments	C						C						<a href="#">5.04(B)(1)</a>
Dwellings, Multi-Family						P							
Dwellings, Single-Family	P	P	P	P	P	P							
Dwellings, Two-Family					P	P							
Permanently Sited Manufactured Housing	PS	PS	PS	PS	PS	PS							<a href="#">5.04(B)(2)</a>
Residential Facilities <sup>13</sup>	PS	PS	PS	PS	PS	PS							<a href="#">5.04(B)(3)</a>
Skilled Nursing or Personal Care Facilities <sup>14</sup>					C	C	C	PS	PS	C			<a href="#">5.04(B)(4)</a>
<b>Public and Institutional Use Classification</b>													
Active Parks and Recreation	C	C	C	C	C	C	C	C	C	C	C	C	<a href="#">5.04(C)(1)</a>
Cemeteries	C	C	C	C	C	C							<a href="#">5.04(C)(2)</a>
Churches and Places of Worship	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS		<a href="#">5.04(C)(3)</a>
Community Centers	C	C	C	C	C	C							
Cultural Institutions	C	C	C	C	C	C	P	P	P	C			
Educational Facilities (Primary and Secondary)	C	C	C	C	C	C	P	P	P	P			
Educational Facilities, Higher							P	P	P	P	P		
Government Offices and Buildings	C	C	C	C	C	C	P	P	P	P	P		
Hospitals							PS	PS	PS	PS			<a href="#">5.04(C)(4)</a>
Passive Parks, Recreation, and Open Space	P	P	P	P	P	P	P	P	P	P	P	P	
Quasi-Public, Fraternal, or Service Facilities							PS	PS	PS	PS			<a href="#">5.04(C)(3)</a>
<b>Commercial and Office Use Classification</b>													
Adult Entertainment Establishments <sup>15</sup>									C		C		<a href="#">5.04(D)(1)</a>
Assembly Halls and Conference Centers								P	P	C			

<sup>13</sup> This is a term that the State of Ohio uses for certain types of group homes that have to be allowed where residential uses are permitted.

<sup>14</sup> This is a term that replaces nursing homes with definitions tied to the ORC.

Adult entertainment establishments (sexually-oriented businesses) are a use that is protected by the First Amendment (freedom of expression) and has to be accommodated with all communities. <sup>16</sup> Some of these standards were drawn from the Butler County Zoning Resolution but most are new and/or modernized standards for Ross Township.

**Article 5: Base Zoning Districts and Principal Use Regulations**  
5.03: Permitted Uses

TABLE 5-1: PERMITTED USE TABLE														
Permitted Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use Blank Cell = Prohibited	A-1	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	F-1	Use-Specific Standards See Section:	
Automotive Service and Repair (Major)								C	C			PS		<a href="#">5.04(D)(2)</a>
Automotive Service and Repair (Minor)							C	PS	PS			PS		<a href="#">5.04(D)(3)</a>
Banks and Financial Institutions							P	P	P	P				
Commercial Entertainment or Recreation (Indoors)							P	P	P			P		
Commercial Entertainment or Recreation (Outdoors)								C	C				PS	<a href="#">5.04(D)(4)</a>
Day Care Centers (Adult or Child)							PS	PS	PS	PS				<a href="#">5.04(D)(5)</a>
Fuel Stations							PS	PS	PS					<a href="#">5.04(D)(3)</a>
Funeral Homes or Mortuaries							PS	PS	PS	PS		PS		<a href="#">5.04(D)(6)</a>
General Offices (Administrative, Professional, Business)							P	P	P	P		P		
Hotels and Motels								C	C					
Kennels, Animal Training, and Animal Day Cares	C								C					<a href="#">5.04(D)(7)</a>
Medical and Dental Offices or Clinics							P	P	P	P				
Microbrewery, Microdistillery, or Microwinery							PS	PS	PS			PS		<a href="#">5.04(D)(8)</a>
Personal Service Establishments							P	P	P	P				
Restaurants and Taverns							P	P	P					
Retail and Service Commercial Uses							P	P	P					
Theaters								P	P					
Vehicle Sales and Leasing								PS	PS					<a href="#">5.04(D)(9)</a>
Vehicle Washing Establishments								P	P					
Veterinarian Offices, Animal Hospitals, and Animal Grooming (No Boarding)	C						PS	PS	PS	PS				<a href="#">5.04(D)(10)</a>
<b>Industrial Use Classification</b>														
Industrial Service Uses												PS		<a href="#">5.04(E)(1)</a>
Light Industrial Uses												PS		<a href="#">5.04(E)(1)</a>
Research and Development Facilities									PS	PS		PS		<a href="#">5.04(E)(2)</a>
Self-Storage Facilities									PS			PS		<a href="#">5.04(E)(3)</a>
Warehouses												P		
Wholesale Businesses												P		
<b>Miscellaneous Use Classification</b>														
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	P	
Mining and Extraction	C												C	<a href="#">5.04(F)(2)</a>
Mixed Use Buildings							PS	PS	PS					<a href="#">5.04(F)(1)</a>
Multi-Tenant Developments							P	P	P	P		P		

TABLE 5-1: PERMITTED USE TABLE													
Permitted Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use Blank Cell = Prohibited	A-1	R-1	R-1A	R-2	R-3	R-4	B-1	B-2	B-3	B-4	M-1	F-1	Use-Specific Standards See Section:
Wireless Telecommunication Facilities	C	C	C	C	C	C	P	P	P	P	P	C	<a href="#">5.04(F)(3)</a>

**5.04 USE-SPECIFIC STANDARDS (NEW)<sup>16</sup>**

**(A) Agricultural Use Classification**

**(1) Agricultural Uses on Lots Less than Five Acres**

The following standards shall apply to all agricultural uses that are not otherwise exempted from zoning pursuant to [3.02\(A\): Agricultural Use Exemption](#):

- (a) All buildings and structures, except fencing, associated with the raising or keeping of livestock on lots that are larger than one acre in area but smaller than five acres, shall be set back a minimum of 100 feet from all lot lines.
- (b) The maximum height shall be the same as the maximum height in the applicable district.
- (c) Fencing utilized to corral or pen livestock shall be set back a minimum of 20 feet from all lot lines.
- (d) The raising of crops and trees is permitted on any lot by-right and shall not require a zoning certificate.
- (e) The raising of livestock on lots less than one acre in area shall be prohibited.
- (f) Agricultural uses shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Nurseries and Greenhouses**

Nurseries and greenhouses may only be permitted in residential districts when the use is an accessory use to a permitted agricultural use.

**(B) Residential Use Classification**

**(1) Bed and Breakfast Establishments**

The following standards shall apply to any bed and breakfast establishment:

- (a) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling.
- (b) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- (c) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- (d) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.

<sup>16</sup> Some of these standards were drawn from the Butler County Zoning Resolution but most are new and/or modernized standards for Ross Township.

- (e) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- (f) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (g) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

**(2) Permanently Sited Manufactured Housing**

The following standards shall apply to any permanently sited manufactured housing:

- (a) The housing shall meet the definition of a permanently sited manufactured home as established in the ORC.
- (b) The housing shall comply will all zoning requirements of a single-family dwelling in the applicable zoning district.
- (c) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

**(3) Residential Facility**

- (a) Where a person may operate a residential facility, as defined in the ORC that is of a size that is required to be allowed where single-family dwellings are permitted, such use shall be deemed a permitted use in the A-1, R-1, R-1A, R-2, R-3, and R-4 Districts. Such facilities must comply with the site development standards (See Section [<>](#).) and any other standards in this resolution that apply to all single-family dwellings within the applicable district.
- (b) Where a person may operate a residential facility, as defined in the ORC, that is of a size that is required to be allowed where multi-family dwellings are permitted, such use shall be deemed a permitted use in R-3 and R-4 Districts. Such facilities must comply with the site development standards (See Section [<>](#).), architectural standards, and any other standards in this resolution that apply to all multi-family dwellings within the applicable district.

**(4) Skilled Nursing or Personal Care Facilities**

The following standards shall apply to any skilled nursing or personal care facilities:

- (a) The principal building shall be set back a minimum of 100 feet from any adjacent residential zoning district or residential lot line.
- (b) All other site development standards of the applicable zoning district shall apply to the site.
- (c) The maximum density of these facilities varies based on the specific type of facility as established below:



- (i) A skilled nursing or personal care facility may include independent living (no skilled or personal care facilities provided to individual units), regardless if the applicable zoning district allows for dwelling units. If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six dwelling units per acre. In no case shall the independent living component comprise more than 50 percent of the dwelling units or rooms in the proposed development.<sup>17</sup>
  - (ii) The maximum density of congregate housing or assisted living facilities shall be 10 units per acre in the R-4 or B-1 Districts and 20 units per acre in the B-2, B-3, or B-4 Districts, regardless if the unit is a complete dwelling unit with separate kitchen facilities.
  - (iii) All other facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.
  - (iv) The BZA may set maximum density or intensity requirements as part of the special use approval based on the density or character of surrounding uses.
- (d) The proposed use shall not have a primary access from a local residential street.

**(C) Public and Institutional Use Classification**

**(1) Active Parks and Recreation**

The following standards shall apply to any active parks and recreational activities:

- (a) Due to the variety of activities that may take place with these uses, the BZA may consider the intensity of the activity and impact on adjacent properties when establishing minimum setbacks. Activities that may generate excessive noise or light should be set back a minimum of 100 feet from all lot lines of an adjacent residential use.
- (b) For golf courses, all greens and fairways shall be set back a minimum of 150 feet from all adjacent residential lot lines.
- (c) Only retail uses that are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- (d) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Cemeteries**

The following standards shall apply to any cemetery:

- (a) The minimum lot area shall be 20 acres.
- (b) The minimum lot width shall be 300 feet.
- (c) All chapels, mausoleums, accessory buildings, or other buildings shall be set back a minimum of 100 feet from all street rights-of-way and all lot lines in a residential zoning district.
- (d) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.

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<sup>17</sup> This provision would allow for a retirement community that has both skilled nursing facilities and independent living.

- (e) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.
- (f) Interior drives, having a minimum width of 20 feet, shall be identified in all submitted plans.
- (g) Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.
- (h) All maintenance equipment and materials shall be stored in a completely enclosed building.
- (i) Crematoriums may be allowed within the cemetery but shall be set back a minimum of 250 feet from all lot lines in a residential zoning district.
- (j) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(3) Churches and Places of Worship, Community Centers, Cultural Institutions, Educational Facilities (Primary and Secondary), and Quasi-Public, Fraternal, or Service Facilities**

The following standards shall apply to any church, place of worship, community center, cultural institution, educational facility (primary and secondary), or quasi-public, fraternal, or service facility:

- (a) All buildings shall be set back a minimum of 75 feet from all lot lines.
- (b) All parking areas shall be set back a minimum of 50 feet from the front lot line and 25 feet from all other lot lines.
- (c) The proposed use shall not have a primary access from a local residential street with the exception of community centers<sup>18</sup>.
- (d) Associated uses such as a convent, faculty residence, cafeteria, dormitory, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this resolution.

**(4) Hospitals**

The following standards shall apply to any hospital:

- (a) The minimum lot area shall be five acres.
- (b) The minimum lot width shall be 300 feet.
- (c) All buildings shall be set back a minimum of 100 feet from all lot lines.
- (d) All parking areas shall be set back a minimum of 50 feet from all lot lines.
- (e) The proposed use shall not have a primary access from a local residential street.
- (f) Helipads are permitted and shall be set back a minimum of 250 feet from any residential lot line.

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<sup>18</sup> Per the definitions, these are buildings designed for use by a subdivision or residents of a multi-family development complex. They might include a club house, pool, or other activities.

**(D) Commercial and Office Use Classification**

**(1) Adult Entertainment Establishments**

**(a) Establishment**

- (i)** Whereas, the Ross Township Trustees find that there is convincing documented evidence that adult entertainment establishments, because of their very nature, have a deleterious effect on both the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and the downgrading of property values; and
- (ii)** Whereas, it is recognized that adult entertainment establishments, due to their nature, have serious objectionable operational characteristics, particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading the quality of life in the adjacent area; and
- (iii)** Whereas, the Ross Township Trustees desire to minimize and control these adverse effects and thereby protect the health, safety, and morals of the citizenry; protect the citizens from increased crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and
- (iv)** Whereas, the Ross Township Trustees has determined that location criteria alone do not adequately protect the health, safety and morals of the people of this township; and
- (v)** Whereas, it is not the intent of this amendment to suppress any speech activities protected by the First Amendment, but to enact a content neutral amendment which addresses the secondary effects of adult entertainment establishments; and
- (vi)** Whereas, it is not the intent of the Ross Township Trustees to condone or legitimize the distribution of obscene material, and the Trustees recognizes that state and federal law prohibits the distribution of obscene materials and expects and encourages state law enforcement officials to enforce state obscenity statutes against any such illegal activities in the township.

Be it enacted by the Ross Township Trustees the following regulations for adult uses.

**(b) Purpose and Findings**

- (i)** It is the purpose of this amendment to regulate adult entertainment establishments in order to promote the health, safety, morals, and morals of the citizens of the township, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of adult entertainment establishments within the township. The provisions of this amendment do not have the purpose or effect of imposing a limitation or restriction on the content of any communicative materials including sexually oriented materials. Further, it is not the intent of this amendment to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is the intent nor effect of this amendment to condone or legitimize the distribution of obscene material.

- (ii) The Ross Township Trustees have received substantial evidence concerning the adverse secondary effects of adult uses of the community in finding incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986) and *Young v. American Mini Theatres*, 426 U.S. 50 (1976); in evidence concerning the adverse secondary effects of Sexually Oriented Businesses on the community presented in hearings before the Township Trustees; and on studies in other cities including New York, New York; Indianapolis, Indiana; and the State of Minnesota.

**(c) Classification**

Adult entertainment establishments are classified and include the following:

- (i) Adult arcade;
- (ii) Adult bookstore;
- (iii) Adult novelty store;
- (iv) Adult video store;
- (v) Adult cabaret;
- (vi) Adult motion picture theatre;
- (vii) Adult theatre;
- (viii) Sexual encounter establishment; and
- (ix) Nude or semi-nude model studio.

**(d) Locational Requirements**

Adult entertainment establishments may be located only in accordance with the following:

- (i) No adult entertainment establishment may be established within 500 feet of:
  - A. A church or other place of worship, which is used primarily for religious worship and related religious activities;
  - B. A public or private educational facility (primary or secondary), child day care center, or higher education facility; for educational facilities, this shall include setbacks from the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;
  - C. A boundary of a residential zoning district as defined in this resolution and established on the zoning map;
  - D. An active park and/or recreational facility, passive parks, recreation, or other open spaces including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar land within the Township; or
  - E. An entertainment business which is oriented primarily towards children or family entertainment.
- (ii) No adult entertainment establishment may be established within 500 feet of the property of a lot devoted to a residential use.
- (iii) No adult entertainment establishment may be established, operated or enlarged within 500 feet of another adult entertainment establishment.

- (iv) Not more than one adult entertainment establishment shall be established or operated in the same building, structure, or portion thereof, and the floor area of any adult entertainment establishment in any building, structure, or portion thereof containing another adult entertainment establishment may not be increased.

**(e) Measurement of Distance**

- (i) For the purposes of Section [5.04\(D\)\(1\)\(d\)\(i\)](#) and [5.04\(D\)\(1\)\(d\)\(ii\)](#) above, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where an adult entertainment establishment is conducted, to the nearest property line of the premises of a use set forth in Section [5.04\(D\)\(1\)\(d\)\(i\)](#) and [5.04\(D\)\(1\)\(d\)\(ii\)](#).
- (ii) For purposes of Section [5.04\(D\)\(1\)\(d\)\(iii\)](#) above, the distance between any two adult entertainment establishments shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

**(f) Advertising and Lighting**

- (i) No displays or exhibits of materials and/or performances at such adult entertainment establishments shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such adult entertainment establishment.
- (ii) No portion of the interior premises shall be visible from outside the premises.
- (iii) Nothing contained in this section of the article shall relieve the operator(s) of an adult entertainment establishment from complying with other requirements of this resolution as it may be amended from time to time, or any subsequently amended.

**(g) Public Indecency Prohibited**

Public indecency is prohibited within the State of Ohio.

**(2) Automotive Service and Repair (Major)**

The following standards shall apply to any automotive service and repair (major) use:

- (a) A major automotive service and repair use shall be subject to the same requirements as a minor automotive service and repair use as established in Section [5.04\(D\)\(3\)](#).
- (b) The storage of non-operational vehicles for longer than one week shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. All vehicles shall be required to have a valid license plate.
- (c) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited unless the activity is within an enclosed building.
- (d) The principal building shall be set back a minimum of 100 feet from any adjacent residential lot. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent residential lot.

**(3) Automotive Service and Repair (Minor) or Fuel Station**

The following standards shall apply to any minor automotive service or repair use or fuel station:

**(a) Lot Area and Setback Requirements**

- (i) Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.
  - (ii) Canopies shall be set back a minimum of 10 feet from all lot lines and 50 feet from all adjacent residential lot lines.
- (b) All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.
- (c) Activities shall be limited to:
- (i) The sale of automotive fuel;
  - (ii) The servicing of motor vehicles with minor repair work;
  - (iii) Hand washing of vehicles within an enclosed building;
  - (iv) The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil, grease, tires, antifreeze, batteries, windshield wipers, etc.
- (d) Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.
- (e) Any major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as a major automotive service and repair use and shall be subject to Section [5.04\(D\)\(2\)](#).
- (f) Vehicles being serviced or awaiting same shall be stored for no longer than seven days on the site if in unenclosed areas.
- (g) The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements.
- (h) Outdoor solid waste and recyclable storage areas shall be screened in accordance with [Article 11: Landscaping Standards](#).

**(4) Commercial Entertainment or Recreation (Outdoors)**

The following standards shall apply to any outdoor commercial entertainment or recreational uses:

- (a) All structures shall be set back a minimum of 100 feet from all lot lines.
- (b) Any outdoor areas utilized for such use shall be set back a minimum of 250 feet from all residential lot lines.
- (c) The BZA may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six feet.
- (d) Outdoor commercial entertainment or recreational uses may be permitted in the F-1 District provided all structures apply with all applicable floodplain regulations.
- (e) The proposed use shall not have a primary access from a local residential street.

**(5) Day Care Centers (Child or Adult)**

- (a) All buildings shall be set back a minimum of 50 feet from all other lot lines and 100 feet from any the lot line of any lot occupied by residential uses.
- (b) All parking areas shall be set back a minimum of 25 feet from all lot lines.

- (c) Day care centers are permitted in residential districts only when accessory to another permitted public and institutional use. See Section <> (Accessory Uses).
- (d) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
- (e) A drop-off/pick-up location shall be provided to ensure the safety of the children and adults. Such location shall not impede traffic on or off the site
- (f) Play structures and other similar apparatus shall not be located closer than 50 feet to any residential property.
- (g) The center and its staff shall be in full compliance with all applicable federal, state and local laws and regulations, including facility licensure to begin and continue operation.
- (h) The proposed use shall not have a primary access from a local residential street.

**(6) Funeral Homes or Mortuaries**

The following standards shall apply to any funeral homes or mortuaries:

- (a) The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.
- (b) The principal building and any accessory structure used in conjunction with the typical activities of a funeral home or mortuary shall be set back a minimum of 50 feet from any adjacent residential lot line.
- (c) If the use includes a crematorium, the portion of the building or site used for the crematorium shall be set back a minimum of 250 feet from adjacent residential lot lines.
- (d) The proposed use shall not have a primary access from a local residential street.

**(7) Kennels, Animal Training, and Animal Day Cares**

Kennels may be permitted in a residential district as an agricultural use if meets the agricultural use exemption requirements of Section [3.02\(A\)](#). In such cases, the kennel shall not be subject to the standards of this resolution. All other kennels, animal training facilities, and animal day cares shall be subject to the following:

- (a) All structures and activities related to the subject kennel use shall be located a minimum distance of 100 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
  - (i) All non-soundproofed structures or area where animals are confined shall be located a minimum distance of 500 feet from any residential district.
  - (ii) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.
  - (iii) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.
  - (iv) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (b) There shall be no burial or incineration of animals on the premises.

**(8) Microbrewery, Microdistillery, or Microwinery**

- (a) A microbrewery, microdistillery, and microwinery shall be allowed in the B-1, B-2, or B-3 Districts when the majority of the floor area is dedicated to being used for food service or for the serving of drinks made on site so that the use fits into the retail character of the districts. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.
- (b) A microbrewery, microdistillery, and microwinery in the M-1 District may include a taproom area to serve customers drinks made on site provided the floor area of the taproom does not exceed 50 percent of the total footprint of the use. Food service may be included within the 50 percent total footprint. Drinks made off site may also be permitted provided the majority of drinks offered for sale are made on site.

**(9) Vehicle Sales and Leasing**

The following standards shall apply to any vehicle sales or leasing use:

- (a) Only repair of vehicles customarily associated with sales or leasing establishments shall be permitted and shall be in compliance with Section [5.04\(D\)\(3\)](#).
- (b) No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored outside, above ground, unless completely screened from view.

**(10) Veterinary Offices, Animal Hospitals, and Animal Grooming (No Boarding)**

The following standards shall apply to any veterinary office, animal grooming use, or animal hospital:

- (a) The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention, and there shall be no outside runs or kennels associated with the veterinary office.
- (b) Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- (c) All waste material shall be removed from the site on a daily basis and no animal carcass or animal waste shall be buried on site or be allowed to accumulate on the premise.

**(E) Industrial Use Classification**

**(1) Industrial Service Uses and Light Industrial Uses**

All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.

**(2) Research and Development Facilities**

The following standards shall apply to any laboratory or research and development facility:

- (a) All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.
- (b) Research and development facilities in the B-3 and B-4 District shall be restricted to small-scale operations that can operate within typical office settings of similar scale as surrounding commercial and office uses.
- (c) Uses that employ hazardous materials as defined and classified in the H-1, H-2, H-3, and H-4 Use Groups in Chapter 3 of the Ohio Basic Building Code shall be specifically prohibited.



**(3) Self-Storage Facilities**

The following standards shall apply to any both indoor and outdoor self-storage facilities:

- (a) The Ross Township Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.
- (b) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- (c) If the storage takes place inside an enclosed building where access to all storage units is within the building, the building shall comply with the minimum setbacks of the applicable zoning district. Such use shall be permitted in the B-3 or M-1 District provided it complies with the provisions of this subsection and other applicable sections of the resolution.
- (d) If the storage is within a building with exterior access to the storage units (outdoor self-storage facilities), there shall be a minimum setback of 100 feet between all residential lot lines and all buildings related to the self-service storage use. Outdoor self-storage facilities are only permitted in the M-1 District
- (e) Temporary auction sales of storage unit contents may be permitted up to four times per calendar year.
- (f) Units shall not be used for housing or any form of residence.

**(g) Self-Storage Facilities (Outdoors)**

The following standards shall only apply to self-storage facilities (outdoors) or any areas of outdoor storage:

- (i) There shall be a minimum setback of 50 feet between all residential lot lines and any outdoor storage area.
- (ii) A solid fence or wall shall be required around the perimeter of the storage area. Ornamental gates may be used for ingress and egress.
- (iii) Outdoor storage of vehicles is permitted with the exception of junk vehicles, as defined in the ORC.
- (iv) All vegetation required by Article <> shall be located outside of any fencing area.

**(F) Miscellaneous Use Classification**

**(1) Mixed Use Buildings**

- (a) Developments consisting of multiple principal uses shall incorporate only those use types permitted in the applicable zoning district.
- (b) Mixed-use developments may also include attached residential dwelling units, even if not permitted in the applicable zoning district, as part of a mixed-use building where office or nonresidential uses are located on the first floor and residential uses are located on the upper floors.
- (c) The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed use/multi-tenant development.
- (d) The maximum residential gross density for mixed-use buildings (mix of residential and nonresidential in the same structure) shall be six dwelling units per acre.

- (e) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.
- (f) Mixed use buildings shall be subject to the architectural standards of [Article <> \(Landscaping\)](#) regardless if the building contains residential uses.

**(2) Mining and Extraction**

Mining and extraction activities shall be subject to the conditional use requirements of this resolution and, in making their decision, the BZA may establish any standards or requirements as authorized in ORC Section 519.141.

**(3) Wireless Telecommunication Facilities**

**(a) Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the township in regulating wireless telecommunication towers and related facilities for the following purposes:

- (i) To protect property values;
- (ii) To regulate a commercial use so as to provide for orderly and safe development within the township;
- (iii) To provide for and protect the health, safety, morals and general welfare of the residents of the township;
- (iv) To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the township from the adverse effects of towers and related facilities;
- (v) To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the township; and
- (vi) To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

**(b) Procedure**

Any applicant that plans to construct a wireless telecommunications facility in a residential zoning district shall provide written notice in accordance with ORC § 519.211(B).

**(i) Trustee Action**

- A.** If the Board of Trustees receives notice from a property owner under this section within the time specified or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under this section, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to a conditional use review (See Section [3.06: Variance or Conditional Use](#)). The notice shall be sent no later than five days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Board of Trustees member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the tower.
- B.** If the Board of Trustees receives no notice under this section within the time prescribed by that division or no Board of Trustees member has an objection as provided under this section within the time prescribed, the tower or facility shall be allowed as a permitted use.

**(c) Conditional Use Review Requirements**

All wireless telecommunications towers and facilities that are subject to conditional use review shall submit the following items in addition to the submittal requirements for a conditional use:

- (i)** The application shall include a detailed description of the wireless telecommunications tower or facility's capacity including the number and types of antenna that it can accommodate.
- (ii)** The applicant shall demonstrate that the telecommunications tower or facility must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower or facility and this proposed site is technically necessary.
- (iii)** Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- (iv)** Documentation shall be provided that certifies the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER);
- (v)** The applicant shall post a performance bond in the amount set by the Board of Trustees for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section [5.04\(F\)\(3\)\(e\)](#). Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

**(d) Development Standards**

Any wireless telecommunication tower or facility subject to conditional use review shall be located in the township only in compliance with the following regulations and upon issuance of a zoning certificate from the Zoning Inspector

- (i) In order for the BZA to consider the location of a wireless telecommunication tower and facility as a conditional use in a residential district, the applicant shall document that:
  - A. There is no technically suitable space for the applicant's antenna(s) and related facilities in nonresidential zoning district where wireless telecommunication facilities are permitted; or
  - B. If an area in a nonresidential zoning district is technically suitable, the applicant shall provide evidence of written contact showing that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) under reasonable terms and that each request was rejected; or
  - C. If another tower, building or structure in the township, in an area technically suitable for the facility, the applicant shall provide evidence of written contact showing that it has requested to co-locate on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure.
- (ii) As part of a conditional use approval, the applicant shall submit evidence that a technically suitable location is not available in any area set forth in Section [5.04\(F\)\(3\)\(d\)\(i\)](#) and shall list the locations of every tower, building or structure and all of the areas set forth in Section [5.04\(F\)\(3\)\(c\)\(ii\)](#) that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable, or not available as set forth in [5.04\(F\)\(3\)\(d\)\(i\)](#).
- (iii) As part of a conditional use approval, the owner/operator of the telecommunications tower shall agree to allow co-location until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two antenna platforms for additional providers unrelated to the owner/operator. The opportunity to co-locate on the tower shall also be made available to the township and/or county safety forces upon request, provided that such use will not interfere with the owner/operator's use or that of any other provider unrelated to the owner/operator. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this section.
- (iv) Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- (v) The minimum setback of the tower from all property lines shall comply with the following:
  - A. A distance equal to the height of the tower plus 50 feet; or
  - B. When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property will not be affected, the minimum setback shall be 40 feet from any property line abutting a nonresidential lot or 100 feet from any property line abutting a residential lot, provided that the base of the tower and required enclosure shall comply with the front yard setbacks for the district in which it is located.

- (vi) All towers shall be of a monopole design. Lattice-type towers shall be prohibited.
  - (vii) All towers shall be the minimum height necessary for adequate transmission and reception of telecommunication signals and to accommodate the antennae, and shall be no taller than existing towers housing similar antennae. In addition, towers shall comply with the following maximum height requirements, as measured from the neutral grade at the base of the tower:
    - (viii) The maximum height of any tower shall be 150 feet.
    - (ix) All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.
    - (x) Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet.
    - (xi) The base of the tower and all related facilities shall be completely enclosed with a secure, non-electrified, chain linked fence with barbed wire at the top, having a minimum height of eight feet. Such fence shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, if necessary.
    - (xii) Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent feasible.
    - (xiii) The antennae and support structures shall be camouflaged or disguised in order to minimize visibility of the structure and blend, to the maximum extent feasible, with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
    - (xiv) Wireless telecommunications towers shall be artificially lighted only when the height of the tower is equal to or greater than 100 feet or when required by the Federal Aviation Administration (FAA). Any lighting so required shall be installed to minimize the impact on adjoining properties.
    - (xv) All buildings and shelters accessory to the wireless telecommunications facility shall comply with the setback regulations set forth in the applicable zoning district. The maximum size of such accessory building or shelter shall be 300 square feet for a single shelter, and a combined total of 750 square feet when more than one wireless telecommunication facilities is located on the site. The outside storage of equipment related to a telecommunications facility shall be prohibited.
- (e) **Abandoned Telecommunication Facilities**
- (i) The owner or operator of a wireless telecommunication facility shall notify the township within 30 days of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of notification to the township.

- (ii) Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within and restore the site to its original state within 120 days after receipt of a notice from the Zoning Inspector to do so.
- (iii) In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

## 5.05 AREA, SETBACK, AND OTHER SITE DEVELOPMENT STANDARDS

### (A) Measurements, Computations, and Exceptions

#### (1) Lot Area Measurements

- (a) The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (b) For nonconforming lots, see Section [14.07: Nonconforming Lots of Record](#).
- (c) With the exception of approval of a smaller lot as part of a planned unit development district or governmental acquisition of land as provided for in [Article <> \(Nonconformities\)](#), no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not met.

#### (2) Lot Width Measurements

- (a) The lot width shall be measured as the distance between the side lot lines, as measured along a straight line at the minimum front yard setback line.
- (b) For corner lots, the lot width shall be measured as the distance between the side lot line and the front lot line directly opposite, as measured along a straight line at the minimum front yard setback line. See [Figure 5.05-A](#).

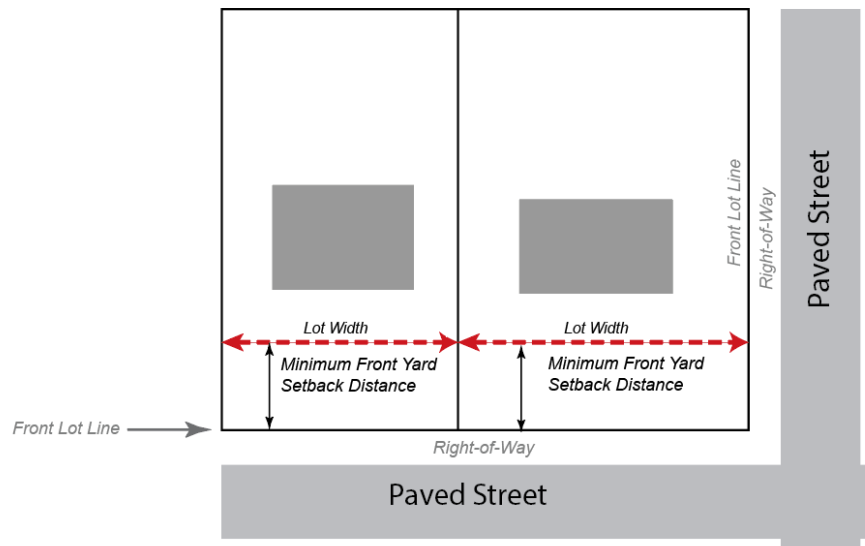


Figure 5.05-A: Illustration of the location for measuring the lot width on a typical interior lot (left) and on a corner lot (right).

**(3) Setbacks, Yards, and Lot Type Requirements**

**(a) Yards Required for Buildings**

A yard or other open space required for any structure shall be located on the same lot as the structure and shall not include any yard or open space areas from an adjacent lot.

**(b) Measurements**

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this resolution.

**(c) Yards and Obstructions**

(i) Every part of a required yard shall be open to the sky and unobstructed except:

- A. As otherwise provided in this section;
- B. For accessory buildings as allowed in Section [8.01: Accessory Use Regulations](#);
- C. For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
- D. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and
- E. The ordinary projections of chimneys and flues may be permitted by the Butler County Building Department when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.

(ii) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall maintain a minimum of seven feet in setback from the front lot line and three feet from all other lot lines.

(iii) Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

**(d) Front Yard Exception**

In any residential zoning district, a minimum front yard setback shall not be required to exceed the average front yard setbacks of lots with similar uses and sharing the same block face, within 150 feet of the applicable lot. Modification of the front yard in accordance with this section will not create a nonconforming lot unless the lot or structure does not meet other applicable provisions of this resolution. See [Figure 5.05-B](#).

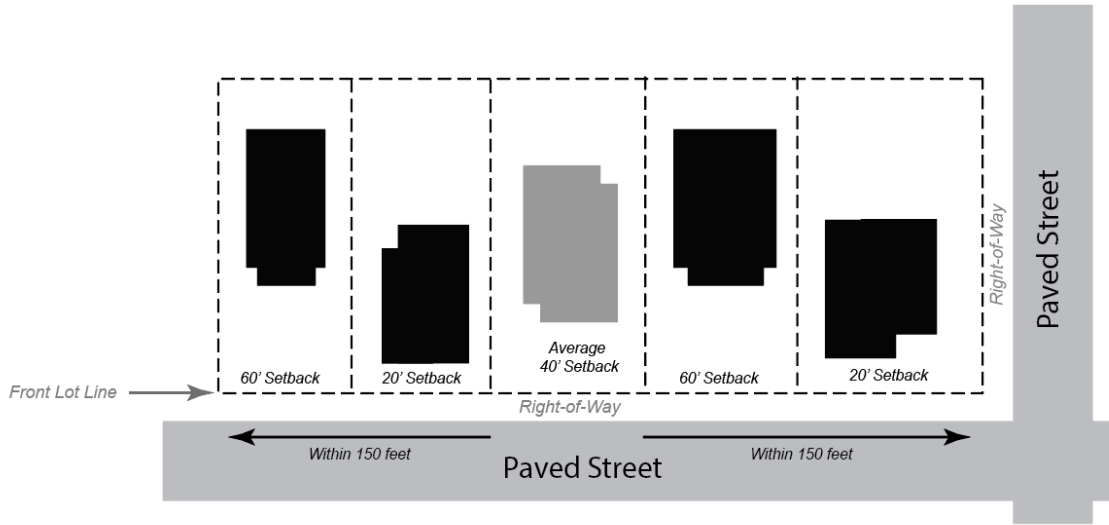


Figure 5.05-B: Illustrative example of the provision for a front yard exception where structures on nearby lots do not meet the minimum front yard setback.

**(e) Interior Lots**

- (i) The required minimum front yard setback shall be measured from the front lot line. See [Figure 5.05-C](#).
- (ii) The lot line located directly behind the rear of the structure, as determined by the Zoning Inspector, shall be the rear lot line and the rear yard setback shall be applied. See [Figure 5.05-C](#).
- (iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 5.05-C](#).

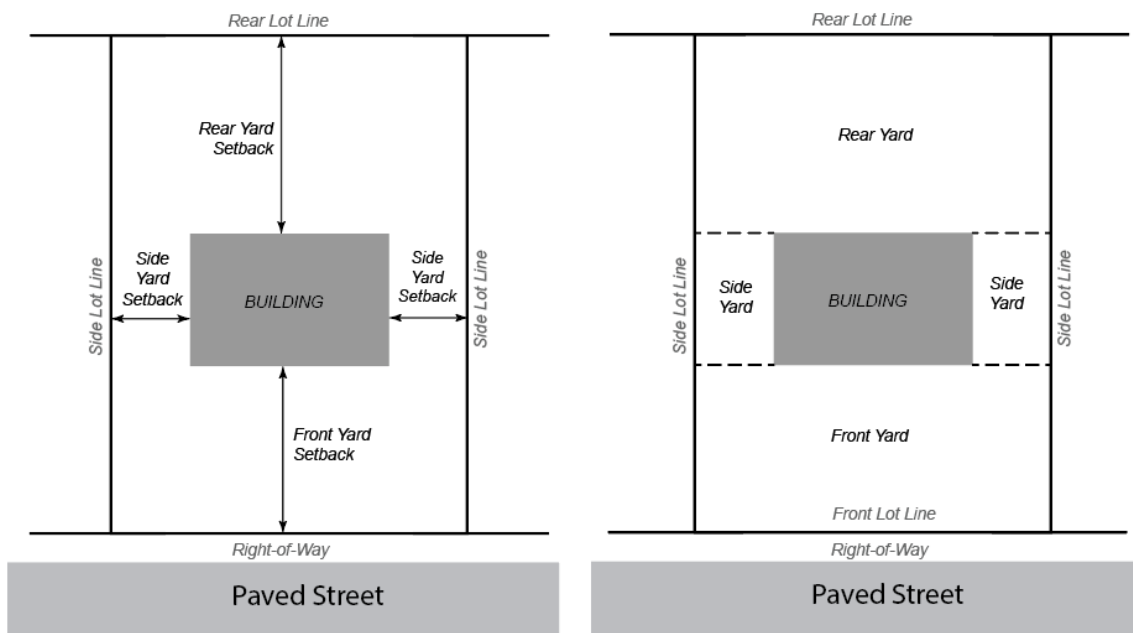


Figure 5.05-C: Typical lot lines and setback locations for an interior lot (left image) and typical yard locations (right image).



**(f) Corner Lots**

Lots that have street frontage on two intersecting streets shall be considered a corner lot, subject to the following:

- (i) The required minimum front yard setback shall be provided from each of the lot lines adjacent to the street. See [Figure 5.05-E](#). The front yard setback requirement for the application district may be reduced using the front yard exception in Section [5.05\(A\)\(3\)\(d\)](#). If an existing building is demolished, any new building may be constructed utilizing the front yard setbacks that were established for the demolished building.
- (ii) An alley shall not be considered a street for the purposes of determining a corner lot.
- (iii) The lot line that runs parallel with the lot line along the narrowest street frontage shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 5.05-E](#).
- (iv) The principal building is encouraged to be oriented toward the front lot line with the narrowest street frontage, in which case, all other lot lines that are not the rear and front lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 5.05-E](#).

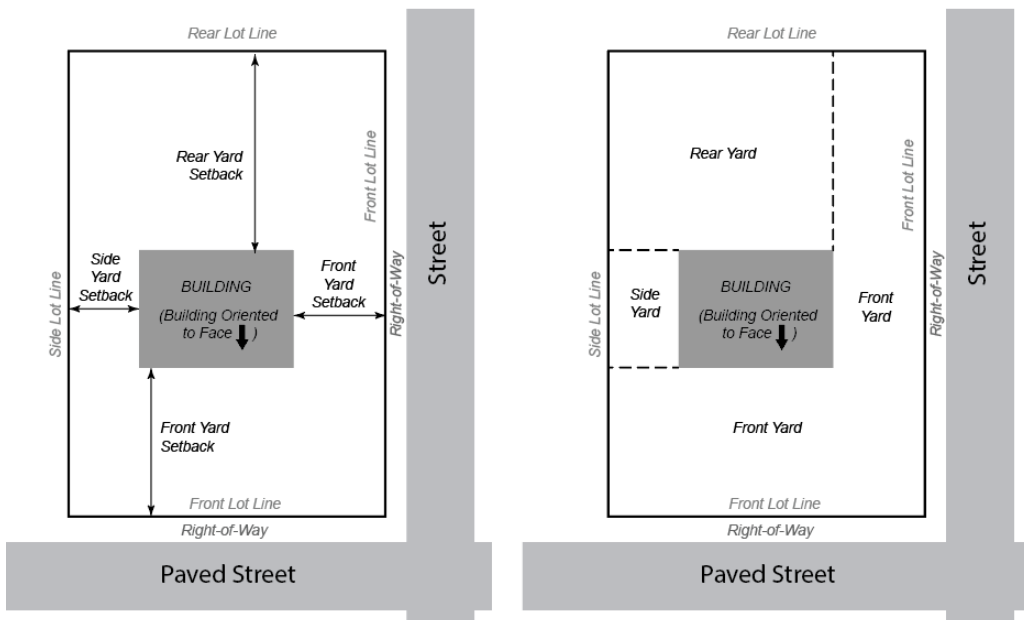


Figure 5.05-D: Typical lot lines and setback locations for a corner lot with the building oriented toward the narrow street frontage (left image) and typical yard locations (right image).

- (v) If the principal building is situated so the main entrance and/or primary façade is oriented toward the lot line along the widest street frontage, then the principal structure shall be set back a minimum distance equal to the rear yard setback for the applicable district from all lot lines that are not the front lot lines. See [Figure 5.05-E](#).

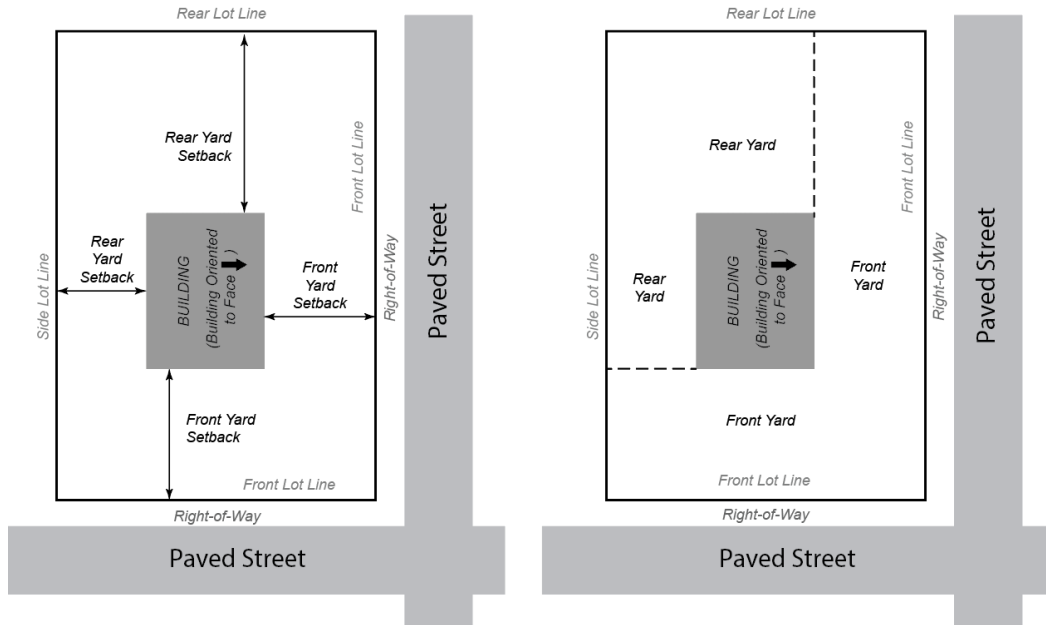
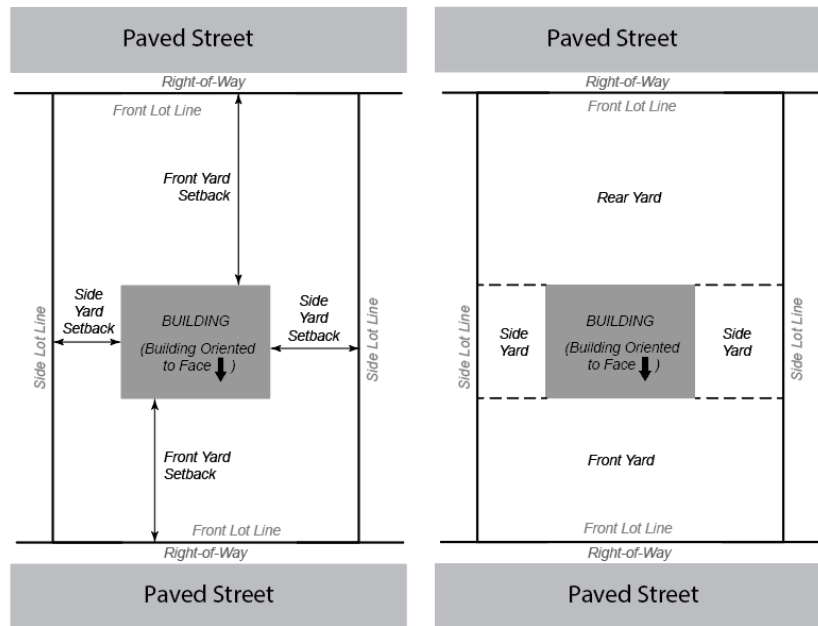


Figure 5.05-E: Typical lot lines and setback locations for a corner lot with the building oriented toward the wider street frontage (left image) and typical yard locations (right image).

**(g) Double Frontage (Through) Lots**

Double frontage lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Double frontage lots shall be subject to the following regulations:

- (i) Where a lot is considered a double frontage (through lot) lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 5.05-F](#).
- (ii) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 5.05-F](#).



*Figure 5.05-F: Typical lot lines and setback locations for a double frontage (through) lot (left image) and typical yard locations (right image). Please note the location of the rear yard for the purpose of accessory use location.*

- (iii) For the purposes of allowing accessory uses, the yard that is located to the rear of the principal building shall be considered the rear yard but any accessory building or structures shall be required to be set back from the street a minimum distance equal to the minimum front yard setback for principal uses in the applicable district.
  - (iv) Where alleys exist in the township, any lots that have frontage along the alley shall be not be considered a double frontage (through) lot and shall either be regulated as an interior lot or corner lot depending on the location of the subject lot within the block.
- (h) Flag (Panhandle) Lots**
- Panhandle lots (flag) lots shall be discouraged and shall only be approved if necessitated by unique topographic features or other special physical conditions as deemed necessary by the Zoning Inspector. Panhandle (flag) lots shall be subject to the following regulations:
- (i) Panhandle (flag) lots shall not be used to avoid the construction of a street.
  - (ii) The area of the “panhandle” portion of the lot connecting the lot to the public street shall not be included in the area of the lot for the purposes of determining compliance with the required minimum lot area for the district in which the lot is located.
  - (iii) The stacking of panhandle (flag) lots shall be prohibited. See [Figure 5.05-G](#).

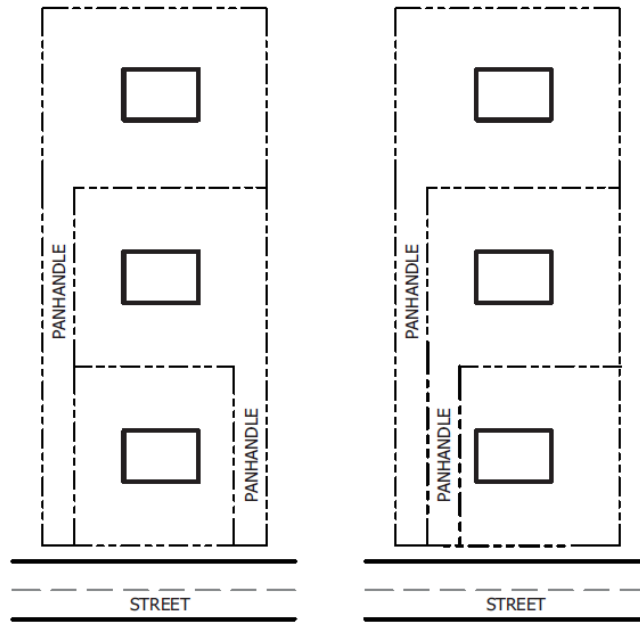


Figure 5.05-G: The above illustration shows the stacking of flag (panhandle) lots, which is prohibited.

- A. The panhandle shall have a minimum width of 20 feet along the entire width of the panhandle. The maximum width shall be 40 feet and anything with a width of 40 feet or greater shall be considered an interior, corner, or double frontage lot as may be applicable.
- B. No structures, except for fences and walls allowed by this resolution, shall be permitted in the panhandle portion of the lot.
- C. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 5.05-H](#).



Figure 5.05-H: Typical lot lines and setback locations for a flag (panhandle) lot (left image) and typical yard locations (right image).

**(i) Cul-de-Sac or Curved-Street Lot**

- (i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line (lot line). See [Figure 5.05-I](#).
- (ii) On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

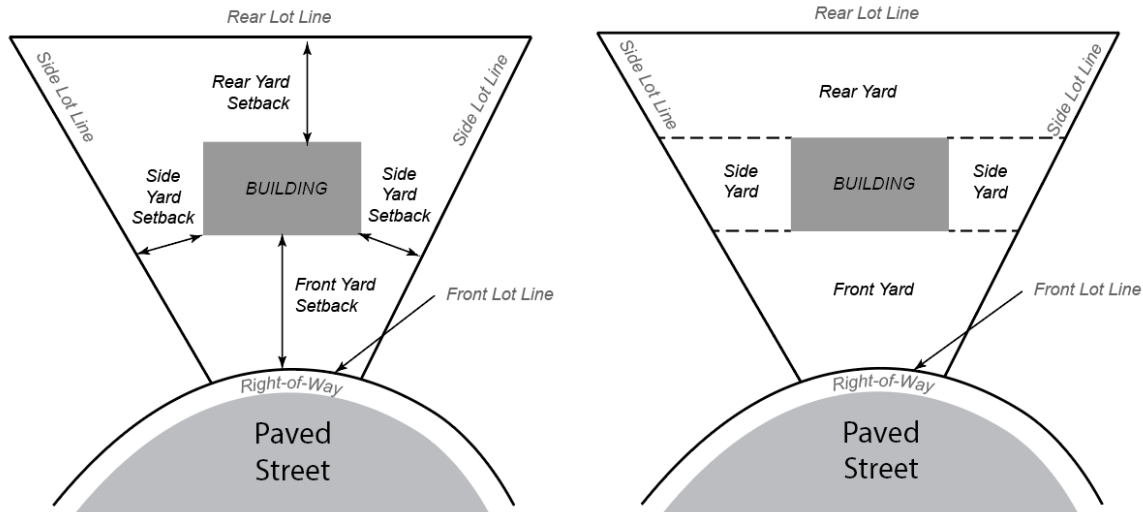


Figure 5.05-I: Typical lot lines and setback locations for a lot with a curved frontage (left image) and typical yard locations (right image).

**(j) Other Lot Configuration**

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

**(4) Height Measurement and Exceptions**

**(a) Height Measurement**

- (i) Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (ii) Where specified in feet, the building height shall be measured from the average grade at the corners of the structure to the highest point on the roof, regardless of roof type. See [Figure 5.05-J](#).



*Figure 5.05-J: Measurement of building or structure height*

- (b) Where specified, fencing and wall height shall be measured in accordance with Section [9.02: Fencing, Walls, Hedges, and Similar Structures](#).
- (c) The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.
- (d) **Exceptions to Height Limits**  
 Height limitations stipulated in this resolution shall not apply:
  - (i) To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than four feet above the limiting height of the building.
  - (ii) To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:
    - A. The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
    - B. The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

**(B) Site Development Standards for the Agricultural and Residential Zoning Districts**

- (1) [Table 5-2](#) establishes the minimum site development standards for the agricultural and residential zoning districts.
- (2) All dwellings shall have at least one story above ground level.

TABLE 5-2: SITE DEVELOPMENT STANDARDS FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS						
	Minimum Lot Area (Square Feet) [1]	Minimum Lot Frontage (feet)	Minimum Setbacks			Max. Building Height (feet) [3]
			Front Yard (feet)	Side Yard [2] (feet)	Rear Yard (feet)	
<b>Agricultural District (A-1)</b>						
All Principal Uses	43,560	200	40	25 (50)	50	35

**Article 5: Base Zoning Districts and Principal Use Regulations**  
 5.05: Area, Setback, and Other Site Development Standards

<b>TABLE 5-2: SITE DEVELOPMENT STANDARDS FOR AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS</b>						
	Minimum Lot Area (Square Feet) [1]	Minimum Lot Frontage (feet)	Minimum Setbacks			Max. Building Height (feet) [3]
			Front Yard (feet)	Side Yard [2] (feet)	Rear Yard (feet)	
<b>Suburban Residential District (R-1)</b>						
Single-Family Dwellings	20,000	100	35	15 (30)	45	35
All Other Principal Uses	43,560	200	35	20 (40)	45	35
<b>Suburban Residential District (R-1A)</b>						
Single-Family Dwellings	15,000	90	30	10 (25)	40	35
All Other Principal Uses	43,560	200	35	20 (40)	40	35
<b>Single-Family Residential District (R-2)</b>						
Single-Family Dwellings	9,000	75	30	8 (20)	40	35
All Other Principal Uses	43,560	100	30	15 (30)	45	35
<b>One- and Two-Family Residential District (R-3)</b>						
Single-Family Dwellings	7,500	60	25	8 (20)	30	35
Two-Family Dwellings	10,000	80	25	8 (20)	40	35
All Other Principal Uses	20,000	100	30	15 (30)	40	35
<b>Multi-Family Residential (R-4)</b>						
Single-Family Dwellings	6,500	55	25	8 (18)	40	40
Two-Family Dwellings	7,500	60	25	10 (20)	40	40
Three-Family Dwellings	9,000	70	25	10 (22)	40	40
Four-Family Dwellings	10,000	75	25	12 (26)	40	40
Multi-Family Dwellings (Over 4 Dwelling Units)	2,500 <sup>19</sup>	25	14	14 (28)	50	40
All Other Principal Uses	20,000	100	30	30 (40)	50	40

**NOTES:**

**[1]** Butler County Public Health may require a larger lot area than established for the applicable zoning district if an on-site wastewater system (e.g., septic system) is required.

**[2]** The smaller number is the minimum side yard setback required for each side yard. The number in the parenthesis is the total width of both side yards combined. For corner lots, where there is only one side yard, the aggregated width (parenthesis) is not required.

**[2]** Building heights are the maximum heights except as provided in Section [5.05\(A\)\(4\)\(d\): Exceptions to Height Limits](#).

<sup>19</sup> We will need to confirm that this is meant to be per unit, however, the current language does not clarify.

**(C) Site Development Standards for Nonresidential Zoning Districts**

- (1) [Table 5-3](#) establishes the minimum site development standards for nonresidential zoning districts.
- (2) There can be more than one principal building on an individual lot. When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved by the Ross Township Fire Chief or their designee.
- (3) There is no minimum lot area for the B-1, B-2, B-3, and M-1 Districts but any lot shall be sufficient in area to allow for the proposed buildings, parking, landscaping, and other requirements of this resolution. The minimum lot area in the B-4 District shall be 10,000 square feet.
- (4) There is no minimum lot frontage for any lot in the nonresidential zoning districts.
- (5) The maximum footprint of a building in the B-1 District shall be 15,000 square feet. The maximum building footprint of a building in the B-2 District shall be 50,000 square feet.

<b>TABLE 5-3: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS</b>				
<b>District</b>	<b>Setbacks</b>			<b>Maximum Building Height (feet) [3]</b>
	<b>Front Yard (feet)</b>	<b>Side Yard [1] (feet)</b>	<b>Rear Yard [2] (feet)</b>	
B-1	25	15	25	30
B-2 <sup>40</sup>	25	20	25	40
B-3	25	20	25	40
B-4	25	20	25	40
M-1	25	25	40 for one- or two-story buildings 50 for three-story buildings	50

NOTES:

[1] There is no minimum side yard requirement unless the side yard adjoins a lot in a residential zoning district, in which case, the above side yard requirement shall apply.

[2] There is no minimum rear yard requirement unless the rear yard adjoins a lot in a residential zoning district, in which case, the above side yard requirement shall apply.

[3] Building heights are maximum heights except as provided in Section [5.05\(A\)\(4\)\(d\): Exceptions to Height Limits](#).