WEST CHESTER TOWNSHIP

BUTLER COUNTY, OHIO

ZONING RESOLUTION

AMENDED VERSION – June 2015

ZONING RESOLUTION ADOPTED:

November 1989

CHANGES AND AMENDMENTS:

Text Revision	November	1990
Text Revision	April	1991
Zoning Resolution Update	January	1993
Olde West Chester RCO	January	1994
Text Revision	April	1995
Text Revision	September	1996
Text Revision	November	1997
Text Revision	September	1999
Text Revision	September	2001
Text Revision	August	2003
Text Revision	July	2004
Text Revision	April	2005
Text Revision	May	2005
Text Revision	September	2011
Text Revision	June	2015

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PERMISSIBLE USES BY DISTRICT

P* = Subject to Approval Process, Pursuant to Article 26
P+ = Subject to Special Conditions of District
P = Permitted Use
C = Conditional Use
Shaded, Blank or Unlisted = Prohibited Use

OFFICE, BUSINESS, INDUSTRIAL, USES

USE	O-1	O-2	B-1	B-2	M-1	M-2	C-PUD	I-PUD	SP-PUD
office uses	P	P	P	P	P	P	P*	P*	P*
banks/financial institutions including drive thru and pick-up windows	P	P	P	P	P+	P+	P*	P*	P*
day care centers	P	P	P	P	P+	P+	P*	P*	P*
bed & breakfast	P+	P+	P+	P+	P+	P+	P*	P*	P*
churches/places of worship	P	P	P	P	P	P	P*	P*	P*
public/private elementary & high schools	P	P	P	P	P	P	P*	P*	P*
public bldgs & properties of administrative, cultural, recreational, or service type including such buildings used to house not-for-profit organizations	P	P	P	P	P	P	P*	P*	P*
wireless and cellular telecommunication facilities	P	P	P	P	P	P	P*	P*	P*
funeral homes		P	P	P	P+	P+	P*	P*	P*
radio/television studios		P	P	P	P+	P+	P*	P*	P*
art galleries & studios		P	P	P	P+	P+	P*	P*	P*
veterinarian offices & clinics w/ no breeding or boarding		P+	P+	P+	P+	P+	P*	P*	P*
hospital & medical centers		P	P	P	P+	P+	P*	P*	P*
rest homes/nursing homes		P	P	P	P	P	P*	P*	P*
convenience business which cater to adjacent residential neighborhood	C	C	P	P	P+	P+	P*	P*	P*
personal service establishments		C	P	P	P+	P+	P*	P*	P*
restaurants - no drive-thru		C	P	P	P+	P+	P*	P*	P*
off premises advertising - Billboard signs			P+	P+	P+	P+	P*	P*	P*
schools & universities including private, public, & business			P+	P+	P+	P+	P*	P*	P*
private clubs/lodges			P	P	P+	P+	P*	P*	P*
dwelling or dwellings if a part of an approved principal use permitted in this district			C	C	C	C	P*	P*	P*
outdoor dining area with permitted restaurant			C	P+	P+	P+	P*	P*	P*
auto service station/mechanical repair garages				P+	P+	P+	P*	P*	P*
auto,truck,trailer & farm implement sales & service				P+	P+	P+	P*	P*	P*
carpenter, electrical, plumbing, heating & air conditioning shops, printing, publishing and lithography shops, furniture upholstering shops				P+	P+	P+	P*	P*	P*
self-storage units, including outside storage				P+	P+	P+	P*	P*	P*
garden stores, supply centers, greenhouses				P	P+	P+	P*	P*	P*
hotels, motels				P	P	P	P*	P*	P*
extended stay hotels/motels				P	P+	P+	P*	P*	P*
night clubs, restaurants including drive-thru				P+	P+	P+	P*	P*	P*
animal hospital, veterinary clinic/kennels				P+	P+	P+	P*	P*	P*
commercial recreation				P+	P+	P+	P*	P*	P*
building material sales yard - no concrete mixing				P+	P+	P+	P*	P*	P*
stone/monument works				P+	P+	P+	P*	P*	P*

PERMISSIBLE USES BY DISTRICT

P* = Subject to Approval Process, Pursuant to Article 26
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P = Permitted Use
C = Conditional Use
Shaded, Blank or Unlisted = Prohibited Use

OFFICE, BUSINESS, INDUSTRIAL, USES

USE	O-1	O-2	B-1	B-2	M-1	M-2	C-PUD	I-PUD	SP-PUD
theaters including drive-ins				C	P+	P+	P*	P*	P*
contractors equipment storage yard or plant				C	P+	P+	P*	P*	P*
trucking & motor freight station or terminal; carting express or hauling establishments; the storage of vehicles				C	P+	P+	P*	P*	P*
storage & sales of grain, livestock feed				C	P+	P+	P*	P*	P*
sexually oriented businesses				P+	P+				
methadone and similar high volume drug treatment centers				C	C				
research & development facilities, distribution warehouses, wholesale warehouses, package delivery companies, bottling & packaging, manufacturing including: minor assembly, altering, fabricating, finishing, processing, treatment, storage and incidental sales					P+	P+		P*	P*
bldg material sales yards incl concrete mixing; retail lumber yards including mill work, landscape businesses					P+	P+		P*	P*
outdoor storage yards					C	C		P*	
manufacturing, assembling, processing, recycling, fabricating, finishing, testing, storing or other similar industrial actions						P+		P*	P*
auto wrecking & junk yards						C		P*	
animal slaughtering, stock yards						C		P*	
any use which conducts, as its principal activity, the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704						C		P*	
any use which involves incineration, processing, reduction, storage of garbage, debris, infectious or medical waste, dead animals, or other types of refuse						C		P*	
airports									P*
amusement centers/parks									P*
community centers & recreation areas									P*
museum & cultural centers, including outdoor theaters									P*
stadium & sports arenas									P*
mass transit terminals									P*
zoos									P*
internet cafes			P	P	P	P	P*	P*	P*
internet sweepstakes establishments									
non-therapeutic massage establishment									

ARTICLE 1
PURPOSE

1.01 This Resolution is enacted for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; and to preserve the property rights of citizens while creating a business friendly environment; to secure the most adequate and economical provisions for public improvement, all in accordance with a Comprehensive Master Plan as reflected in the Zoning Map and documents and records of West Chester Township for the desirable future development of the Township, and to provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described all as authorized by the provisions of Chapter 519 and the Sections thereunder of the Ohio Revised Code.

ARTICLE 2
TITLE

2.01 This Resolution shall be known and may be cited and referred to as the "West Chester Township, Butler County Zoning Resolution."

ARTICLE 3
INTERPRETATION OF STANDARDS

3.01 In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolution, the provisions of this Resolution shall control.

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ARTICLE 4
DISTRICTS AND BOUNDARIES THEREOF

4.01 For the purpose of this Resolution the unincorporated territory of West Chester Township, Butler County, Ohio, is hereby divided into the following categories of Zoning Districts:

R-1	"Suburban Residence District"
R-1A	"Suburban Residence District"
R-2	"Single Family Residence District"
R-3	"Transitional Residence District"
R-4	"Multiple-Family District"
O-1	"Low Intensity Office District"
O-2	"General Office District"
B-1	"Neighborhood Business District"
B-2	“General Business District"
M-1	"Light Industrial District"
M-2	"General Industrial District"
R-PUD	"Residential Planned Unit Development District"
C-PUD	"Commercial Planned Unit Development District"
I-PUD	"Industrial Planned Unit Development District"
SP-PUD	"Special Purpose Planned Unit Development District"
RCO	"Road Corridor Overlay District"
A-1	"Agricultural District"
CBD	“Central Business District”

4.02 The boundaries of these districts are hereby established as shown on the Zoning Map or Maps of the unincorporated territory of West Chester Township, Butler County, Ohio, which map or maps are made part of this Resolution. The said Zoning Map or Maps and all notations and reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said Zoning Map or Maps, shall be properly attested by the Community Development Director and are the property of the West Chester Township Board of Trustees and shall remain on file in the office of the West Chester Community Development Department, West Chester Township, Butler County, Ohio.

4.03 The Community Development Director shall determine the exact location of district boundary lines based upon the records kept by the Community Development Department and Board of Township Trustees. In the event that a person affected by a determination of the Community Development Director about the exact location of a district boundary line disagrees with the determination of the Community Development Director, the affected party may appeal to the Board of Zoning Appeals as provided in Article 8, Subsection 8.042.

4.04 In all cases where a district boundary line, as shown on the Zoning Map or Maps, divides a lot which is of single ownership, the use authorized thereon and the district requirements applying to the least restricted portion of such lot may be

extended a maximum of fifty (50) feet into the more restricted portion of such lot. The use so extended shall be deemed to be conforming (See Figure 1 in Graphic Appendix).

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ARTICLE 5
ENFORCEMENT AND ADMINISTRATION

5.01 TOWNSHIP COMMUNITY DEVELOPMENT DEPARTMENT The Board of Township Trustees hereby creates the West Chester Township Community Development Department and a Director to administer the activities of said department. The Director shall be appointed by the Board of Township Trustees.

5.011 The Director of the Community Development Department is authorized to issue Zoning Certificates and the Director may authorize other employees to issue Zoning Certificates. Any Zoning Certificate issued by the Director or his/her designated subordinate shall conform to the provisions of this Resolution, and no Zoning Certificate for a use or building which is in conflict with the provisions of this Resolution shall be issued. Any Zoning Certificate issued in conflict with this Resolution shall be null and void.

5.02 ZONING CERTIFICATES. It shall be unlawful for an owner or lessee to use or permit the use of any structure, building land, part thereof, hereafter created, erected, changed, converted, or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Community Development Department. Such Zoning Certificate shall show that such building or premises or part thereof, and the proposed uses thereof, are in conformity with the provisions of this Resolution.

5.021 The Community Development Department shall act upon all applications for Zoning Certificates on which they are authorized to act by the provisions of this Resolution within thirty (30) days after receiving an application which is in full compliance with the applicable requirements as specified under Subsection 5.06 of this Article. The Community Development Department shall issue either a Zoning Certificate or a Notice of Refusal to the applicant for a Zoning Certificate within thirty (30) days, unless the applicant has consented in writing to an extension of the thirty (30) day time period. Said Notice of Refusal shall indicate the reasons and relevant provisions of this Resolution which warrant the issuance of the refusal.

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

5.03 TEMPORARY ZONING CERTIFICATES. The Community Development Department may issue Temporary Zoning Certificates, pursuant to the provisions of Article 10, Subsection 10.10.

5.04 NON-CONFORMING USE ZONING CERTIFICATES. The Community Development Department may, during specific inspection or under written request from the owner or tenant, issue a Non-conforming Use Zoning Certificate for any building or premises legally existing prior to the effective date of this Resolution.

Said Certificate shall be issued pursuant to the provisions of Article 10, Subsection 10.06.

5.05 FINAL INSPECTION CERTIFICATE. A Final Inspection Certificate shall be required upon the completion of any work for which a Zoning Certificate was issued. Said Final Inspection Certificate shall state that the building, structure, or land complies with the provisions of this Resolution, has been built or occupied according to the plans submitted for a Zoning Certificate, and has been inspected by the Community Development Department to determine said compliance.

5.06 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 Community Development Department. 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 Community Development Director, 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.

5.061 The Community Development Department shall retain one set of the plans for its files and the Zoning Certificate if in compliance with the provisions of this Resolution. The applicant shall then take the approved plan sets and Zoning Certificate to the Butler County Building Department to make application for the necessary building permits, if applicable.

5.062 Upon receiving the necessary building and other applicable permits as necessary, and the completion of the requested use of the lot, and before occupying the building or structure or using the land, the applicant or owner shall request, in writing, a final inspection of the premise by the Community Development Department. The Department shall issue either the said Final Inspection Certificate or a Refusal Notice stating the reasons and relevant provisions of the Resolution not being complied with, within seven (7) working days of the request for final inspection.

5.07 FEES. There shall be a fee for all Zoning Certificates. Fees shall be determined by the Board of Township Trustees and a copy of such fee schedule shall be available from the Community Development Department. The fee charged for Zoning Certificates includes the Final Inspection Certificate.

5.08 VIOLATIONS AND PENALTIES. No building or land shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used in violation of the provisions of this Resolution, or amendment or supplement to this Resolution (collectively, "Resolution") adopted by the Board of Township Trustees. Each day's continuation of a violation of this Resolution may be deemed a separate offense. Whoever violates this Resolution shall be fined not more than five hundred dollars ($500.00) for each offense.

5.09 VIOLATIONS - REMEDIES. In case any building or land is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of the provisions of this Resolution, or any amendment or supplement to this Resolution adopted by the Board of Township Trustees, the Board of Township Trustees, the Prosecuting Attorney of Butler County, the Township Community Development Director, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Township Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

5.10 ENFORCEMENT OF CONDITIONAL USES. A property owner, agent or lessee, upon receiving a conditional use permit, pursuant to Subsection 8.024 of this Resolution shall have the right to continue using the property under the conditional use permit as long as the property owner, agent, or lessee complies with the conditions established therewith. Violations of said conditions will be processed pursuant to the provisions of Subsection 5.08 and 5.09 of this Resolution.

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ARTICLE 6
DISTRICT CHANGES AND RESOLUTION AMENDMENTS

6.01 GENERAL. District changes and amendments to the text of this Resolution shall be made in accordance with the provisions of 519.12 of the Ohio Revised Code as it may be amended from time to time by the Ohio General Assembly. These provisions may be obtained from the West Chester Township Community Development Department.

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

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ARTICLE 7
ZONING COMMISSION

7.01 APPOINTMENT. A Zoning Commission is hereby created. The Commission shall be composed of five (5) regular members and one (1) alternate member who shall be residents of the unincorporated area of the township. The terms of all regular members shall be of such length and so arranged that the term of one (1) member will expire each year. The alternate member shall be appointed for a three (3) year term. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable as provided in the Ohio Revised Code. Vacancies shall be appointed by the Board of Township Trustees and shall be for the unexpired term.

7.02 POWERS. The Zoning Commission shall have the power to adopt rules and procedures for the transaction of business**,** those powers provided to township zoning commissions by the Ohio Revised Code, and those powers delegated to the Zoning Commission by the Board of Township Trustees, including but not limited to jurisdiction over properties in the Olde West Chester Road Corridor Overlay District Article 33 and over those zoned as PUD-Planned Unit Development Districts Article 26**.** The Zoning Commission shall also have the authority to submit recommendations on special issues as requested by the Board of Township Trustees.

7.03 PROCEDURE. The Zoning Commission shall organize and adopt rules for the transaction of business, and keep a record of its actions and determinations. Meetings of the Board shall be held at the call of the Secretary or Chairman, and at other times as the Commission may determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the Community Development Department and kept as public record.

7.031 Three (3) members of the Commission shall constitute a quorum. Such quorum may exercise the powers of the Commission and the actions of a majority of the full Commission. All actions of the Commission shall have the concurrence of at least three (3) members, and the failure of any proposed amendment, supplement or action to receive an affirmative vote of at least three (3) members shall be considered a recommendation or vote against such amendment, supplement, or action and shall be so recorded and certified as applicable.

7.032 The Commission may call upon Township or County Departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance as may reasonably be required.

7.04 APPLICATIONS. Applications for district changes and resolution amendments shall be in accordance with Article 6 of this Resolution.

7.041 Applications for a Final Development Plan shall be in accordance with Article 26.

7.042 Applications for property located within a Road Corridor Overlay District shall be in accordance with Article 27 and Article 33 as applicable.

7.05 HEARINGS. Hearings of the Zoning Commission regarding district changes and resolution amendments shall be held in accordance with Section 519.12 of the Ohio Revised Code.

7.051 The Commission shall schedule a meeting once per month. At the beginning of each year, the Community Development Department shall publish a schedule of the regular monthly meeting times and filing deadlines for the year. All complete applications filed by the deadline shall be heard at the following month's meeting. Ten (10) days written notice shall be given to the applicant and notice for Zone Changes and Major Changes to a PUD plan shall be published in one or more newspapers in general circulation in the township at least ten (10) days before the date of such hearing. Notice shall be given to surrounding property owners and shall meet or exceed the notice standards required by the Ohio Revised Code. For surrounding properties, notice shall be sent to the person or entity identified as the tax mailing recipient in the Butler County Auditor's records. Failure of receiving a notice shall not be grounds to invalidate a decision. At the hearing, any party may appear in person or by attorney.

7.052 In any case where the Commission may deem it necessary or desirable to continue a hearing, such meeting may be recessed or continued. In such cases, public announcement shall be made as to the date and the time of the continuance, and no further notice need be given thereof.

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ARTICLE 8
BOARD OF ZONING APPEALS

8.01 APPOINTMENT. A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) regular members and one (1) alternate member, who shall be residents of the unincorporated area of the Township. The terms of all regular members shall be of such length and so arranged that the term of one (1) member will expire each year. The alternate member shall be appointed for a three (3) year term. Each member shall serve until his/her successor is appointed and qualified. Members of the Board shall be removable as provided in the Ohio Revised Code. Vacancies shall be appointed by the Board of Township Trustees, and shall be for the unexpired term.

8.02 POWERS OF THE BOARD OF ZONING APPEALS.

8.021 Appeal. The Board shall have the power to hear and decide appeals, where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Community Development Director or a designated subordinate in the interpretation of the provisions of this Resolution. In exercising its power, the Board may in conformity with the provisions of statute and of this Resolution, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

8.022 Variances. The Board shall have the power to authorize upon application in specific cases, such area variances from the terms of the Zoning Resolution as will not be contrary to the public interest, and that are consistent with the criteria provided herein. Use variances are prohibited under this Resolution, and the Board is not authorized to grant use variances.

8.023 Conditional Uses/Special Exceptions. The Board shall have the power to authorize upon application, conditional use or special exception zoning certificates for those uses which are specified as such by this Resolution.

8.024 Non-Conforming Uses. The Board shall have the power to grant the substitution of a non-conforming use, existing at the time of enactment of this Resolution, by another non-conforming use, provided, however, that the substituted use appears and is first permitted in the same Article of this Resolution as the current non-conforming use, and the Board determines the proposed substituted use is not of greater intensity or density than the existing non-conforming use.

8.0241 The Board shall have the power to grant the extension of a non-conforming use upon the lot occupied by such use, or on an adjoining lot; provided that such extension is necessary and incidental to such existing non-conforming use.

8.025 Temporary Structures and Uses. The Board shall have the power to grant the temporary use of a structure or premises in any District for a purpose or use that does not conform to the provisions of Article 10, Subsection 10.10 or other provisions of the District in which the use or structure is located, provided that

such use be of a temporary nature and does not involve the erection of a substantial structure. Special Exception Zoning Certificates granted for such uses shall be 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.

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

8.031 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 Property Advisor; or to decide in favor on an applicant in any matter of which the Board has jurisdiction under this Resolution; or to grant any variance from the requirements stipulated in this Resolution.

8.032 The Board may call upon Township and County Departments for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance as may reasonably be required.

8.04 APPLICATIONS, APPEALS, HEARINGS AND STAY OF PROCEEDINGS.

8.041 Applications - When and By Whom Taken. An application may be filed by any property owner or agent thereof. Such application shall be filed with the Community Development Director who shall transmit same to the Board. Each application or appeal shall be accompanied by a check or money order, payable to West Chester Township, in the amount to be determined by the Board of Trustees to cover the cost of publishing and/or posting and mailing the notice of the hearing or hearings and other expenses in conjunction therewith.

8.042 Appeals - When and By Whom Taken. An appeal to the Board may be taken by any person aggrieved, or by any officer of the Township affected by any decision of an enforcement officer of the Community Development Department. Such appeal must be made within twenty (20) days after the decision by filing with the Board, the proper application specifying the grounds thereof for the appeal. The Community Development Director shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

8.043 Hearings. The Board shall meet once per month. At the beginning of each year, the Community Development Department shall publish a schedule of the regular monthly meeting times and filing deadlines for the year. All complete

applications and appeals filed by the deadline shall be heard at the following month's meeting. Ten (10) days written notice shall be given to the parties in interest and notice shall be published in one or more newspapers in general circulation in the township at least ten (10) days before the date of such hearing. Notice failure shall not be grounds to invalidate a decision. Parties in interest means the applicant/appellant, the subject property owner (if applicable), property owners within two-hundred (200) feet of the subject property (if applicable), and the Board of Trustees. For surrounding properties, notice shall be sent to the person or entity identified as the tax mailing recipient in the Butler County Auditor's records. At the hearing, any party may appear in person or by attorney.

8.044 Decision of the Board and Appeal. The Board shall decide all applications and appeals by the next month's meeting date after the conclusion of the hearing thereon. Any party in interest or person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Butler County as provided in the Ohio Revised Code. A notice of appeal shall be made to the Community Development Director.

8.045 A certified copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Community Development Director. Such decision shall be binding upon the Community Development Director and on appointed inspectors, and observed by them, and they 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.

8.046 The decision of the Board shall not become final until the expiration of thirty (30) days from the date such decision is journalized, unless the Board finds the decision should take effect immediately to preserve property or personal rights and shall so certify on the record. Absent a finding that the decision should take immediate effect, during the thirty (30) day period after journalization but before the decision becomes final, a successful applicant may apply for a zoning certificate and upon issuance proceed at its own risk.

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

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8.05 STANDARDS FOR THE GRANTING OF APPLICATIONS AND APPEALS.

8.051 Standards for Administrative Review. Where it has been alleged by an appellant that there is error in any order, requirement, decision, grant, or refusal made by the Community Development Department, the Board shall request from the Community Development Director, a report stating the position of the department and the rationale for the decision made, or order served. Said report shall be made part of the record at the hearing regarding the appeal, and staff shall present all testimony in support of its decision. The appellant shall then present information and reasons why he/she feels the decision of staff is in error. Upon hearing from both the staff and the appellant and all others who wish to be heard, the Board shall reverse or affirm wholly, or partly, or modify the decision appealed from. In rendering its decision, the Board shall give due regard to the evidence presented and ensure that the spirit and purpose of this Resolution is observed and maintained.

8.052 Standards for Use Interpretations. The prohibition clauses of the non-PUD zoning districts within this Resolution permit the Board of Zoning Appeals to authorize uses of the same general character as the permitted uses within the district. In hearing applications regarding such use interpretations, the Board shall not authorize any use which is not specifically permitted by this Resolution unless it finds that the following facts and conditions exist:

a) That the use requested in the application is similar in character, scale, intensity, and traffic trip generation to the other permitted uses in the same zone district.

b) That the authorizing of such use will not be detrimental to adjacent properties and will not materially impair the purpose of this Resolution or the public interest.

c) That the proposed site on which the use is to be located is adequate to facilitate the needs and requirements of said use.

8.053 Standards for Variances. The Practical Difficulties test as set forth in Duncan v. Middlefield (1986), 23 Ohio St.3d 83, 491 N.E.2d 692, or as this standard may be amended by the Ohio Supreme Court or the state legislature, will apply to determine if an area variance shall be granted. The factors to be considered and weighed in determining whether a property owner seeking an area variance has encountered practical difficulties in the use of the property include, but are not limited to:

a) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a 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) Whether the property owner purchased the property with knowledge of the zoning restriction.

f) Whether the property owner's predicament feasibly can 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.

8.0531 No grant of a variance shall be authorized by the Board for requests that are of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

8.0532 In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use of the proposed structure as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary, that the conditions attached are being complied with.

8.054 Standards for Conditional Uses and Special Exceptions. In hearing applications for conditional uses or special exceptions, the Board shall give due regard to the nature and condition of all adjacent uses. In authorizing a conditional use or special exception, the Board should impose requirements and conditions with respect to location, construction, maintenance, and operation that are deemed necessary to mitigate the special characteristics of the use in order to make it compatible with adjacent properties, and for the protection of adjacent properties and the public interest.

8.0541 In reviewing an application for a conditional use or special exception, the Board shall use the following standards in rendering a determination:

a) The proposed conditional use or special exception is compatible in size, character, scale and intensity with adjacent existing uses, or is in keeping with the general vicinity in which it is located.

b) Special conditions or requirements imposed, can mitigate the special characteristics which are inherent to the use and enable compatibility with the existing neighborhood, and maintain the spirit of this Resolution.

c) The authorizing of such conditional use or special exception will not be of substantial detriment to the adjacent property or surrounding neighborhood.

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ARTICLE 9
DEFINITIONS

9.01 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; and the word "shall" is mandatory and not directory.

9.02 ACCESSORY USE OR STRUCTURE. A structure or use that is incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building; is subordinate in area, extent, or purpose to the principal building or principal use served and; is located on the same lot as the principal building or use served.

9.03 ADMINISTRATIVE REVIEW. A review conducted by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.021.

9.04 ADULT FAMILY HOME A residence or facility, as defined by 5119.34 and regulated in Chapter 5119.341 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

9.05 ADULT GROUP HOME A residence or facility, as defined by 5119.34 and regulated in Chapter 5119.341 of the Ohio Revised Code, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

9.06 AGRICULTURE. The use of land for agricultural purposes, including farming, ranching; algaculture meaning the farming of algae; 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; and the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include commercial feeding of garbage or offal to swine or other animals.

9.07 AGRICULTURE STRUCTURE. A structure used solely for the purpose of agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

9.08 BED AND BREAKFAST INN. An owner occupied dwelling unit where lodging, with or without meals, is provided for compensation.

9.09 BERM. Landscaped mounds used to buffer and to shield.

9.10 BOARD. The Board of Zoning Appeals of West Chester Township, Butler County, Ohio.

9.11 BOX TRUCK OR STEP VAN. A truck with an enclosed cargo space or a small box-shaped van.

9.12 BUILDING. Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.

9.13 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 a 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.

9.14 BUILDING, PRINCIPAL. A building in which the primary use of the lot on which the building is located is conducted.

9.15 BUILDING, PUBLIC. A building used for administrative, service or cultural purposes operated by a tax-supported agency.

9.16 BUSINESS PARK. More than one commercial and/or light industrial uses located within a building or buildings on one or more lots built as a unified development typically including common access, landscaping, parking areas and other site improvements.

9.17 CHASSIS VAN. A cutaway van chassis generally features a van front end and cab design, with a bus and truck bodies, motor homes, and other specialized vehicles. Many chassis vans are equipped with dual rear wheels and can handle greater weight loads than the basic vans.

9.18 CHURCH OR PLACE OF RELIGIOUS WORSHIP. A building in which people regularly attend to participate in or hold religious services, meetings or other religious activities.

9.19 CLUB, PRIVATE. A building or portion thereof, or premises owned by a corporation, association, person or persons for a social, educational or recreational purpose, not primarily for profit nor to render a service which is customarily carried on as a business.

9.20 COMMERCIAL VEHICLE. Any truck, trailer or other vehicles of a business or industrial nature of 14,000 lbs or greater Gross Vehicle Weight Rating (GVWR).

9.21 COMMISSION, PLANNING. Butler County, Ohio Planning Commission.

9.22 COMMISSION, ZONING. West Chester Township Zoning Commission.

9.23 COMMUNITY DEVELOPMENT DEPARTMENT. The West Chester Township Community Development Department.

9.24 CONDITIONAL USE. A use that owing to some special characteristics attendant to its operation or installation may be permitted in a district subject to approval by the Board of Zoning Appeals, and subject to the special requirements to ensure the use and operation is not detrimental to public health, safety, or general welfare.

9.25 CONDITIONAL USE CERTIFICATE. A certificate issued by the Community Development Department upon approval by the Board of Zoning Appeals to allow a use other than a permitted use to be established within a Zoning District, provided that the prior conditions for approval have been met.

9.26 CONVENIENCE BUSINESS USE. Commercial establishments such as office or retail uses which cater to the adjacent residential districts; provided that all such operations including storage, display and sales be conducted completely within an enclosed building.

9.27 DAY CARE CENTERS. An establishment providing continuous supervised temporary care for more than six (6) children under license by the State of Ohio.

9.28 DAY CARE HOME. An in-home service providing continuous supervised temporary care for six (6) or fewer children as regulated by the State of Ohio as a 'type B family day-care home'.

9.29 DENSITY. The number of dwelling units per gross acre.

9.30 DIRECTOR. The Director of the West Chester Township Community Development Department who shall exercise all powers conferred by law on a Property Advisor either personally or through individuals under his/her control and supervision.

9.31 DISTRICT. A portion of the unincorporated territory of West Chester Township throughout which certain uniform regulations and requirements apply.

9.32 DONATION BINS. A receptacle or other portable structure made of metal, steel or similar durable material placed outdoors and intended and used for the collection of clothing, shoes, books, toys, household items or other non-perishable goods and materials donated by the public but not including facilities and structures owned and operated by a governmental entity such as but not limited to post office mail drop boxes, bill payment drop boxes, library collection boxes and Recycling Containers.

9.33 DWELLING. A building or portion thereof used exclusively for residential purposes, including one-family, two-family, three-family, and multi-family dwellings, but not including hotels, extended stay hotels/motels, boarding and lodging houses.

9.34 DWELLING, SINGLE-FAMILY. A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

9.35 DWELLING, TWO-FAMILY. A building designed for or used exclusively for two families or housekeeping units.

9.36 DWELLING, MULTI-FAMILY. A building or portion thereof designed for or used exclusively for three or more families.

9.37 DWELLING UNIT. One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

9.38 ELECTRONIC MESSAGE BOARD. Any sign that uses plasma display panels (PDPs), liquid crystal displays (LCDs), light emitting diode signs (LEDs), and/or television (CRTs), or other electronic medium.

9.39 EXTENDED STAY HOTEL/MOTEL. A facility with more than five (5) sleeping rooms that is kept, used, maintained, advertised, or held out to the public as a place where sleeping rooms are offered on a single room occupancy basis and intended for use as a primary residence for residential guests for a period of more than thirty (30) days.

9.40 FAMILY, OR FAMILY UNIT. One or more persons related by blood, adoption or marriage, living and cooking together in a dwelling unit, exclusive of household servants. A number of persons, but not exceeding five, living and cooking together as a single housekeeping unit though not related by blood, adoption or marriage shall constitute a family. (For purposes of this Resolution only).

9.41 FENCE. A structure, other than a building, comprised of customary building materials, which serves to form a barrier or boundary for means of protection, privacy, confinement, or used for decorative purposes.

9.42 FINAL INSPECTION CERTIFICATE. A document issued by the Community Development Department stating that the building, structure, or land has been inspected by the Department and complies with the provisions of this Resolution and conforms with the application and plans submitted for a Zoning Certificate.

9.43 FINAL DEVELOPMENT PLAN. A detailed site plan, submitted as part of the Planned Unit Development process of a proposed development prepared by a professional urban planner, engineer, architect, or landscape architect which indicates the proposed use, building plans, engineering plans, and landscaping plans for a specific project.

9.44 FLAG. A sign made of flexible material which is mounted on a pole and which represents or symbolizes an organization, group, cause, event, activity or unit of Government.

9.45 FLOOD PLAIN. Land areas susceptible to being inundated by water as determined by the Butler County Flood Plain Administrator.

9.46 FLOOR AREA. The total horizontal area of all floors finished as usable area. Measurement of 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.

9.47 FUNERAL HOME. A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services in the preparation of the dead for burial; the performance of autopsies; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles. Facilities for cremation shall not be included.

9.48 GARAGE, PRIVATE. A detached accessory building or a portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families resident upon the premises. Such garage, except on farms for agricultural purposes, shall not be used for the storage of more than one (1) Commercial Vehicle.

9.49 GRADE LEVEL. The average of the finished ground level at the center of the walls of a building or structure.

9.50 GROSS VEHICLE WEIGHT RATING (GVWR). The weight of a vehicle including all equipment, fuel, body, load and occupants as specified by the manufacturer.

9.51 HOME OCCUPATION. Any occupation conducted in its entirety within a dwelling unit.

9.52 HOTEL. A building in which lodging is provided and offered to the public for one (1) or more days for compensation, and in which ingress and egress to and from all rooms are made through an inside office or lobby under supervision at all times.

9.53 IMPERVIOUS SURFACE. Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include paved driveways and parking areas, sidewalks, roofs and other similar structures.

9.54 HUSBANDRY, ANIMAL/POULTRY. The care, raising or breeding of farm animals or poultry, such as cattle, horses, hogs, sheep, chickens, turkeys, ducks, geese et., for the purpose of meat, eggs, milk or other products.

9.55 IN-LAW SUITE. An accessory dwelling area with its own independent living facilities, such as sleeping, cooking and sanitation, which is located within a principally permitted single-family residence.

9.56 INOPERABLE VEHICLE. Any transportation device which is not currently licensed for use on roads, or is unfit for use due to all of the following conditions:

a) Apparently inoperable, and

b) Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

9.57 INTERNET CAFE. An Internet Café or cyber café is a place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. It does not include viewing or ability to view pornographic or sexually oriented materials.

9.58 INTERNET SWEEPSTAKES ESTABLISHMENT. An internet sweepstakes establishment or sweepstakes establishment promotes the sale of prepaid internet time cards or phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card or internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

9.59 JUNK. Scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, rags, rubber, inoperable Vehicles, and parts thereof, except when processed as part of a recycling operation as defined and regulated by this Resolution.

9.60 JUNK YARD. A place where waste, discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled, including wrecking yards, house wrecking yards, used lumber yards, and yards for the storage of salvaged structural steel materials and equipment; but not including such places where uses are conducted entirely within a completely enclosed building, and not including, used cars in operable condition, or salvaged materials incidental to manufacturing operations, or recycling operations as defined and regulated by this Resolution.

9.61 KENNEL. Any structure or premises on which five (5) or more dogs and/or cats are kept.

9.62 LAND USE PLAN. The West Chester Township Comprehensive Land Use Plan, as adopted by the Township Trustees.

9.63 LICENSED MASSAGE THERAPIST. A person who has obtained and currently holds an active certificate from the Ohio State Medical Board to practice a limited branch of medicine involving the administration of massage or similar touching techniques.

9.64 LOADING SPACE, OFF STREET. An off-street area, used exclusively for loading and unloading, at least ten (10) feet wide, fifty (50) feet long, and fifteen (15) feet high; within or outside a building, and located outside of the front, side, or rear setback area required of the building it serves; for the temporary parking of commercial vehicles which are loading or unloading merchandise or materials.

9.65 LOT. A piece or parcel or tract of land, which is legally recorded by the Butler County Recorder's Office, occupied or intended to be occupied by a principal building or structure or utilized for a principal use and uses accessory thereto, together with such open spaces and frontage as required by this Resolution.

9.66 LOT, CORNER. A lot abutting on and at the intersection of two or more public dedicated right-of-ways (See Figure 5 in Graphic Appendix).

9.67 LOT COVERAGE. The percentage of the site which is covered by impervious surface (See Figure 2 in Graphic Appendix).

9.68 LOT, DOUBLE FRONTAGE. An interior lot having frontage on two (2) non-intersecting legally recorded public streets (See Figure 5 in Graphic Appendix).

9.69 LOT FRONTAGE, OR FRONTAGE. The length of any one property line of a premises which property line abuts a legally recorded public street right-of-way. (See Figure 3 and 6 in Graphic Appendix).

9.70 LOT, INTERIOR. A lot other than a corner lot (See Figure 2 in Graphic Appendix).

9.71 LOT, AREA. The computed area contained within the lot lines (See Figure 2 in Graphic Appendix).

9.72 LOT, DEPTH. The average horizontal distance between the front and rear lotlines (See Figure 2 in Graphic Appendix).

9.73 LOT, LINES. The property lines which bound the lot (See Figure 2 in Graphic Appendix).

9.74 LOT LINE, FRONT. On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting the street; or on a panhandle lot, the interior lot line most parallel to and nearest the street from which access is obtained (See Figure 2 in Graphic Appendix).

9.75 LOT, PANHANDLE OR FLAG. Lots approved under certain conditions that contain less frontage on a street than is normally required. The panhandle is typically an access corridor to lots or parcels located behind parcels with normally required street frontage (See Figures 2 and 7 in Graphic Appendix).

9.76 LOT LINE, REAR. The lot line opposite and most distant from the front lot line (See Figure 2 in Graphic Appendix).

9.77 LOT LINE, SIDE. Any lot line which is not a front or rear lot line (See Figure 2 in Graphic Appendix).

9.78 LOT WIDTH. The horizontal distance between side lot lines, measured at the designed front setback line (See Figure 2 in Graphic Appendix).

9.79 MANUFACTURING. The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product.

9.80 MOTEL. A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for travelers and having automobile parking adjacent or conveniently located on the premises.

9.81 NIGHTCLUB. A bar, restaurant, coffee house or similar establishment where a dance floor or entertainment is provided as a primary attraction.

9.82 NON-CONFORMANCE, CERTIFICATE OF. A certificate issued by the Community Development Department which certifies that a building, structure or premises legally existed prior to the enactment of this Resolution or amendments, thereto.

9.83 NON-CONFORMING BUILDING. Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

9.84 NON-CONFORMING USE. Any use legally existing and used at the time of enactment of this Resolution and the adoption of a map incorporated by reference in this Resolution or any amendments to this Resolution or the map, which does not conform with the regulations of the district in which it is located.

9.85 NON-THERAPEUTIC MASSAGE ESTABLISHMENT. Any place of business or establishment that administers, practices, uses, or from which is dispatched a person for the purpose of administering, practicing or using any non-therapeutic massage or touching techniques, where not all of the persons administering, practicing, or using any massage or touching techniques are licensed massage therapists.

9.86 NURSING HOME. A privately operated State licensed place of domicile or other facility which provides skilled nursing and dietary care for persons who are ill or incapacitated, or service for the rehabilitation of persons who are convalescing from illness or incapacitation.

9.87 OUTSIDE STORAGE. The keeping, in an unroofed area, of any goods, material, merchandise, or vehicles in the same place for more than forty-eight hours.

9.88 OUTDOOR DISPLAY AREA. An outdoor area where merchandise is displayed for sale, or lease, that is accessible to the public during business hours, not

including principally permitted uses where outdoor display of the merchandise is the primary business, such as automobile sales and similar uses.

9.89 PARK. An area open to the general public and available for recreational, educational, cultural, or aesthetic use.

9.90 PARKING AREA. A permanently surfaced open area**,** other than a street or other public way, that is used for the parking of vehicles and trailers.

9.91 PARKING SPACE. A permanently surfaced area for the parking of a Vehicle (See Figure 4 in Graphic Appendix).

9.92 PERSONAL SERVICE USE. An establishment which offers services to members of the general public.

9.93 PICKUP TRUCK. A small truck with an enclosed cab and open cargo area with sides.

9.94 PLANNED UNIT DEVELOPMENT. Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned unit development. A planned development is built according to general and detailed plans that include not only street, utilities, lots and building and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned unit development includes a program for the provisions, operations and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned unit development or community.

9.95 PRELIMINARY DEVELOPMENT PLAN. A site plan submitted as part of the Planned Unit Development process during the amendment process for district designation which indicates the approximate areas and arrangement of the proposed uses and zone districts.

9.96 PROMOTIONAL COSTUME DEVICE. A person dressed in a costume used for the purpose of identifying, providing directions or advertising any establishment, product, goods or services.

9.97 PROPERTY ADVISOR. The Community Development Director, his/her assistants, or any other person designated by the Board of Township Trustees to perform the statutory duties of Property Advisor.

9.98 READER BOARDS. Any sign that displays changeable copy through manual changing of copy that prohibits the utilization of computer-generated messages or some other electronic means of changing copy.

9.99 RECREATIONAL VEHICLE. A vehicle or trailer used exclusively for personal entertainment, including watercrafts, camping, or recreational travel, and which is not used in whole or in part for occupational, commerce or employment purposes.

9.100 RECYCLING. The collection, separation, recovery and sale or reuse of metals, glass, paper, leaf waste, plastics, and other materials which would otherwise be disposed or processed as waste or the mechanized separation and treatment of waste (other than combustion) and creation and recovery of reusable materials other than a fuel for the operation of energy.

9.101 RECYCLING CONTAINERS. A receptacle or other portable structure made of metal, steel or similar durable material placed outdoors and intended and used for the collection of Recycling materials from the public but not including facilities and structures owned and operated by a governmental entity such as, but not limited to, post office mail drop boxes, bill payment drop boxes, library collection boxes and Donation Bins.

9.102 RESEARCH FACILITY. A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

9.103 RESTAURANT. An establishment that serves food and beverages primarily to persons seated on the premises.

9.104 RIGHT OF WAY, STREET. A public thoroughfare used, or intended to be used, for the passage or travel by Vehicles.

9.105 ROAD CORRIDOR URBAN DESIGN PLAN. A plan adopted by the Board of Trustees in connection with a Road Corridor Overlay District which provides design standards and provisions for a specifically designated area along a road corridor.

9.106 SCHOOL, PRIMARY, SECONDARY, COLLEGE OR UNIVERSITY. Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 or any college or university accredited by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

9.107 SEMI-TRAILER. Non-motive powered commercial vehicle that is designed and intended to be towed by another vehicle in a manner that part of the weight of the vehicle being towed rests on and is carried by the towing vehicle.

9.108 SEMI-TRUCK. Motor vehicle designed and used primarily for towing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so towed.

9.109 SIGN. Any device, structure, fixture, or placard using graphics, symbols, and/or written copy for the primary purpose of identifying, providing directions, or advertising any establishment, product, goods, or services.

9.110 SIGN, BANNER. A sign of lightweight fabric or similar non-rigid material mounted to a pole and/or building with a design, picture, or writing on it.

9.111 SIGN, BILLBOARD. An off-site sign structure advertising an establishment, merchandise, service, special message, or entertainment.

9.112 SIGN, CHANGEABLE MESSAGE. A sign whose information content can be altered manually or by electronic means.

9.113 SIGN, CONSTRUCTION. A temporary sign to give information about construction that is soon to commence or is currently in progress on the property on which the sign is located.

9.114 SIGN, COPY. The graphic content of a sign surface in either permanent or removable letter, pictographic, symbolic, or alphabetic form.

9.115 SIGN, DIRECTIONAL. A sign which provides directional assistance to access an establishment conveniently and safely.

9.116 SIGN, FEATHER FLAG. A sign of lightweight fabric or similar non-rigid material generally shaped like a feather commonly attached to a pole, which is intended to flutter in the wind.

9.117 SIGN, FREESTANDING. A sign supported permanently upon the ground by poles or braces and not attached to any building or structure.

9.118 SIGN, GOVERNMENT. Any temporary or permanent sign erected and maintained by the township, county, state or federal government for traffic direction or for designation of or direction to any school, hospital, historical site, or public service, property, or facility.

9.119 SIGN, GROUND. A sign mounted directly to the ground with a base, that occupies a majority of the area beneath the display, and not attached to any building or structure.

9.120 SIGN, NON-COMMERCIAL. A work of art or sign for the expression of a message which is political, religious, or pertaining to a point of view, expression, opinion, or idea that contains no reference to the endorsement, advertising of, or promotion of a patronage of a business, commodity, service, entertainment, or attraction that is sold, offered, or existing.

9.121 SIGN, NON-CONFORMING. A sign which was erected legally, but does not comply with the subsequently enacted provisions pertaining to signs.

9.122 SIGN, PENNANTS, STREAMERS. An individual object and/or series of small objects made of lightweight plastic, fabric or other non-rigid material, which may or may not contain text, and is suspended from and/or twined around a rope, wire or string.

9.123 SIGN, PORTABLE READER BOARD. A sign that is self-supporting but not permanently attached to the ground or building and can be moved from one location to another and may or may not be internally illuminated; also known as a trailer sign.

9.124 SIGN, REAL ESTATE. A temporary sign advertising the real estate upon which the sign is located as being for rent, lease or sale.

9.125 SIGN, SUBDIVISION. A freestanding or wall sign identifying a recognized subdivision, condominium complex, residential development, or a business or industrial park.

9.126 SIGN, TEMPORARY. A sign not constructed or intended for long-term use.

9.127 SIGN, WALL. A sign attached essentially parallel to and extending not more than twenty-four (24) inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs.

9.128 SPECIAL EXCEPTION. An exception pertaining to an uncommon or infrequent use which may be permitted in specific districts subject to compliance with certain standards and explicit conditions as set forth by the Board of Zoning Appeals.

9.129 STORAGE UNIT, PORTABLE. A portable structure, crate or other container, which is used for packing, moving and/or temporary storage, and is part of a moving and storage service, whereby a service provider typically delivers and picks up a storage container.

9.130 STORY. That portion of a building included between the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

9.131 STRUCTURE. Anything constructed, excluding pavement, the use of which requires the permanent location on the ground, or attachment to something having permanent location on the ground.

9.132 STRUCTURAL ALTERATION. Any change in the structural members of a building, such as walls, columns, beams or girders.

9.133 SUBDIVISION. The division of land, lot, tract, or parcel into two or more parcels, plats, or sites, approved by the Butler County Planning Commission, for sale, lease, offer, or development.

9.134 SWIMMING POOL. A permanent, open tank or other structure not located within a completely enclosed building so as to contain at least three feet of water at any point.

9.135 THERAPEUTIC MASSAGE ESTABLISHMENT. Any place of business or establishment that administers, practices, uses, or from which is dispatched a person for the purpose of administering, practicing or using, any massage or touching techniques, provided that all persons administering, practicing, or using any massage or touching techniques are licensed massage therapists.

9.136 TOWN HOUSE. A structure containing two (2) or more attached single-family dwellings in a continuous row, each dwelling designed and erected as a unit and separated from adjoining units by a wall or walls.

9.137 TOWNSHIP TRUSTEES. The West Chester Township, Butler County, Ohio Board of Township Trustees.

9.138 USE, PRINCIPAL. The primary use and chief purpose of a lot or structure.

9.139 VARIANCE. A modification approved by the Board of Zoning Appeals regarding area or dimension requirements of this Resolution, where such modification will not be contrary to the public interest and where owing to conditions unique to the property and not the result of the actions by the applicant, a literal enforcement of the requirement would result in unnecessary and undue hardship for the property owner.

9.140 VEHICLE. Any self-powered unit moving on wheels or runners and used as a means of transport.

9.141 WIRELESS AND CELLULAR ANTENNA. Any exterior apparatus designed for telephonic, radio, television or other electronic telecommunications, through the transmission, relay or receiving of electromagnetic waves.

9.142 WIRELESS AND CELLULAR TELECOMMUNICATION EQUIPMENT. Any antenna, satellite dish, communication device or equipment which is used for transmitting, relaying or receiving communication signals except equipment preempted from regulators by the Telecommunications Act of 1996 (P.L. 104-104), as amended.

9.143 WIRELESS AND CELLULAR TELECOMMUNICATION FACILITY. 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.

9.144 WIRELESS AND TELECOMMUNICATION 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.

9.145 YARD, FRONT. An open space extending the full width of the lot, between a principal building and the front lot line, unoccupied and unobstructed from the ground upward (See Figure 3 in Graphic Appendix).

9.146 YARD, REAR. An open space extending the full width of the lot between a principal building and the rear lot line, unoccupied and unobstructed from the ground upward (See Figure 3 in Graphic Appendix).

9.147 YARD, SIDE. An open space extending from the front yard to the rear yard between a principal building and the nearest side lot line, unobstructed from the ground upward (See Figure 3 in Graphic Appendix).

9.148 YARD REQUIREMENT, FRONT YARD DEPTH. The minimum open space, required by the specific district provisions, which must be provided between a principal building and the front lot line, unoccupied from the ground upward (See Figure 3 in Graphic Appendix).

9.149 YARD REQUIREMENT, REAR YARD DEPTH. The minimum open space, required by the specific district provisions, which must be provided between a principal building and the rear lot line, unoccupied from the ground upward (See Figure 3 in Graphic Appendix).

9.150 YARD REQUIREMENT, EACH SIDE YARD. The minimum open space, required by the specific district provisions, which must be provided between a principal building and each side lot line, unobstructed from the ground upward (See Figure 3 in Graphic Appendix).

9.151 ZONING CERTIFICATE. A document issued by the Community Development Department which certifies that a building, structure, or use has been reviewed by the department and found to be consistent with the terms of this Resolution.

9.152 ZONING MAP. The Zoning Map of West Chester Township, Butler County, Ohio.

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ARTICLE 10
GENERAL PROVISIONS FOR ALL DISTRICTS

10.01 PURPOSE. The general provisions provided by this article, unless otherwise specifically stated, apply to all uses and structures for all the Zone Districts in this Resolution.

10.02 ONE PRINCIPAL PERMITTED STRUCTURE PER PARCEL. Except as provided in the specific provisions of Articles 17, 20, including 20.095, 23, and 26, a maximum of one principal permitted structure or building shall be permitted per parcel, unless authorized by the Board of Zoning Appeals through the granting of a Special Exception or as approved in a PUD District.

10.03 CONFORMANCE REQUIRED. Except as hereafter specified, no land, building, structure, or premises shall 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 specified for the District in which it is located.

10.04 CONTINUING EXISTING USES. Except as hereafter specified, any use, building or structure, legally existing at the time this amendment to the zoning resolution becomes effective may be continued as a legal nonconforming use, even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.

10.041 LOT OF RECORD. In any district where dwellings are permitted, a single family dwelling may be located on any lot of record in existence as of the effective date of this Resolution, irrespective of its area or dimensions, provided any one of the following conditions exist:

a) All front, side, and rear yard requirements of this Resolution for the district in which the lot is located are met.

b) A building permit for said dwelling has been properly granted and remains effective by the Butler County Building Commissioner prior to the amendment and effective date of this Resolution.

c) The West Chester Township Board of Zoning Appeals grants a variance in area requirements.

10.05 BURDEN OF ESTABLISHING LEGALITY OF NONCONFORMITY. The burden of establishing that any use or structure is lawfully nonconforming under the provisions of this Resolution, shall in all cases be upon the owner of such nonconformity and not upon the Township.

10.06 ZONING CERTIFICATES FOR LEGAL NON-CONFORMITIES. The owner of any non-conforming use, structure, or lot may at any time apply to the Community Development Department for a Zoning Certificate of Non-conformance to establish the legality of such non-conformity as of a specified

date. Such application shall be filed and processed pursuant to the provisions of Article 5, Subsection 5.06.

10.061 If, upon reviewing an application for a Zoning Certificate of Non-conformance, the Community Development Department shall determine that the use, structure, or lot in question was lawfully existing at the time of the effective date of the provision creating the non-conformity in question, and remains lawfully existing subject only to such non-conformity at the time of such application, and that any required affidavit is in order, the Community Development Department shall issue a Zoning Certificate of Non-conformance, evidencing such facts and setting forth the nature and extent of the non-conformity. Otherwise, the Department shall refuse to issue such certificate and shall declare such use, structure or lot to be in violation of this Resolution.

10.07 NON-CONFORMING USES. Whenever a non-conforming use has been changed back to a conforming use, such use shall not thereafter be changed to a non-conforming use.

10.08 ALTERATION OF NON-CONFORMING BUILDINGS. No building, structure, or premises devoted to a use not permitted by the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, reconstructed, or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

10.081 When authorized by the Board, in accordance with the provisions of Article 8, Subsections 8.024 and 8.0241, the substitution for a non-conforming use for another non-conforming use or an extension of a non-conforming use may be made.

10.082 Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot or other calamity or Act of God; may be restored or reconstructed and used as before such happening provided: that within ~~120~~ **180** days of such happening an application for a Zoning Certificate has been applied for and the required plans are submitted containing the seal of a registered architect or engineer and certification is given by said architect or engineer that the proposed restoration can be done safely; and further provided that building size or square are not increased.

10.083 Such repairs and maintenance work as required to keep a non-conforming structure in sound condition may be made to a non-conforming building or structure, provided no structural alterations be made except such as required by law or authorized by the Board of Zoning Appeals pursuant to Article 8, Subsections 8.024 and 8.0241.

10.09 NON-CONFORMING USE OR STRUCTURE DISCONTINUED. No building, structure or premises where a non-conforming use has discontinued for two (2) years or more, shall again be used for any use non-conforming to the district in which it is located.

10.10 TEMPORARY USES. Subject to the specific regulations and time limits that follow, and to other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the Zoning Districts herein specified:

10.101 House, Apartment, Garage and Yard Sales. House, apartment, garage, and yard sales are permitted in any district, but only when limited to the personal possessions of the owner or occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed no more than two (2) consecutive days and no more than three (3) such sales shall be conducted from the same property in any twelve (12) month period. No Zoning Certificate shall be required for such use.

10.102 Contractor's Offices and Equipment Sheds. Contractor's offices and portable equipment sheds are permitted when accessory to a construction project. No such use shall contain any sleeping or cooking accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

10.103 Model Units, Including Real Estate Offices. Model units including real estate offices are permitted when an accessory use to a new development. No such use shall contain sleeping or cooking accommodations unless located in a model dwelling unit. Such use shall be limited to a period of the active selling or leasing of units or space in such development and to the activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm. Such uses shall require the issuance of Zoning Certificate specifying such use as an approved model unit or real estate office.

10.104 Festivals and Circuses. Festivals and Circuses are permitted only when sponsored by a not-for-profit religious, philanthropic or civic group or organization. Such use shall be limited to a period not to exceed three (3) days.

10.105 Tents. Tents are permitted in connection with any permitted, accessory or temporary use. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during for which it is associated is allowed to remain.

10.11 TEMPORARY USES REQUIRE ZONING CERTIFICATES. Except as specifically provided, no temporary use shall be maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Resolution has been issued.

10.111 Such Certificate may be denied if the Director determines that the public health, safety, or welfare would be, or may reasonably be expected to be, impaired by the issuance thereof.

10.112 A Zoning Certificate for a temporary use may be conditioned upon such special requirements as the Director may determine to achieve the purposes of this Resolution and to protect the public health, safety and welfare.

10.12 TEMPORARY USE LIMITATIONS. All temporary uses shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable by Subsection 10.10 of this Article.

10.121 No temporary use shall be operated during any hours or any days of the week except as are designated by the Zoning Certificate, on the basis of the nature of the use and the character of the surrounding area.

10.122 Signs permitted for temporary uses shall be pursuant to Subsection 10.2693 #4 of this Article.

10.13 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.

10.14 ACCESSORY BUILDINGS AND USES. Accessory uses or structures shall be permitted in all districts provided that: a) it is incidental to and customarily found in connection with a principal building permitted by the district in which it is located; b) it is subordinate to and serves a principal building or use; c) it is subordinate in area, extent, or purpose to the principal building; and d) it is located on the same lot as the principal building or use for which it serves.

10.141 No accessory building shall exceed twenty-five (25) percent of the square footage of the principal building or use, unless used for the storage of vehicles. Such structures used for the storage of vehicles which exceed twenty-five (25) percent of the principal structure shall not exceed four hundred and eighty (480) square feet. In-ground swimming pools shall be permitted to exceed twenty-five (25) percent of the square footage of the principal building or use.

10.142 No accessory building shall contain facilities used for dwelling purposes**,** except when specified as a Conditional Use in R-Districts.

10.143 No accessory building or structure shall be located in a front or side yard, except on a corner or double frontage lot. Accessory buildings or structures are permitted in the side yard area which is parallel to the rear of the house on corner lots, and in the front yard, parallel to the rear of the house on double frontage lots, provided they are not located within the required yard setback area.

10.144 Accessory uses and buildings shall be located at least ten (10) feet from the principal building, and at least ten (10) feet from all property lines. Swimming pools shall not be required to set back at least ten (10) feet from the principal structure when connected to the principal structure by a deck.

10.145 The maximum number of accessory buildings permitted shall be two (2) and shall be included in the calculation of the lot coverage percentage pursuant to the district in which it is located.

10.15 TRAFFIC VISIBILITY ACROSS CORNER LOT. On a corner lot, no fence, structure, or planting shall be erected or maintained within the triangle formed by measuring twenty (20) feet from the point of intersection of the two lot lines adjoining the two streets (See Figure 5 in Graphic Appendix).

10.16 REQUIRED AREA OR SPACE CANNOT BE REDUCED. No lot, yard, court or other space shall be reduced in area or dimensions so as to make said area or dimension less than the minimum required by this Resolution; and if already less than the minimum required, said area or dimension shall not be further reduced. No part of a yard, parking area, or other space provided for any building or structure, shall be included as part of a yard, parking area or other space required for another building or structure located on a separate lot.

10.17 OFF-STREET PARKING. In all districts, there shall be provided, at the time any building is erected or enlarged, or increased in capacity, off-street parking spaces for automobiles with the requirements specified by the General District Provisions in which the building is located. For uses not specifically listed in the General District Provisions, off-street parking shall be determined by consulting the most current edition of the American Planning Association's publication "Parking Standards" (2002). When a building is enlarged the parking requirements shall be calculated using the entire building (See Figure 4 in Graphic Appendix).

10.171 Each off-street parking space for standard cars shall have an area not less than one-hundred and sixty-two (162) square feet and be at least nine (9) feet wide and eighteen (18) feet long.

Each off-street parking space for compact cars shall have an area not less than one-hundred and twelve (112) square feet and be at least eight (8) feet wide and fourteen (14) feet long. Such parking for compact cars shall not be included in calculations for required parking.

Each off-street parallel parking space shall have an area not less than two-hundred and seven (207) square feet and be at least nine (9) feet wide and twenty-three (23) feet long.

10.172 A parking plan, drawn to scale, showing the traffic control plan and exact size and location of each space is required in conjunction with each application for a Zoning Certificate. The parking area plan shall provide maneuvering space for parking in the form of access aisles of the following minimum widths:

24 feet for 90 degree parking

18 feet for 60 degree parking

14 feet for 45 degree parking

12 feet for 30 degree parking

12 feet for 0 degree parking

10.173 Except in the case of dwellings, no parking lot area shall be less than four hundred (400) square feet in area.

10.174 For purposes of calculating the required number of parking spaces pursuant to the parking requirements in this Resolution, floor area shall mean the gross floor area used or intended to be used by tenants, or client or patients, including areas occupied by fixtures and equipment used for display or sales merchandise. It shall not include areas used principally for non-public purposes, such as storage or incidental repair.

10.175 All parking areas shall be located on the same lot as the principal building or use unless approved by the Board of Zoning Appeals pursuant to the standards and procedures for conditional uses as set forth in Article 8, Subsection 8.054, or as approved pursuant to the provisions of a CBD**,** RCO or PUD District.

10.176 All off-street parking areas, parking spaces, parking lots and all access drives to such areas shall be surfaced with asphalt or concrete of sufficient depth to meet the standard engineering practice for the design of pavements for the anticipated traffic load and shall be graded and drained as to dispose of all surface water accumulated within the area, in accordance with the standards of the Butler County Engineer's Office, and shall be arranged and marked as to provide for safe loading and unloading and parking and storage of self-propelled vehicles.

10.177 Landscaping of parking areas shall be maintained in living and well-trimmed condition. Screening, if other than landscaping shall be maintained in good repair through the use of proper building materials.

10.178 Nonresidential parking areas for more than five (5) vehicles, which adjoin or face lots situated in any R-District, recorded residential subdivision, or institutional premises (churches, schools, public buildings of an administrative or cultural type), shall be screened on each side by a masonry wall, solid fence or earth berm. Such screening shall be not less than four (4) feet or more than six (6) feet in height and shall be maintained in good repair, pursuant to the provisions of Subsection 10.177 and without any form of advertising thereon.

10.179 A buffer area of not less than six (6) feet in width shall be maintained between all parking areas (exclusive of access points of ingress and egress) and any street right-of- way. Such area shall be landscaped with grass, shrubs, trees, or ground cover and maintained in a living and well-trimmed condition.

10.1791 A perimeter buffer area of not less than four (4) feet in width shall be maintained between all parking areas (exclusive of access points of ingress or egress or areas for cross easement) and the side and rear property lines. Such area shall be landscaped with grass, shrubs, trees, or ground cover and maintained in a living and well-trimmed condition.

10.1792 All off-street parking areas shall be designed in a way so as to prevent vehicles from having to back out of the lot onto a public street and so as to prevent the moving of one vehicle to access that of another.

10.1793 A portion of a standard parking space may be landscaped instead of paved as follows:

a) Up to two (2) feet of the front of the space, as measured from a line parallel to the direction of the bumper of the vehicle using the space, may be a landscaped area (See Figure #4 in Graphic Appendix);

b) A concrete wheel stop, or concrete curb, shall be located a maximum of two (2) feet from the front of the parking space.

c) Ground cover plantings shall be the only type of landscaping permitted in the two (2) foot area. Alternate quality impervious surfaces may be permitted instead of the landscaping, such as impervious concrete, pavers, etc. but at no time shall gravel be permitted.

d) The two foot landscaped area of the parking space shall not be counted toward the required open space.

e) Taller landscaping may be located in an adjacent landscape strip as long as it doesn't substantially obstruct the two (2) foot area of the parking space at mature growth.

10.18 NUISANCES PROHIBITED. No inoperable vehicle, unlicensed trailer or discarded furniture, appliances or other miscellaneous junk materials, shall be permitted to remain exposed on the premises for a period of more than ten (10) days. Specific demolition and rehabilitation projects requiring the placement of a dumpster and/or storage pod for periods exceeding thirty (30) days shall be permitted provided a Zoning Certificate has been issued pursuant to Article 5, Subsection 5.02. Trailers used in conjunction with an approved storage yard in an Industrial District shall not be included in this provision.

10.19 EXEMPTED TOWERS AND PUBLIC UTILITIES. Non-cellular wireless and telecommunication towers and facilities licensed by the Federal Communications Commission, and Public Utilities licensed by the Public Utilities Commission of Ohio (PUCO) are exempted from the requirements of this Resolution.

10.20 TOWER REGISTRATION. Any cellular wireless telecommunication tower proposed to be located in any district other than a residential district shall provide the following information to the Community Development Department prior to the issuance of an exemption letter to Butler County: illustration showing the multi-antennae tower; site plan showing the location of the tower, shelters, cabinets, landscape and screening; description of method to keep people from underneath the tower; and description of arrangements to remove the tower upon discontinued use.

10.21 HEIGHT LIMIT EXCEPTIONS. Height limitations stipulated elsewhere in this Resolution shall not apply to the following:

10.211 Barns, silos or other farm buildings or structures on farms; water towers; transmission towers; and parapet walls extending not more than four (4) feet above the limiting height of the building.

10.212 To places of public assembly in churches, schools and other permitted public and semi-public buildings, provided that for each three (3) feet by which the height of such building extends the maximum height otherwise permitted in the district, its side and rear yards shall be increased in width or depth by an additional foot over the side and rear yards required for the highest building otherwise permitted in the district.

10.22 CORNER AND DOUBLE FRONTAGE LOTS. Buildings on corner lots shall be required to have two front yards of the required depth pursuant to the district in which it is located. Such corner lots need not have a rear yard, however two side yards shall be required (See Figure 5 in Graphic Appendix).

10.221 Buildings on lots having frontage on two non-intersecting streets shall not be required to provide a rear yard, however, a minimum front yard depth, pursuant to the district where such building is located, must be maintained on both streets (See Figure 5 in Graphic Appendix).

10.23 PERMITTED PROJECTIONS INTO REQUIRED YARDS. The following architectural features may project into the required front or side yard as follows:

a) Cornices, canopies, eaves, or other architectural features not to exceed two (2) feet, six (6) inches.

b) Fire escapes may project a distance not to exceed four (4) feet.

c) An open stair and necessary landing may project a distance not to exceed four (4) feet.

d) A front porch not exceeding four (4) feet, provided it is open on three sides, except for railings or banisters.

e) Bay windows, balconies, or chimneys not exceeding three (3) feet, provided that the aggregate width of such projections shall not exceed one-third (1/3) of the length of the wall upon which it is located.

10.24 FENCES AND WALLS. Fences and walls may be located in front, side and rear yards as follows for all lots located in an A or R District, but not in a recorded residential subdivision.

a) If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground, fences and walls may be located in any yard except on a corner lot which abuts in the side, the side lot line of another lot. In such instances the fence or wall shall set back at least the same depth as the front yard required on the lot which it abuts. Entrance gates and walls located

twenty-five (25) feet on each side of the driveway shall be permitted if not exceeding six (6) feet in height above the elevation of the ground.

b) If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, fences and walls may be located in any side or rear yard, subject to the above requirement regarding corner lots.

c) All fences or walls must be of wood, stone, brick, metal, chain link, or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces, with sufficient frequency so that no bare wood or material is exposed. No fence or wall shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street. The use of scrap or salvage materials, barbed wire, or electrical above ground fences shall be prohibited.

10.25 SWIMMING POOLS. Swimming pools are permitted as accessory uses in all residential districts, subject to the requirements of Subsection 10.15 of this Article. Such pools or the entire property**,** on which they are located, must be enclosed completely by a fence or wall of at least four (4) feet in height above the elevation of the ground before completion of the pool. All gates in said fence or wall shall be self-closing and self-latching. No Zoning Certificate shall be issued for any pool which does not include in the submitted plans, an existing or proposed fence meeting the above requirements. Both above-ground pools and in-ground pools shall be subject to this provision. A two (2) foot fence around the top circumference of an above-ground pool with a lockable ladder is acceptable, in lieu of a ground fence, provided that the height from finish grade to the top of fence is a minimum four (4) feet.

10.26 GENERAL SIGN PROVISIONS. The following provisions apply to signs in all districts. Additional specific requirements in regard to type, size, location, and other requirements for signs in the residential, office, business, and industrial districts are included in the respective General Provisions of each use category.

10.261 The setback and location requirements of accessory uses, pursuant to Subsection 10.15 of this Article, shall not apply to signs. Specific setback and location requirements as well as other requirements for signs are included with each permitted sign type.

10.262 Zoning Certificate Required. A Zoning Certificate shall be obtained from the West Chester Township Community Development Department before any sign (except signs exempted by this Article) is located, erected, constructed, reconstructed, enlarged, structurally modified, or used in any Zoning District in West Chester Township.

10.263 Exempted Signs. Except as otherwise provided, the following signs shall not be subject to the provisions of this Zoning Resolution:

a) Governmental signs for identification, control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of identification or public safety;

b) Flags, emblems, insignia, and signs of any governmental agency or political subdivision;

c) Signs within a stadium, theater, building, arena, or other structure, provided that such signs can be viewed only by persons within such stadium, theater, building, arena, or other structure.

10.264 Measurement of Sign Area. The display surface area of a sign shall be considered as including the entire area within a single continuous perimeter enclosing the extreme limits of writing, representations, emblems, or any figure of similar character together with any frame or other material or color forming an integral part of the display area or used to differentiate such sign from the background against which it is placed; excluding supports, trim, uprights, or base which are necessary for structural purposes.

10.2641 When a sign has more than one (1) display surface area readable from adjacent properties and/or right-of-ways, all readable surfaces shall be added cumulatively.

10.2642 Street addresses which are made an integral part of the sign, and which do not exceed nine (9) square feet in area, shall not be considered part of the sign display area.

10.265 Prohibited Signs. The following types of signs are specifically prohibited:

a) Pennants, streamers, inflatable characters or objects, and similar type devices;

b) Signs which employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention, other than electronic message boards pursuant to the requirements of this article;

c) Portable business advertising signs;

d) Beacons and searchlights;

e) Advertising signs attached to, painted on or placed on a stationary Vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary, or portable sign;

f) Real estate signs displayed at locations other than on the premises offered for sale or rent, except within a recorded subdivision and on private property with the approval of the owner;

g) Promotional balloons filled with helium, gas, air or any other gaseous material either suspended from or affixed to a structure, vehicle or ground.

10.266 Prohibited Sign Locations. Sign locations shall be in accordance with the particular regulations of this article or the Zoning District in which the sign is to be located. Under no circumstances shall a sign (other than those exempted by this article) be located in a right-of-way or applied to trees, utility poles, fences, supporting structures for street signs and other governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device. Trash receptacles, newspaper vending

machines and similar devices may contain the identification of the owner of such device.

10.2661 No sign shall be erected in such a manner as to obstruct free and clear vision to any public thoroughfare or traffic flow along a designated parking lot aisle way for use by the general public.

10.267 Maintenance and Repair. All signs and sign structures, including the component parts of each, shall be kept in good repair and in a proper state of preservation by the owners of the sign or property owners on which the sign is located.

10.268 Message Changes. Message changes and repositioning of existing panels are permitted and do not require a Zoning Certificate for manual or electronic changeable copy signs or sign areas such as reader boards, menu boards, bulletin boards, and marquees. Message or copy changes which require permanent replacement panels or the replacement of the sign surface area shall require a Zoning Certificate.

10.269 Reader Boards and Electronic Message Boards. Reader boards and electronic message boards are considered as part of the permitted display area of a sign. Each separate message copy must be displayed a minimum of five (5) seconds.

The business name must be prominently displayed at all times and in the same location on either the reader board or permanent sign.

10.2691 Non-conforming Signs. All signs legally existing before the effective date of the amendment of this Resolution may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this Resolution, provided, such signs are properly maintained and do not endanger the public health, safety, or general welfare.

10.26911 Such signs shall be issued a Legal Nonconforming Structure Certificate, pursuant to Subsection 10.07. Message or copy changes and general maintenance shall be permitted on all nonconforming signs. However, relocation or replacement of the sign or any alteration in the size or structure of the sign except toward compliance with this Resolution shall cause the sign to lose its status as legally non-conforming.

10.2692 Signs Permitted in All Districts Not Requiring a Zoning Certificate. The following types of temporary signs are permitted in all districts provided they comply with the following requirements. Such signs shall not require the approval of a Zoning Certificate.

1. TEMPORARY REAL ESTATE SIGNS, Signs advertising the sale, rental or lease of the premises on which they are maintained, provided:

a) In residential and RCO districts, such signs shall not exceed sixteen (16) square feet in display area and shall have a maximum of two display faces.

b) In non-residential districts, including the Agricultural District, such signs shall not exceed thirty-two (32) square feet in display area and shall have a maximum of two display faces.

c) All such signs set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Subsection 10.15, regarding traffic visibility.

d) No such sign shall exceed six (6) feet in height from grade in all residential and RCO districts and ten (10) feet in all non-residential districts.

e) No such sign shall be illuminated in any way.

f) No more than one (1) sign may be displayed per road frontage of the subject premises.

2. NON-COMMERCIAL SIGNS, provided:

a) In any residential district, no such sign shall exceed sixteen (16) square feet of display area and shall have a maximum of two display faces. In any office, business, agricultural, or industrial districts, no such sign shall exceed thirty-two (32) square feet in display area nor have more than two display faces

b) All such signs shall be located out of the street right-of-way and conform with Subsection 10.16 regarding traffic visibility.

c) No such sign shall exceed six (6) feet in height from grade.

d) Such signs shall not be self-illuminated unless it is located in a district where commercial signs are permitted to be illuminated.

10.2693 Signs Permitted in All Districts. The following types of signs are permitted in all districts provided that they comply with the following requirements. These signs shall require the issuance of a Zoning Certificate.

1. TEMPORARY CONSTRUCTION SIGNS--Construction signs indicating the name of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project, provided:

a) No such sign shall exceed sixty-four (64) square feet in display area and have a maximum of two display faces.

b) All such signs shall set back a minimum of fifteen (15) feet from any road right-of-way or adjoining property line, and conform with Subsection 10.15, regarding traffic visibility.

c) No such sign shall exceed ten (10) feet in height.

d) Such signs shall not be illuminated in any way.

e) The number of such signs shall be limited to one sign per two hundred (200) feet of frontage of the parcel in which the construction is taking place. All signs shall be separated by ten (10) feet when a lot is permitted more than one sign.

f) Such signs may be erected for a period of sixty (60) days prior to construction and extend throughout the construction period. All such signs must be removed upon the issuance of a Final Zoning Certificate of Use for the structure or project.

2. STREET ADDRESS DISPLAYS--Signs displaying the address of a business or property are permitted as part of a subdivision identification sign, on-premise ground sign or a wall sign. Such display shall not be calculated as part of the sign display area if less than nine (9) square feet in area.

3. ON-SITE DIRECTIONAL SIGNS--Directional signs used in connection with parking or loading facilities or similar uses, provided that such signs not exceed four (4) square feet in area, do not extend over the street right-of-way, and in no way obstruct or impair the safety of pedestrians or motorists. Such signs may contain the logo or identification of the business or use on the premises provided it is in conjunction with the directional message.

   Directional signs which contain the name or logo of the business or use of the property in conjunction with the directional message that are used as the sole form of freestanding identification on the property shall be permitted a maximum of fifteen (15) square feet of display area. A maximum of two such signs shall be permitted per parcel.

4. TEMPORARY SIGNS--Temporary signs for non-profit activities or events, fund raising public service events provided:

a) No such sign shall have a display area exceeding twelve (12) square feet per face, with a maximum of two (2) faces.

b) All such signs set back a minimum of fifteen (15) feet from any street right-of-way or adjoining property line and conform to Subsection 10.15, regarding traffic visibility.

c) No such sign shall exceed six (6) feet in height.

d) No such sign shall be illuminated in any way.

e) No more than one (1) sign may be displayed per road frontage of the subject premises.

f) No such sign shall be of a portable nature which is not affixed to the ground.

g) Use of such signs shall be limited to a period not to exceed sixty (60) days.

5. COMMERCIAL SPECIAL MESSAGE SIGNS--Temporary signs for the display of special messages, provided:

a) No such sign shall have a display area exceeding sixteen (16) square feet per face, with a maximum of two faces.

b) All such signs set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform to Subsection 10.15, regarding traffic visibility.

c) No such sign shall exceed six (6) feet in height from grade.

d) No such sign shall be illuminated in any way.

e) No more than one (1) sign may be displayed per road frontage of the subject premises.

f) Use of such sign shall be limited to four (4) display periods, not exceeding fourteen (14) days per period during each calendar year. A maximum of two (2) periods may run consecutively.

g) No such sign shall be of a portable nature which is not affixed to the ground.

h) Special message signs advertising grand openings, going out of business, for hire or other promotional events shall be permitted as banners when securely attached to a building or hard board surface and affixed to the ground and subject to subsections 10.2693 5.a) - g) above.

6. PROMOTIONAL COSTUME DEVICE A person dressed in costume used for the purpose of identifying, providing directions, or advertising any establishment, product, goods or services, provided:

a) No such Promotional Costume Device shall contain writing (words or numbers) on it, or held by the individual wearing the costume. Those Promotional Costume Devices containing writing or holding a sign will be regulated or prohibited as specified in Article 10 of this Resolution.

b) No more than one (1) Promotional Costume Device may be permitted per business.

c) A Promotional Costume Device may be displayed concurrently with a separate, properly permitted, Commercial Special Message Sign as outlined in this Section.

d) The Promotional Costume Device will be permitted only on the premises of the enterprise being advertised or on the site of the Business Park to which the enterprise is a part of.

e) The use of a Promotional Costume Device shall be permitted for an aggregate of up to seventy (70) days per year. The issuance of a permit is required. The minimum number of days that will be permitted by one permit is seven (7) days. The seventy (70) days may, but need not be used consecutively. Any days in which the use of the Promotional Costume Device is permitted will count toward the maximum allowable days for utilizing the Promotional Costume Device.

10.27 LANDSCAPING REQUIRED. In all Districts, there shall be provided at the time any new principal structure is erected, required landscaping trees. Landscaping trees shall be located within the front yard area but not within the public right-of-way.

a) Landscaping trees shall be calculated at one tree per fifty (50) feet of frontage and shall be required to have a caliper size of at least two (2) inches.

b) All landscaping trees shall be installed according to the approved landscaping plan by no later than the next planting season or within six (6) months from the date that a Final Zoning Certificate is issued, season permitting.

c) The owner of the property shall be responsible for maintenance of all landscaping trees and shall keep all trees in a proper, neat and orderly appearance.

10.28 EXTERIOR LIGHTING. When exterior lighting is used within any commercial District that adjoins any lot in an R-District or recorded residential subdivision, lighting shall be directed so as to not disturb adjacent properties. A photometric lighting plan shall be submitted to the Community Development Department when lighting is used pursuant to this Article. Light originating on a commercial site that abuts a residential property shall not exceed illumination beyond the property lines of a maximum .02 foot candles.

10.29 COMMERCIAL VEHICLES. No Commercial Vehicle shall be permitted except under the following conditions:

10.291 Commercial Vehicles in a Commercial District. No Commercial Vehicle shall be parked on any lot within any commercial district unless:

a) The Commercial Vehicle is for the purposes of providing commerce or services to that property; or,

b) The Commercial Vehicle is licensed to or affiliated with the business located thereon; or,

c) The Commercial Vehicle is being repaired thereon; or

d) The lot is an approved truck terminal or truck stop; or

e) The property is within a commercial district and contains a single structure of 125,000 square feet or more, with a sole user; or

f) The driver of the Commercial Vehicle is patronizing a location where the vehicle is parked for a period of time not to exceed four (4) hours within any twenty-four (24) hour period; or,

g) The Commercial Vehicle is parked at an establishment that offers overnight accommodations, provided the driver of the vehicle is a guest at such establishment.

10.292 Commercial Vehicles in a Residential District. No Commercial Vehicle shall be parked on any lot within any residential neighborhood or agricultural district unless for the purposes of providing commerce or services to that property or unless being stored within an entirely enclosed building under the same ownership as the Commercial Vehicle. In no instance shall any lot in a residential

neighborhood or agricultural district be used for the parking or storing of tow trucks, construction equipment, dump trucks, semi-trailer or tractor, or similar types of trucks.

No Commercial Vehicle shall be parked on any lot within a residential neighborhood or agricultural district unless it is accessory to the residential use and meets any of the following:

a) The Commercial Vehicle is actually used by the resident for personal use, agricultural use, or temporary parking for guests; or,

b) The driver of the Commercial Vehicle is visiting a residence and the commercial vehicle is parked for a period of time not to exceed four (4) hours within any twenty-four (24) hour period; or,

c) The Commercial Vehicle's Gross Vehicle Weight Rating (GVWR) including a cargo area, special tools and boxes, and/or cap and is 14,000 lbs. or less; or,

d) The Commercial Vehicle is a pickup style truck of any Gross Vehicle Weight Rating (GVWR); or,

e) The Commercial Vehicle is owned by the resident or the resident's business or place of employment and used by the resident on the job as well as a source of transportation to and from work.

10.30 RECYCLING CONTAINERS, DONATION BINS AND PROPANE CAGE REGULATIONS

10.301 Recycling containers and donation bins shall be permitted in B districts, M districts, or on the grounds of institutional users (such as schools and churches) located in any district. Such containers shall provide screening as required for dumpster enclosures in the district it is located, if visible from street right-of-way, and shall be located at least ten (10) feet from any property or right-of-way line.

10.302 Propane gas exchange cylinders shall be permitted outside when located against the side or rear wall of the principal structure.

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ARTICLE 11
GENERAL PROVISIONS FOR RESIDENTIAL DISTRICTS

11.01 PURPOSE. The specific provisions of this article, and the general provisions provided by Article 10, shall apply to the R-1, R-1A, R-2, R-3, and R-4 Zone Districts of this Resolution, unless otherwise specified.

11.02 STREET FRONTAGE REQUIRED. Except as provided in Subsection 11.021 or 11.022, all lots used for residential purposes shall have frontage on a public dedicated right-of-way in accordance with the requirements of the district where it is located.

11.021 The specific district requirements regarding lot frontages may be reduced to forty (40) feet on lots located along a cul-de-sac or curved road. The required forty (40) foot street frontage shall be measured at the street right-of-way on the ball of the cul-de-sac or curve. The frontage required by the specific district shall be maintained at the designed building setback line, for such lots (See Figure 6 in Graphic Appendix).

11.022 The specific district requirements regarding lot frontages may be reduced to twenty (20) feet on panhandle lots, subject to the following requirements: (See Figure 7 in Graphic Appendix).

a) A minimum width of twenty (20) feet shall be provided for the complete length of the "handle."

b) The frontage required by the specific district shall be maintained at the designed building setback line.

c) All such panhandle lots shall be located within a recorded residential subdivision, and the number of panhandle lots shall not exceed ten percent (10%) of the total number of lots in the subdivision.

11.0221 The area contained in the "handle" of the panhandle lot shall not be used for purposes of calculating the required lot area (See Figure 7 in Graphic Appendix).

11.023 Frontage along limited-access or interstate roadways shall not be considered as part of the required street frontage (See Figure 8 in Graphic Appendix).

11.024 The maximum distance from the street right-of-way to the principal building or accessory structure shall not exceed four hundred and fifty (450) feet without written authorization from the West Chester Fire Department.

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

11.04 OFF-STREET PARKING. In all residential districts, at the time any building is erected, enlarged, or increased in capacity, off-street parking spaces shall be provided for automobiles as required herein.

11.041 Vehicles shall be required to park in the garage or driveway area only. The parking of vehicles on the lawn, or in other areas not designated for parking, for more than twenty-four hours in any seven (7) day period shall be prohibited. This subsection does not regulate parking in the street right of way.

11.042 In all residential districts, the interior of the enclosed garage for a new single family dwelling shall contain not less than three hundred and sixty (360) square feet and not less than eighteen (18) feet in width.

11.043 The number of off-street parking spaces required shall be as follows:

Uses	Parking spaces required
Single Family	2.0 per dwelling unit
Two-Family	2.0 per dwelling unit
Multi-Family	2.0 per dwelling unit
Churches/Places of Worship	1.0 per 8 seats in principal auditorium
Bed and Breakfast	1.0 per guest room
Cemeteries	1.0 per employee
Day Care Centers	1.0 per staff member; plus 1.0 per five students
Golf Courses	8.0 per hole
Elementary Schools	1.0 per 850 sq. ft. of classroom space; plus 1.0 per 100 sq. ft. of office space; plus 1.0 per 50 sq. ft. of assembly space
Jr. Sr. High Schools	1.0 per 60 sq. ft. of classroom space; plus 1.0 per 100 sq. ft. of office space
Universities, Colleges, Tech Schools	1.0 per 100 sq. ft. of classroom
Hospitals	1.0 per 80 sq. ft. of sleeping space; plus 1.0 per 100 ft. of office space; plus 1.0 per 150 sq. ft. of treatment space
Nursing Homes/Rest Homes	1.0 per 500 sq. ft. of sleeping space; plus 1.0 per 100 sq. ft. of office space

11.05 HOME OCCUPATIONS. Home occupations are permitted in all R-Districts as accessory uses to a single family dwelling, subject to the general requirements regarding Zoning Certificates (Article 5, Subsection 5.02) and further provided:

a) All such activity is conducted completely within a dwelling unit.

b) No person other than members of the family residing on the premises is engaged in such occupation and no more than five (5) customers or clients are brought onto the premises daily for the purpose of conducting business.

c) Home occupation does not occupy more than three hundred (300) square feet of floor area within the dwelling unit and does not require alteration to the structure, or include a private entrance.

d) No mechanical equipment is installed which is rated for more than one and one-half (1-1/2) horsepower.

11.06 STORAGE OF RECREATIONAL VEHICLES. Provided the Recreational Vehicles are owned by the owner or renter of the premises on which they are being stored, up to two Recreational Vehicles may be stored on the premises outdoors, provided that no such vehicle may be stored in a front yard, and not more than one such vehicle may be stored in any side yard, except for corner or double frontage lots. For corner lots, two Recreational Vehicles are permitted in the side yard area which is parallel to the rear of the house. On double frontage lots, two Recreational Vehicles are permitted in the front yard, parallel to the rear of the house provided they are not located within the required yard setback area. All such vehicles stored outdoors must be located at least five (5) feet from any side property line and not less than twenty-five (25) feet from any rear property line. Recreational Vehicles are permitted in the front yard area for a period not to exceed forty-eight (48) hours in any thirty (30) day period for purposes of loading, unloading and accommodating visitors.

11.061 All Recreational Vehicles and equipment shall be free of fixed connections to water, gas, electric, or sanitary sewer facilities, and at no time be used for living or housekeeping purposes while stored on the premises, unless accommodating visitors during the limited forty-eight (48) hour period authorized above.

11.062 Recreational Vehicles shall carry a current year license and registration.

11.07 NUISANCES PROHIBITED. No inoperable vehicle, unlicensed trailer or discarded furniture, appliances or other miscellaneous junk materials shall be permitted to remain on the premises outside of an enclosed structure for a period of more than ten (10) days. Specific demolition and rehabilitation projects requiring the placement of a dumpster for periods exceeding thirty (30) days shall be permitted provided a Zoning Certificate has been issued pursuant to Article 5, Subsection 5.02.

11.071 Specific Projects requiring the placement of a portable storage unit for periods exceeding thirty (30) days shall be permitted provided a Zoning Certificate has

been issued pursuant to Article 5, Subsection 5.02 for a time period not to exceed ninety (90) days in any twelve (12) month period.

11.08 SIGNS PERMITTED IN THE RESIDENTIAL DISTRICTS. In addition to the signs permitted by Article 10-General Provisions, the following signs are also permitted in all the Residential Districts:

11.081 A permanent identification sign which identifies the name of the complex or subdivision may be located on any lot at any main entrance to the subdivision or complex, provided:

a) There shall be a maximum of two signs at any main entrance to a subdivision or complex, and there shall not be more than one sign on any side of the main entrance.

b) No such sign shall exceed sixteen (16) square feet in identification display area.

c) All such signs shall conform with Article 10, Subsection 10.15, regarding traffic visibility.

d) No such sign or any portion of the structure they may be integral with, except for pilasters, shall exceed six (6) feet in height from grade.

e) Such signs are illuminated through indirect lighting only.

11.082 Professional signs where permitted, in conjunction with an approved home occupation or accessory use. Such signs shall not exceed one (1) square foot in area and shall be attached flat against a building.

11.083 Identification signs for churches, schools, community centers or other public or semi-public buildings or institutional uses, provided:

a) No such sign shall exceed thirty-two (32) square feet in identification display area.

b) All such signs shall conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such signs or any portion of the structure they may be integral with, except for pilasters shall exceed six (6) feet from grade.

d) The total amount of square feet permitted for wall signs shall not exceed four percent (4%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted four percent (4%) of the total square footage of each front building wall elevation and shall not be cumulative.

11.09 FENCES AND WALLS. Fences and walls may be located in any front, side and rear yards as follows:

a) For lots in recorded residential subdivisions, if not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located in any side or rear yard.

b) For lots in recorded residential subdivisions, if not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located in the front yard, parallel to the rear of the house on double frontage lots.

c) For lots in recorded residential subdivisions, if not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located in the front yard, parallel to the side of the house on corner lots, provided they are not located within the required yard setback.

d) All fences or walls shall be of wood, stone, brick, metal, chain link material, or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces with sufficient frequency so that no bare wood or material is exposed. No fence or wall shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street. The use of scrap or **salvage** materials, barbed wire, electrical above ground fences shall be prohibited.

11.10 SUBDIVISION ENTRANCE GATES, FENCES AND WALLS. Subdivision entrance gates, fences and walls, posts and pilasters may be located on any lot within a residential subdivision, but not within the public right-of-way, provided:

a) Subdivision entrance gates, fences, walls, posts or pilasters shall be of wood, stone, brick, metal or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces with sufficient frequency so that no bare wood or material is exposed. The use of chain link, barbed wire, stock fence or strand wire shall be prohibited. No such structure shall be constructed so that the unfinished portion faces or is visible from an adjacent property or street.

b) Gates, fences and walls, except for posts and pilasters, are not to exceed six (6) feet in height.

c) All such gates, fences and walls shall conform with Article 10, Subsection 10.16, regarding traffic visibility.

d) Subdivision entrance walls, when used as a sign in conjunction with Article 11.08, shall comply with Article 11.081 a) – d).

11.11 REAR YARD DECKS. Rear yard decks shall be permitted to project eight (8) feet into a required rear yard provided it is open on three sides, except for railings or banisters. Rear yard decks pursuant to this Article shall not be permitted to be enclosed by a roof and/or walls.

11.12 ACCESSORY STRUCTURES AND USES. Accessory structures and uses shall be permitted in all Residential Districts provided that: a) it is incidental to and

customarily found in connection with a principal building permitted by the Residential District in which it is located; b) it is subordinate to and serves a principal building or use; c) it is subordinate in area, extent, or purpose to the principal building; and d) it is located on the same lot as the principal building or use for which it serves.

11.121 Such accessory structures and uses shall be subject to the provisions of Article 10, Subsections 10.141, 10.142, 10.143 and 10.144 and all other requirements of this Article or other applicable requirements of this Resolution.

11.122 The maximum number of accessory structures and uses permitted shall be as follows and shall be included in the calculation of the lot coverage pursuant to the Residential District in which it is located:

a) Two (2) accessory structures or uses for any lot less than one (1) acre in any Residential District.

b) Three (3) accessory structures or uses for any lot greater than or equal to one (1) acre and less than three (3) acres in any Residential District.

c) Four (4) accessory structures or uses for any lot greater than or equal to three (3) acres in any Residential District.

11.13 ZONING AUTHORITY FOR CELLULAR WIRELESS TELECOMMUNICATION TOWERS. Any cellular wireless telecommunication tower proposed to be located in any residential district shall be required to receive conditional use approval by the Board of Zoning Appeals. Pursuant to Article 8, the Board of Zoning Appeals shall have the power to hear and decide whether the proposed tower is in keeping with the intent of this Resolution and policy established by the Board of Trustees to maintain the public health, safety and general welfare of the residents of West Chester Township. In addition to the standards for a conditional use, in considering an application for a cellular wireless telecommunication tower, the Board shall give due regard to the nature and condition of all adjacent uses and structures and 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 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. If the application is approved, the Board of Zoning Appeals may impose conditions and requirements as deemed necessary for the protection of adjacent properties and the public interest.

Any person or company proposing to construct a cellular wireless telecommunication tower in a residential district shall provide written notice by certified mail to property owners whose land is contiguous to or directly across the street from the property where the tower is proposed to be located and to the Community Development Director, on behalf of the Township Board of Trustees, of its intention to construct a tower. Notices to property owners and the Community Development Director must state the intention to construct a tower,

provide an identifiable description of the property, and advise owners that they have 15 days to give notice to the Community Development Director requesting that the tower be subject to township zoning. If either an affected property owner or a Township Trustee has an objection to the location of the tower, the Fiscal Officer or the Community Development Director, on behalf of the Fiscal Officer, must provide written notice to the person or company within 20 days of the mailing date of the notice to affected property owners and to the Township Trustees advising that the person or company will be subject to Subsection 8.04 of this Resolution. However, failure of this notice shall not be grounds to deprive the Board of Zoning Appeals of jurisdiction over the application. If no notice is received from a property owner and no objection is filed by a Township Trustee then the Board of Zoning Appeals shall not exercise jurisdiction over the application as described in the preceding paragraph and the Community Development Department shall issue a Zoning Certificate authorizing the construction of the tower.

11.14 IN-LAW SUITE, In-Law Suites are permitted in all R-Districts provided:

a) Each parcel shall be limited to one (1) In-Law Suite, which shall be clearly subordinate to the principal dwelling unit.

b) The property owner shall be required to live in the principal dwelling unit or the In-Law Suite. If the property owner lives in the In-Law Suite, the limitations in (c) and (d) below shall apply to the principal dwelling unit.

c) The residents of the In-Law Suite shall be limited to the parents, sons, daughters, legal dependent, grandchildren, grandparents, brothers, sisters, aunts, and uncles of the property owner.

d) A nurse, homemaker, nanny or similar individual shall also be permitted to reside in the In-Law Suite if documentation can be provided that demonstrates that they are providing care for a legal resident.

e) Shall be accessible only through common entrances of the principal dwelling unit, and shall maintain an interior common pass through to the principal dwelling unit. A separate entrance may not be added for the In-Law Suite.

f) Shall be limited to two (2) bedrooms.

g) A separate address may not be created for the In-Law Suite and mail shall be delivered to one common mailbox with the principal dwelling unit.

h) Common meters for electric, water, gas and other utilities shall be shared with the principal dwelling unit.

i) At no time shall the In-Law Suite be permitted to be deeded separately from the principal dwelling unit.

11.15 DAY CARE HOME. Day Care Homes are permitted in all R-Districts as defined in this resolution and regulated by the State of Ohio as a “type B family day-care home”.

ARTICLE 12
R-1 SUBURBAN RESIDENCE DISTRICT

12.01 PURPOSE. The R-1 District reserves certain land areas for one-family homes and related compatible uses.

12.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

12.021 Agricultural and farm uses, including any customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers, provided that such are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 12.06 of this Article.

12.0211 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 12.06 of this Article, and further provided that a maximum of one (1) animal per acre, up to five (5) animals be permitted, and any building or structure used for the keeping of animals be located not less than one hundred (100) feet from any other lot in a R-District or recorded residential subdivision.

12.0212 Agricultural and farm uses as listed above, which are located on lots containing more than five (5) acres, not subject to the provisions of Subsections 12.021, 12.0211, and 12.06 of this Article.

12.022 One family detached dwellings.

12.023 Public and non-profit parks and recreational facilities.

12.024 In-Law Suite in principal structure, Pursuant to Article 11, Subsection 11.14

12.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054:

12.031 Churches, and other similar places of worship.

12.032 Public and private elementary and high schools.

12.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

12.034 Bed and breakfast establishments, provided it is owner-occupied and contains not more than three guests rooms.

12.035 Country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.

12.036 Day care child centers, provided such buildings not exceed three thousand (3000) square feet of gross floor space.

12.037 Cemeteries.

12.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right provided they comply with the requirements of Article 11, Subsection 11.12 and all other requirements of this Article or other applicable requirements of this Resolution.

12.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above-permitted uses.

12.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and buildings are required in the R-1 Suburban Residence District.

12.061 HEIGHT STANDARDS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

12.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix).

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
One Family Dwellings 20,000 sq. ft.	100 ft.*	35 ft.	15 ft.	45 ft.	50%

Lot Areas	Lot Frontage	Yard Depth	Side Yard	Yard Depth	Lot Coverage
Other permitted uses – 40,000 sq. ft	200 ft.	100 ft.	50 ft.	100 ft.	45%

* See Article 11, Subsection 11.02 for exceptions.

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ARTICLE 13
R-1A SUBURBAN RESIDENCE DISTRICT

13.01 PURPOSE. The R-1A District reserves certain land areas for one-family homes and related compatible uses.

13.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

13.021 Agricultural and farm uses, including any customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers, provided that such are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 13.06 of this Article.

13.0211 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 13.06 of this Article, and further provided that a maximum of one (1) animal per acre, up to five (5) animals be permitted, and any building or structure used for the keeping of animals be located not less than one hundred (100) feet from any other lot in a R-District or recorded residential subdivision.

13.0212 Agricultural and farm uses as listed above, which are located on lots containing more than five (5) acres, not subject to the provisions of Subsections 13.021, 13.0211, and 13.06 of this Article.

13.022 One family detached dwellings.

13.023 Public and non-profit parks and recreational facilities.

13.024 In-Law Suite in principal structure, Pursuant to Article 11, Subsection 11.14

13.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054:

13.031 Churches, and other similar places of worship.

13.032 Public and private elementary and high schools.

13.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

13.034 Bed and breakfast establishments, provided it is owner-occupied and contains not more than three guests rooms.

13.035 Country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools

13.036 Day care child centers, provided such buildings not exceed three thousand (3000) square feet of gross floor space.

13.037 Cemeteries.

13.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right provided they comply with the requirements of Article 11, Subsection 11.12 and all other requirements of this Article or other applicable requirements of this Resolution.

13.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above-permitted uses.

13.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and buildings are required in the R-1A Suburban Residence District.

13.061 HEIGHT STANDARDS. No principal structure shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height, whichever is less, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21

13.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure. (See Figure 3 in Graphic Appendix)

Lot Areas	Lot Frontage	Front Yard Depth	One Side Yard	Total Both Side Yards	Rear Yard Depth	Lot Coverage
One Family Dwellings 15,000 sq. ft.	90 ft.*	30 ft.	10 ft.	25 ft.	45 ft.	50%

Lot Areas	Lot Frontage	Front Yard Depth	One Side Yard	Total Both Side Yards	Rear Yard Depth	Lot Coverage
Other permitted uses 40,000 sq. ft.	200 ft.	100 ft.	50 ft.	100 ft.	100 ft.	45%

* See Article 11, Subsection 11.02 for exceptions

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ARTICLE 14
R-2 SINGLE-FAMILY RESIDENCE DISTRICT

14.01 PURPOSE. The R-2 District reserves certain land areas for one-family homes and related compatible uses.

14.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

14.021 Agricultural and farm uses, including any customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers, provided that such are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 14.06 of this Article.

14.0211 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 14.06 of this Article, and further provided that a maximum of one (1) animal per acre, up to five (5) animals be permitted, and any building or structure used for the keeping of animals be located not less than one hundred (100) feet from any other lot in a R-District or recorded residential subdivision.

14.0212 Agricultural and farm uses as listed above, which are located on lots containing more than five (5) acres, not subject to the provisions of Subsections 14.021, 14.0211, and 14.06 of this Article.

14.022 One family detached dwellings.

14.023 Public and non-profit parks and recreational facilities.

14.024 In-Law Suite in principal structure, Pursuant to Article 11, Subsection 11.14

14.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054:

14.031 Churches, and other similar places of worship.

14.032 Public and private elementary and high schools.

14.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings to house not-for-profit organizations.

14.034 Bed and breakfast establishments, provided it is owner-occupied and contains not more than three guests rooms.

14.035 Country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.

14.036 Day care child centers, provided such buildings not exceed three thousand (3000) square feet of gross floor space.

14.037 Cemeteries.

14.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right provided they comply with the requirements of Article 11, Subsection 11.12 and all other requirements of this Article or other applicable requirements of this Resolution.

14.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above permitted uses.

14.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and buildings are required in the R-2 Single Family Residence District.

14.061 HEIGHT STANDARDS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

14.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure. (See Figure 3 in Graphic Appendix).

Lot Areas	Lot Frontage	Front Yard Depth	One Side Yard	Total Both Side Yards	Rear Yard Depth	Lot Coverage
One Family Dwellings - 8,000 sq. ft.	65 ft.*	30 ft.	8 ft.	20 ft.	40 ft.	50%

Lot Areas	Lot Frontage	Front Yard Depth	One Side Yard	Total Both Side Yards	Rear Yard Depth	Lot Coverage
Other permitted uses - 40,000 sq. ft.	200 ft.	100 ft.	50 ft.	100 ft.	100 ft.	45%

* See Article 11, Subsection 11.02 for exceptions.

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ARTICLE 15
R-3 TRANSITIONAL RESIDENCE DISTRICT

15.01 PURPOSE. The R-3 District reserves certain land areas for one and two family homes and related compatible uses.

15.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

15.021 Agricultural and farm uses, including any customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers, provided that such are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 15.06 of this Article.

15.0211 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 15.06 of this Article, and further provided that a maximum of one (1) animal per acre, up to five (5) animals be permitted, and any building or structure used for the keeping of animals be located not less than one hundred (100) feet from any other lot in a R-District or recorded residential subdivision.

15.0212 Agricultural and farm uses as listed above, which are located on lots containing more than five (5) acres, not subject to the provisions of Subsections 15.021, 15.0211, and 15.06 of this Article.

15.022 One family detached dwellings.

15.023 Two family dwellings.

15.024 Public and non-profit parks and recreational facilities.

15.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054:

15.031 Churches, and other similar places of worship.

15.032 Public and private elementary and high schools.

15.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

15.034 Bed and breakfast establishments, provided it is owner-occupied and contains not more than three guests rooms.

15.035 Country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.

15.036 Day care child centers, provided such buildings not exceed three thousand (3000) square feet of gross floor space.

15.037 Cemeteries.

15.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right provided they comply with the requirements of Article 11, Subsection 11.12 and all other requirements of this Article or other applicable requirements of this Resolution.

15.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above-permitted uses.

15.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and buildings are required in the R-3 Transitional Residence District.

15.061 HEIGHT STANDARDS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

15.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure. (See Figure 3 in Graphic Appendix).

Lot Areas	Lot Frontage	Front Yard Depth	One Side Yard	Total Both Side Yards	Rear Yard Depth	Lot Coverage
One family Dwellings - 6,000 sq. ft	50 ft.*	25 ft.	8 ft.	20 ft.	35 ft.	50%
Two family Dwellings - 12,000 sq. ft.	80 ft.	30 ft.	10 ft.	25 ft.	45 ft.	50%
Other Permitted Uses - 40,000 sq. ft.	200 ft.	100 ft.	50 ft.	100 ft.	75 ft.	45%

* See Article 11, Subsection 11.02 for exceptions.

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ARTICLE 16
R-4 MULTIPLE-FAMILY DISTRICT

16.01 PURPOSE. The R-4 District reserves certain land areas for multiple-family residential development.

16.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

16.021 Agricultural and farm uses, including any customary agricultural use, building or structure for, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers, provided that such are located on lots which contain one (1) or more acres and comply with all other requirements of Subsection 16.06 of this Article.

16.0211 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain one (1) or more acres and comply with all other requirements of Subsection 16.06 of this Article, and further provided that any building or structure used for the keeping of animals be located not less than three hundred (300) feet from any other lot in a R-District or recorded residential subdivision.

16.0212 Agricultural and farm uses as listed above, which are located on lots containing more than five (5) acres, not subject to the provisions of Subsections 16.06, 16.21, & 16.0211 of this Article.

16.022 One family detached dwellings.

16.023 Two-family dwellings.

16.024 Multiple-Family dwellings; row dwellings and townhouses.

16.025 Public and non-profit parks and recreational facilities.

16.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

16.031 Churches, and other similar places of worship.

16.032 Public and private elementary and high schools.

16.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

16.034 Bed and breakfast establishments, provided it is owner-occupied and contains not more than three guests rooms.

16.035 Country clubs, golf courses (excluding driving ranges which are not a part of a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.

16.036 Day care child centers, provided such buildings not exceed three thousand square (3000) feet of gross floor space.

16.037 Cemeteries.

16.038 Rest homes or nursing homes for convalescent patients.

16.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right provided they comply with the requirements of Article 11, Subsection 11.12 and all other requirements of this Article or other applicable requirements of this Resolution.

16.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above-permitted uses.

16.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and buildings are required in the R-4 Multiple Family Residence District.

16.061 HEIGHT STANDARDS. No principal structure shall exceed three (3) stories or forty-five (45) feet in height, whichever is less, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

16.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure. (See Figure 3 in Graphic Appendix).

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
One family Dwellings - 6,000 sq. ft.	50 ft.*	25 ft.	8 ft.	35 ft.	50%
Two family Dwellings - 12,000 sq. ft.	80 ft.	30 ft.	10 ft.	45 ft.	50%

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
Four family Dwellings - 24,000 sq. ft.	100 ft.	30 ft.	15 ft.	50 ft.	50%
Multi-Family Dwellings (over 4 family) 7,260 sq. ft. lot area per unit	100 ft.	30 ft.	20 ft.	60 ft.	50%
Other Permitted Uses - 40,000 sq. ft.	200 ft.	50 ft.	50 ft.	75 ft.	45%

See Article 11, Subsection 11.02 for exceptions.

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ARTICLE 17
GENERAL PROVISIONS FOR OFFICE DISTRICTS

17.01 PURPOSE. The specific provisions of this article, and the general provisions provided by Article 10, shall apply to the O-1 and O-2 districts of this Resolution.

17.02 MULTIPLE OCCUPANCIES/USES PERMITTED. Multiple occupancies/uses on a lot shall be permitted in all Office Districts provided such uses/occupancies are located within the same principal building (See Figure 9 in Graphic Appendix).

17.03 PRINCIPAL BUILDING GROUPS PERMITTED. Lots which are located in an Office District may contain more than one principal building provided such buildings are utilized for the same business or company and principal permitted use (See Figure 10 in Graphic Appendix).

17.04 OFF-STREET PARKING. In all office districts, there shall be provided, at the time any building is erected or enlarged, or increased in capacity, off street parking spaces for automobiles with the requirements herein:

17.041 The number of off-street parking spaces required shall be as follows:

Uses	Parking spaces required
Art Gallery	4.0 per 1000 sq. ft. of floor area
Banks and Financial Institutions	1.0 per 200 sq. ft. of floor area; plus 6.0 stacking spaces for first drive-in window; plus 4.0 stacking spaces for each additional drive-in window
Business or Professional Office	1.0 per 400 sq. ft. of floor area
Medical or Dental Offices and Clinics	1.0 per 200 sq. ft. of floor area
Research and Development Facilities	1.0 per 1,200 sq. ft. of floor area
Funeral Homes	1.0 per 50 sq. ft. of public area
Radio and Television Studios	1.0 per 500 sq. ft. of gross floor area
Veterinarian Clinics	1.0 per 500 sq. ft. of floor area
Government or Public Building	1.0 per 200 sq. ft. of floor area used by the public; plus 1.0 per 600 sq. ft. of gross floor area not used by the public

Churches/Places of Worship	1.0 per 8 seats in principal auditorium
Day Care Centers	1.0 per staff person; plus 1.0 per five students
Elementary Schools	1.0 per 850 sq. ft. of classroom space; plus 1.0 per 100 sq. ft. of office space; plus 1.0 per 50 sq. ft. of assembly space
Jr. Sr. High Schools	1.0 per 60 sq. ft. of classroom space; plus 1.0 per 100 sq. ft. of office space
Universities, Colleges, Tech Schools	1.0 per 100 sq. ft. of classroom space; plus 1.0 per square ft. of assembly space
Hospitals	1.0 per 80 sq. ft. of sleeping space; plus 1.0 per 100 sq. ft. of office space; plus 1.0 per 150 sq. ft. of treatment space
Nursing Homes/Rest Homes	1.0 per 500 sq. ft. of sleeping space; plus 1.0 per 100 sq. ft. of office space

17.05 OUTSIDE STORAGE PROHIBITED. No outside storage of products or other miscellaneous items (garbage disposal dumpsters excluded) shall be permitted.

17.051 All dumpsters and trash containers must be completely screened by a solid fence, wall, or earth berm of not less than six (6) feet or more than eight (8) feet in height. However, if the screening is over six (6) feet in height it must meet the requirements of an accessory structure under Article 10, Subsection 10.144. Such screening shall be maintained in good condition without any form of advertising thereon. The side of the enclosure used for access shall contain a minimum width of ten (10) feet, and shall not be located so as to face any street, unless equipped with gates so the dumpster can be fully enclosed.

17.06 SIGNS. In addition to the signs permitted by Article 10--General Provisions, the following signs are permitted in all the Office Districts:

17.061 BUSINESS PARK IDENTIFICATION GROUND SIGN. A permanent business park identification ground sign, which identifies the name and address of the park or subdivision, may be located on any lot within the park or subdivision, which is located at the entrance of the park or subdivision. Said signs may be located on the same lot as an accessory business sign, and are subject to the following requirements:

a) No such sign shall exceed forty-eight (48) square feet in identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.15, regarding traffic visibility.

c) No such sign or any portion of the structure that may be integral with, shall exceed ten (10) feet from grade.

17.062 GROUND SIGN. In addition to the above mentioned business park identification signs, ground signs accessory to the business or use located on the premise, are permitted subject to the following requirements:

a) All such signs conform to the following maximum display area requirements:

Frontage Along Public Street Right of Way	Permitted Square Feet of Display Area
0 - 300 ft.	48 sq. ft.
300 + ft.	96 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 20,000 ft.	48 sq. ft.
20,000 + ft.	96 sq. ft.

b) The maximum amount of display area for a ground mounted sign shall be forty-eight square feet. Parcels containing 0 - 300 feet of frontage or (in cases where no frontage exists) a principal building containing 0 - 20,000 square feet, shall be permitted one ground sign per parcel. Parcels containing more than 300 feet of frontage or (in cases where no frontage exists) a principal building containing more than 20,000 square feet, shall be permitted two (2) ground signs (maximum of 48 square feet per sign) per parcel.

c) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.15, regarding traffic visibility.

d) No such signs or any portion of the structure they may be integral with, shall exceed ten (10) feet from grade.

17.0621 On corner lots, the maximum permitted display area shall be calculated by using the greater amount of the two frontages, not the combined total of both (See Figure 11 in Graphic Appendix).

17.063 BUILDING SIGNS. In addition to the above mentioned business park identification and accessory business ground signs, buildings in the office districts may also contain wall (integral or attached), projecting, or awning signs as

accessory uses to the business or use located on the premise. Such signs shall be subject to the following requirements:

a) The total amount of square feet permitted for such signs shall not exceed four percent (4%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted four percent (4%) of the total square footage of each front building wall elevation and shall not be cumulative.

b) No sign shall project more than two (2) feet beyond any building or roof line.

17.064 DIRECTIONAL SIGNS. A sign which provides directional assistance to access an office or business which is not located on the parcel where the sign is located, provided:

a) No such sign shall exceed six (6) square feet of identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.15, regarding traffic visibility.

c) No such signs or any portion of the structure they may be integral with, shall exceed four (4) feet from grade.

d) Such signs shall be limited to one sign per parcel.

17.07 FENCES AND WALLS. Fences and walls may be located in side and rear yards as follows:

a) If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located in any side or rear yard.

b) All fences or walls shall be of wood, stone, brick, metal, chain link material, or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces, with sufficient frequency so that no bare wood or material is exposed. No fence or wall shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street. The use of scrap or salvage materials, barbed wire, or electrical above ground fences shall be prohibited.

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ARTICLE 18
O-1 LOW INTENSITY OFFICE DISTRICT

18.01 PURPOSE. The O-1 Low Intensity Office District reserves certain land areas for low intensity office and professional service establishments where a transition between residential uses and other more intensive uses is necessary.

18.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

18.021 Office uses where services are performed involving administrative, clerical, professional, or consultation purposes.

18.022 Banks and financial institutions, including drive thru and pick-up windows.

18.023 Day care centers.

18.024 Bed and Breakfast facilities provided it is owner-occupied and contains not more than four guestrooms.

18.025 Churches and other similar places of worship.

18.026 Public and private elementary and high schools.

18.027 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for profit organizations.

18.028 Wireless and Cellular Telecommunication Facilities.

18.03 CONDITIONAL USES. The following use is a principal conditional use permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

18.031 Any use which involves the sale of retail goods or products to customers, and provided it is incidental and an integral part of an above mentioned permitted use in this district, and consists of not more than twenty-five (25) percent of the permitted use.

18.04 ACCESSORY USES AND STRUCTURES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14, and all other requirements of this Article or other applicable requirements of this Resolution.

18.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals, pursuant to Article 8, Subsection 8.052, to be of the same general character as the above-permitted uses.

18.06 DEVELOPMENT STANDARDS. In addition to the General Provisions as set forth in Article 10 and the General Office Provisions set forth in Article 17, the following standards for arrangement and development of land and buildings are required in the O-1 Low Intensity Office District.

18.061 HEIGHT STANDARDS. No principal structure shall exceed thirty-five (35) feet in height, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

18.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where an O-1 District is located within a Road Corridor Overlay District the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	30 ft.	15 ft.	40 ft.	80%

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ARTICLE 19
O-2 GENERAL OFFICE DISTRICT

19.01 PURPOSE. The O-2 General Office District reserves certain land areas for office, institutional and professional service establishments.

19.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

19.021 Any use permitted in the O-1 District, subject to the General Office Provisions and requirements of this district.

19.022 Research facilities, provided no retail trade with the general public is involved, and that no stock of goods is maintained for sale to customers.

19.023 Wireless and Cellular Telecommunication Facilities.

19.024 Funeral Homes.

19.025 Radio and television broadcasting studios.

19.026 Art galleries and studios.

19.027 Veterinarian offices and clinics provided that the entire establishment be within a completely enclosed building, and there be no breeding and boarding of dogs or other animals, except for confinement under emergency treatment in facilities within the building.

19.028 Hospitals and medical centers.

19.029 Rest homes or nursing homes for convalescent patients.

19.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

19.031 Any use which involves the sale of retail goods or products to customers, and only when it is incidental and an integral part of an above mentioned permitted use in this district.

19.032 Restaurants, drug stores, barber and beauty shops, and gift shops provided they are located within a building or structure containing a permitted use(s) in this district.

19.04 ACCESSORY USES AND STRUCTURES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article

10, Subsection 10.14 and all other requirements of this Article or other applicable requirements of this Resolution.

19.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals, pursuant to Article 8, Subsection 8.052 to be of the same general character as the above permitted uses.

19.06 DEVELOPMENT STANDARDS. In addition to the General Provisions as set forth in Article 10, and the General Office Provisions as set forth in Article 17, the following standards for arrangement and development of land and buildings are required in the O-2 General Office District.

19.061 HEIGHT STANDARDS. No principal structure shall exceed forty-eight (48) feet in height, and no accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.21.

19.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where an O-2 District is located within a Road Corridor Overlay District the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	40 ft.	25 ft.	50 ft.	80%

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ARTICLE 20
GENERAL PROVISIONS FOR BUSINESS DISTRICTS

20.01 PURPOSE. The specific provisions of this Article and the general provisions provided by Article 10, shall apply to the B-1 and B-2 zone districts of this Resolution. Parking requirements for uses first permitted in the O-1 or O-2 District are provided in Article 17, Subsection 17.04.

20.02 MULTIPLE OCCUPANCIES/USES PERMITTED. Multiple occupancies/uses on a lot shall be permitted in all Business Districts provided such uses/occupancies are located within the same principal building (See Figure 9 in Graphic Appendix).

20.03 PRINCIPAL BUILDING GROUPS PERMITTED. Lots which are located in a Business District may contain more than one principal building provided such buildings are utilized for the same business or company and principal permitted use (See Figure 10 in Graphic Appendix).

20.04 REQUIRED CONDITIONS. Unless specifically permitted by the District in which it is located, all uses must comply with the following requirements.

20.041 All business, service or processing shall be conducted within a completely enclosed building, except for off-street automobile parking, off-street loading, and specifically permitted uses. Except as explicitly recognized in this Resolution, at no time shall any items be sold, displayed or kept outside of a completely enclosed building, including items that may be considered accessory to the principle use. Automobiles, motorcycles, boats, trailers and campers/recreational vehicles may be displayed outside but not within the required customer and/or employee parking areas. Propane gas exchange cylinders may also be displayed outside when located against the side or rear wall of the principle structure.

20.042 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, noise, vibration, refuse matter or water-carried waste to the public interest.

20.043 All dumpsters and trash containers must be completely screened by a solid fence, wall, or earth berm of not less than six (6) feet or more than eight (8) feet in height. If the screening is six (6) feet in height it shall be located at least four (4) feet from the principal building, and all property lines. However, if the screening is over six (6) feet in height it must meet the requirements of an accessory structure under Article 10, Subsection 10.144. Such screening shall be maintained in good condition without any form of advertising thereon. The side of the enclosure used for access shall contain a minimum width of ten (10) feet, and shall not be located so as to face any street, unless equipped with gates so the dumpster can be fully enclosed.

20.044 Outdoor Display Areas. For single tenants 20,000 s.f. and larger, for-sale items may be displayed under a permanent canopy, awning or roof that is attached to

the building, as long as a 5' minimum paved walkway that is separate from the driveway and parking lot is maintained. This area shall not exceed 50% of the length of the building wall on which it is located and shall not be cumulative. The total amount of all Outdoor Display Areas shall not exceed 25% of the total interior tenant space.

20.05 TEMPORARY USES. In addition to the temporary uses permitted, and as regulated by Article 10, Subsection 10.10, the following temporary uses are permitted in the Business Districts.

20.051 Christmas Tree Sales. Christmas tree sales are permitted in all Business Districts. Such use shall be limited to a period not to exceed sixty (60) days and be subject to the provisions of Article 10, Subsections 10.11 and 10.12 of this Resolution.

20.052 Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, and Sales. Indoor and outdoor art, craft, and plant shows, exhibits, and sales are permitted in all Business Districts when in conjunction with the principal use on the property or when sponsored solely by a non-profit organization. Such uses shall be limited to three periods per calendar year, not exceeding three (3) days per period, and are subject to the provisions of Article 10, Subsection 10.11 and 10.12.

20.06 OFF-STREET PARKING. In all Business Districts, there shall be provided, at the time any building is erected or enlarged, or increased in capacity, off-street parking spaces for automobiles with the requirements herein.

20.061 The number of off-street parking spaces required shall be as follows:

Uses	Parking spaces required
Convenience and Personal Service Uses including general retail uses	1.0 per 300 sq. ft. of floor area
Bowling Alley	5.0 per lane
Car Wash--Self-Serve	2.0 per bay/stall 4.0 stacking spaces per/stall
Car Wash--Conveyor	30 stacking spaces/conveyor 12 stacking spaces /conveyor at exit
Dry Cleaners	1.0 per 300 sq. ft. of floor area
Gas or Auto Service Stations	1.0 per 400 sq. ft. of floor area
Laundromat	1.0 per 200 sq. ft. of floor area
Photography Studios	1.0 per 300 sq. ft. of floor area

Printing and Publishing Shops	1.0 per 300 sq. ft. of floor area
Restaurant	1.0 per 150 sq. ft. of floor area
Restaurant-Drive thru	1.0 per 150 sq. ft. of floor area 6.0 stacking spaces per drive thru lane

20.07 MULTIPLE OCCUPANCIES. In the case of multiple occupants in one principal structure, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately.

20.08 OFF-STREET LOADING SPACES REQUIRED. In connection with every building or part thereof erected for uses which customarily receive or distribute material or merchandise by vehicle, there shall be provided, on the same lot with such buildings, off-street loading spaces with the requirements herein.

20.081 All principal permitted uses involving retail, wholesale, or other similar uses requiring the receipt or distribution by vehicles of materials or merchandise, shall provide off-street loading space as follows:

Square Footage of Principal Building	Number of Loading Spaces Required
Less than 1000 sq. ft.	None Required
More than 1000 sq. ft. but less than 10,000 sq. ft.	One loading space
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two loading spaces
More than 40,000 sq. ft.	Three loading spaces, plus one space for each 30,000 sq. ft. over 40,000 of building area

20.082 Each off-street loading space shall conform with the following standards.

a) Each off-street loading space shall be at least ten (10) feet in width, fifty (50) feet in length and have a vertical clearance of fifteen (15) feet or more.

b) All loading spaces shall be graded and improved with bituminous concrete or Portland concrete, and be drained as to dispose of all surface water in accordance with the standards of the Butler County Engineer's office.

c) All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a

front, side or rear yard setback and in no case shall any space be located less than fifty (50) feet from any R-District.

20.09 SIGNS. In addition to the signs permitted by Article 10-General Provisions, the following signs are permitted in all the Business Districts.

20.091 FREESTANDING SIGNS. Freestanding signs, accessory to the business or use, including the identification of a business center or mall, located on the premises are permitted. Such signs shall be completely in the form of a pole sign or a ground-mounted sign, and are subject to the following requirements applicable to each.

20.0911 BUSINESS PARK IDENTIFICATION GROUND SIGNS. A permanent business park identification sign which identifies the name and address of any tenant of the park or subdivision may be located on any lot within the park or subdivision which is located at the entrance of the park or subdivision, or along a public road frontage. Said signs may be located on the same lot as an accessory business sign, and are subject to the following requirements:

a) No such sign shall exceed eighty (80) square feet in identification display area. Eight (8) square feet of the permitted eighty (80) square feet of display area shall incorporate the name of the business park.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such sign or any portion of the structure it may be integral with, shall exceed fifteen (15) feet in height from the elevation of any street such sign fronts.

d) Any business park identification sign that incorporates a tower, monument, or landmark design and exceeds fifteen (15) feet in height from the elevation of any street such sign fronts shall require special exception approval by the West Chester Township Board of Zoning Appeals.

e) Permitted materials for business park identification sign structure shall be granite, concrete, brick, stone, or natural masonry, which shall match any natural masonry materials and colors used on the principal structure.

f) All such signs shall have foundation plantings.

20.0912 GROUND SIGNS.

a) All such signs conform to the following maximum display area requirements:

Frontage Along Public Street Right of Way	Permitted Square Feet of Display Area
0 - 150 ft.	One sign not to exceed 48 sq. ft.

151 - 300 ft.	Two signs each not to exceed 48 sq. ft., or one sign not to exceed 64 sq. ft.
301+ ft.	Three signs each not to exceed 48 sq. ft., or one sign not to exceed 64 sq. ft. and one sign not to exceed 48 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 10,000 ft.	One sign not to exceed 48 sq. ft.
10,001-20,000 ft.	Two signs each not to exceed 48 sq. ft., or one sign not to exceed 64 sq. ft.
20,001+ ft.	Three signs each not to exceed48 sq. ft., or one sign not to exceed 64 sq. ft. and one sign not to exceed 48 sq. ft.

b) All signs shall be separated by at least ten (10) feet when a lot is permitted more than one sign.

c) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

d) No such signs or any portion of the structure they may be integral with, shall exceed ten (10) feet from grade.

20.0913 POLE SIGNS.

a) All such signs conform to the following maximum display area requirements:

Frontage Along Public Street Right of Way	Permitted Square Feet of Display Area
0 - 150 ft.	60 sq. ft.
151 - 300 ft.	96 sq. ft.
301+ ft.	144 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 10,000 ft.	60 sq. ft.
10,001-20,000 ft.	96 sq. ft.
20,001+ ft.	144 sq. ft.

b) Such signs shall be limited to one sign per parcel except for parcels which have in excess of three hundred and one (301) feet of frontage, or in cases where no frontage exists, a principal building containing more than twenty-thousand and one (20,001) square feet. In such instances, two signs per parcel shall be permitted, however the maximum square feet of both (combined) shall not exceed one-hundred and forty-four (144) square feet.

c) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

d) No such signs or any portion of the structure they may be integral with, shall exceed twenty (20) feet from grade.

20.0914 On corner lots, the maximum permitted display area shall be calculated by using the greater amount of the two frontages, not the combined total of both (See Figure 11 in Graphic Appendix).

20.092 BUILDING SIGNS. In addition to either of the above mentioned freestanding signs, buildings in the business districts may also contain; wall (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

a) The total amount of square feet permitted for such signs shall not exceed eight percent (8%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted eight percent (8%) of the total square footage of each front building wall elevation and shall not be cumulative.

b) No sign shall project more than two (2) feet beyond any building or roof line.

20.093 HIGH-RISE INTERSTATE SIGNS. In addition to the above mentioned permitted signs, all parcels located in a business district which is within eight hundred (800) feet of an interstate highway interchange ramp shall be permitted to have one, high-rise pole sign. All such signs shall be at least forty feet in height and are subject to the following requirements:

a) The maximum amount of display area shall be one- hundred and forty-four (144) square feet for signs which are between forty and sixty feet in height;

and two-hundred (200) square feet for signs between sixty and eighty-five feet in height.

b) All such signs shall set back a minimum of twenty-five (25) feet from any street right-of-way or adjoining property line.

c) No such signs or any portion of the structure that they may be integral with, shall exceed eighty-five (85) feet in height from grade.

20.094 DIRECTIONAL SIGNS. A sign which provides directional assistance to access an establishment which is not located on the parcel where the sign is located, is permitted provided:

a) No such sign shall exceed six (6) square feet of identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such signs or any portion of the structure that they may be integral with, shall exceed four (4) feet from grade.

d) Such signs shall be limited to one sign per parcel.

e) With permission of property owner.

20.095 BILLBOARD SIGNS. A sign structure advertising an establishment, merchandise, service, special message, or entertainment provided:

a) No billboard sign shall exceed four hundred forty-eight (448) square feet, excluding cutouts, extensions, and embellishments.

b) All billboard signs shall comply with the setback and side yard requirements for a principal building in the district where it is located.

c) All billboard signs shall be located at least five hundred (500) feet from any parcel located in any R-District or recorded residential subdivision.

d) All billboard signs shall be located at least five hundred (500) feet from the entrance to any public park, public or parochial school, library, church, or museum.

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

f) No billboard signs or any portion of the structure they may be integral with, shall exceed forty-five (45) feet in height from grade.

g) No billboard sign shall be located on a parcel which contains another principal structure.

20.10 FENCES AND WALLS. Fences and walls may be located in side and rear yards as follows:

a) If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground, they may be located in any side or rear yard.

b) All fences or walls shall be of wood, stone, brick, metal, chain link material, or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces, with sufficient frequency so that no bare wood or material is exposed. No fence or wall shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street. The use of scrap or salvage materials, barbed wire, or electrical above ground fences shall be prohibited

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ARTICLE 21
B-1 NEIGHBORHOOD BUSINESS DISTRICT

21.01 PURPOSE. The B-1 Neighborhood Business District promotes and protects land areas for convenience commercial, personal services and certain types of business and professional uses which are located in close relationship to areas of surrounding residential development.

21.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

21.021 Any use permitted by the O-1 or O-2 Districts.

21.022 Convenience businesses which cater to the adjacent residential neighborhood; provided that all such operations including storage, display and sales, be conducted completely within an enclosed building.

21.023 Personal services establishments which offer services to members of the adjacent neighborhood such as shoe repair, barber shops, beauty shops, watch repair, self-service laundromats or therapeutic massage establishments.

21.024 Restaurants, not including drive-thru restaurants.

21.025 Billboard signs; subject to the General Business Provisions (Article 20, Subsection 20.095).

21.026 Financial institutions, including drive-in financial institutions.

21.027 Schools and universities, including private, public, and business.

21.028 Private clubs or lodges.

21.029 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

21.0291 Churches and similar places of worship.

21.0292 Hospitals, rest homes or nursing homes for convalescent patients.

21.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval of the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

21.031 Dwelling or dwellings if a part of an approved principal use permitted in this district.

21.032 Outdoor dining areas in association with a principal permitted restaurant or market, provided that the outdoor seating area is no closer than two-hundred (200) feet to any residential district.

21.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14 and all other requirements of this Article or other applicable requirements of the Resolution.

21.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above-permitted uses.

21.06 DEVELOPMENT STANDARDS. In addition to the General Provisions, as set forth in Article 10 and the General Provisions for Business Districts as set forth in Article 20, the following standards for arrangement and development of land and buildings are required in the B-1 Neighborhood Business District.

21.061 HEIGHT REGULATIONS. No structure shall exceed thirty-five (35) feet in height, except as provided in Article 10, Subsection 10.21.

21.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where a B-1 District is located within a Road Corridor Overlay District the area requirements of the Road Corridor Overlay District shall apply.

Lot Area	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	25 ft.	15 ft.	35 ft.	80%

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ARTICLE 22
B-2 GENERAL BUSINESS DISTRICT

22.01 PURPOSE. The B-2 General Business District promotes and protects certain land areas for community and highway oriented retail and service establishments which serve the residents of the township.

22.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

22.021 Any principal permitted use in the B-1 District.

22.022 Automobile fuel service stations including the on-site filling of propane tanks as an accessory use and mechanical auto body repair garages; provided that no such use shall be located less than two hundred (200) feet from any lot located in a R-District or recorded residential subdivision.

22.023 Automobile, truck, trailer, recreational vehicle, and farm implement, storage, sales and service establishments for display, hire storage and sales, including sales lots and repair of such; provided that all such operations other than storage, display and sales be conducted within a completely enclosed building; and further provided that any building used for repair work shall be located not less than two hundred (200) feet from any lot in an R-District or recorded residential subdivision.

22.024 Carpenter shops, electrical, plumbing, heating and air conditions shops; printing, publishing and lithography shops; furniture upholstering shops; provided that no such use shall be located less than two hundred (200) feet from any lot in a R-District or recorded residential subdivision.

22.025 Self-storage units, including outdoor storage when in conjunction with facilities provided for indoor storage; provided that no such use shall be located less than one hundred (100) feet from any lot in an R-District or recorded residential subdivision.

22.026 Garden stores, supply centers, and greenhouses.

22.027 Hotels, motels.

22.028 Extended stay hotels/motels.

22.029 Billboard signs; subject to the General Business provisions (Article 20, Subsection 20.095).

22.0210 Night clubs and drive-thru restaurants, including outdoor seating; provided that the drive-thru window or outdoor seating area shall be located not less than two hundred (200) feet from any R-District or recorded residential subdivision.

22.0211 Animal hospitals or kennels which board animals overnight; 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 District.

22.0212 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academies, amusement parks, or similar recreation uses and facilities; provided that such buildings or principal uses shall be located not less than two hundred (200) feet from any lot in an R-District or a recorded residential subdivision.

22.0213 The following uses are permitted outside of a completely enclosed building when not located within three hundred (300) feet of any R-District or recorded residential subdivision and when conducted within an area enclosed on all sides with a solid wall or uniformly painted solid board fence, not less than six (6) feet in height:

22.02131 Building material sales yard, not including concrete mixing. Retail lumberyard, including millwork only when incidental.

22.02132 Stone or monument works not employing power driven tools or if employing such tools then only within a completely enclosed building at least three hundred (300) feet from any R-District, or a recorded residential subdivision.

22.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

22.031 Dwelling or dwellings if a part of an approved principal use in this district.

22.032 Theaters, including drive-in theaters.

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

22.034 Trucking and motor freight station or terminal.

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

22.036 Carting, express or hauling establishments, including storage of vehicles.

22.037 Methadone and similar high volume drug treatment centers, however, limited only to those B-2 districts that fall within the overlay district defined in Section 32.02(C).

22.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14

and all other requirements of this Article or other applicable requirements of the Resolution.

22.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsections 8.052 to be of the same general character as the above-permitted uses.

22.06 DEVELOPMENT STANDARDS. In addition to the General Provisions as set forth in Article 10 and the General Provision for the Business Districts as set forth in Article 20, the following standards for the arrangement and development of land and buildings are required in the B-2 General Business District.

22.061 HEIGHT REGULATIONS. No structure shall exceed fifty (50) feet in height except as provided in Article 10, Subsection 10.21.

22.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where a B-2 District is located within a Road Corridor Overlay District the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	25 ft.	15 ft.	35 ft.	85 %

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ARTICLE 23
GENERAL PROVISIONS FOR INDUSTRIAL DISTRICTS

23.01 PURPOSE. The specific provisions of this article and the general provisions provided by Article 10, shall apply to the M-1 and M-2 Zone Districts of this Resolution. Parking requirements for uses first permitted in the O-1 or O-2 District are provided in Article 17, Subsection 17.04. Parking requirements for uses first permitted in the B-1 or B-2 District are provided in Article 20, Subsection 20.06.

23.02 MULTIPLE OCCUPANCIES/USES PERMITTED. Multiple occupancies/uses on a lot shall be permitted in all Industrial Districts provided such uses/occupancies are located within the same principal building (See Figure 9 in Graphic Appendix).

23.03 PRINCIPAL BUILDING GROUPS PERMITTED. Lots which are located in a Industrial District may contain more than one principal building provided such buildings are utilized for the same business or company and principal permitted use (See Figure 10 in Graphic Appendix).

23.04 OUTSIDE STORAGE. Outside open storage of materials used in conjunction with the principal use is permitted and may be stored anywhere on the property, except in front of the principal building or in a required yard setback. Such storage shall be screened on all sides which are visible from and located within two hundred (200) feet of the street right of way by an eight (8) foot earth berm, fence, wall, or landscaping. If landscaping is chosen as the screening technique, a plan must be submitted to and approved by the Property Advisor, on the basis that such landscaping will achieve the desired screening. Landscaping shall be maintained in trimmed, healthy condition (See Figure 12 in Graphic Appendix). All storage yards shall use materials so as to provide a dustless surface.

23.041 The storage of such materials shall not exceed sixteen (16) feet in height.

23.05 TEMPORARY USES. In addition to the temporary uses permitted, and as regulated by Article 10, Subsection 10.10, the following temporary uses are permitted in the Industrial Districts.

23.051 Christmas Tree Sales. Christmas tree sales are permitted in all Business Districts. Such use shall be limited to a period not to exceed sixty (60) days and be subject to the provisions of Article 10, Subsections 10.11 and 10.12 of this Resolution.

23.052 Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, and Sales. Indoor and outdoor art, craft, and plant shows, exhibits, and sales are permitted in all Business Districts when in conjunction with the principal use on the property or when sponsored solely by a non-profit organization. Such uses shall be limited to three periods per calendar year, not exceeding three (3) days per period, and are subject to the provisions of Article 10, Subsection 10.11 and 10.12.

23.06 OFF-STREET PARKING. In all industrial districts, there shall be provided, at the time any building is erected or enlarged, or increased in capacity, off street parking spaces for automobiles with the requirements herein:

23.061 The number of off-street parking spaces required shall be as follows:

Uses	Parking spaces required
Contractor Storage Yard	1.0 per 1000 sq. ft. of floor area; plus 1.0 per 5000 ft. of lot area
Wholesale and Warehousing	1.0 per 3,000 sq. ft. of gross floor area
Industry and Manufacturing	1.0 per 400 sq. ft. of office use; plus 1.0 per 800 sq. ft. of manufacturing operations; plus 1.0 per 3000 sq. ft. of warehouse space
Truck Terminal	1.0 per 1000 sq. ft. of gross floor area
Research and Development Facilities	1.0 space per 500 sq. ft. of gross floor area

23.07 MULTIPLE OCCUPANCIES. In the case of multiple occupants in one principal structure, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Only those uses which are first permitted by the industrial districts are listed in the parking requirements in this Article. Parking requirements for uses which are permitted in the industrial districts, but are first permitted elsewhere in this Resolution are located in the applicable district provisions where they are first permitted.

23.08 OFF-STREET LOADING SPACES REQUIRED. In connection with every building or part thereof erected for uses which customarily receive or distribute material or merchandise by vehicle, there shall be provided, on the same lot with such buildings, off-street loading spaces with the requirements herein.

23.081 Off-street loading requirements shall be as follows:

Square Footage of Principal Building	Number of Loading Spaces Required
Less than 2000 sq. ft.	None required
More than 2000 sq. ft. but less than 10,000 sq. ft.	One loading space
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two loading spaces
More than 40,000 sq. ft. for each 30,000 sq. ft. over 40,000 of building area	Three loading spaces, plus one space

23.082 Each off-street loading space shall conform with the following standards.

a) Each off-street loading space shall be at least ten (10) feet in width, fifty (50) feet in length and have a vertical clearance of fifteen (15) feet or more.

b) All loading spaces shall be graded and improved with bituminous concrete or Portland concrete, and provide drainage in accordance with the standards of the Butler County Engineer's office.

c) All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a front, side, or rear yard setback and in no case shall any space be located less than fifty (50) feet from any R-District.

23.09 SIGNS. In addition to the signs permitted by Article 10- General Provisions, the following signs are permitted in all the Industrial Districts:

23.091 BUSINESS PARK IDENTIFICATION GROUND SIGN. A permanent business park identification ground sign which identifies the name and address of the park or subdivision may be located on any lot within the park or subdivision which is located at the entrance of the park or subdivision. Said signs may be located on the same lot as a accessory business sign, and are subject to the following requirements:

a) No such sign shall exceed forty-eight (48) square feet in identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such sign or any portion of the structure they may be integral with, shall exceed ten (10) feet from grade.

23.092 GROUND SIGNS. In addition to the above mentioned business park identification signs, ground signs, accessory to the business or use located on the premise, are permitted subject to the following requirements:

a) All such signs conform to the following maximum display area requirements:

Frontage Along Public Street Right of Way	Permitted Square Feet of Display Area
0 - 300 ft.	48 sq. ft.
301+ ft.	96 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 20,000 ft.	48 sq. ft.
20,001+ ft.	96 sq. ft.

b) The maximum amount of display area for a ground mounted sign shall be forty-eight (48) square feet. Parcels containing 0 - 300 feet of frontage or in cases where no frontage exists, a principal building containing 0 - 20,000 square feet, shall be permitted one ground sign per parcel. Parcels containing more than 300 feet of frontage or in cases where no frontage exists, a principal building containing 20,001 square feet, shall be permitted two (2) ground signs (maximum of forty-eight (48) square feet per sign) per parcel.

c) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

d) No such signs or any portion of the structure they may be integral with, shall exceed ten (10) feet from grade.

23.0921 On corner lots, the maximum permitted display area shall be calculated by using the greater amount of the two frontages, not the combined total of both (See Figure 11 in Graphic Appendix).

23.093 BUILDING SIGNS. In addition to the above mentioned business park identification and accessory business ground signs, buildings in the industrial districts may also contain: wall (integral or attached), projecting, or awning signs as accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

a) The total amount of square feet permitted for such signs shall not exceed four percent (4%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted four percent (4%) of the total square footage of each front building wall elevation and shall not be cumulative.

b) No sign shall project more than two (2) feet beyond any building or roof line.

23.094 DIRECTIONAL SIGNS. A sign which provides directional assistance to access an office or business which is not located on the parcel where the sign is located, is permitted provided:

a) No such sign shall exceed six (6) square feet of identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such signs or any portion of the structure they may be integral with, shall exceed four (4) feet from grade.

d) Such signs shall be limited to one sign per parcel.

e) With permission of property owner.

23.10 FENCES AND WALLS. Fences and walls may be located in front, side and rear yards as follows for all lots located in an Industrial District.

a) If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground, fences and walls may be located in any front yard, provided said fence is of chain link or transparent material and all entrance gates or emergency access gates provide an opening of at least twenty-four (24) feet in width and fourteen (14) feet in height to allow for passage of emergency vehicles, unless when used pursuant to Subsection 23.04.

b) If not exceeding at any point eight (8) feet in height above the elevation of the surface of the ground, fences may be located in any side or rear yard. The use of barbed wire shall be permitted on fences in the side and rear yard provided said barbed wire is not less than six feet nor more than eight (8) feet in height above the elevation of the surface of the ground.

c) All fences or walls shall be of wood, stone, brick, metal, chain link material, or synthetic materials and shall be maintained in good repair and appearance. Paint shall be applied to all painted surfaces, with sufficient frequency so that no bare wood or material is exposed. No fence or wall shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street. The use of scrap or salvage materials, shall be prohibited.

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ARTICLE 24
M-1 LIGHT INDUSTRIAL DISTRICT

24.01 PURPOSE. The M-1 Light Industrial District promotes and protects land areas for industrial development, wholesaling and warehousing uses, and limited commercial use.

24.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

24.021 Any use permitted and as regulated, including development standards, by the O-1 or O-2 District.

24.022 Any use first permitted in the B-1 or B-2 districts, provided said use is completely within three hundred (300) feet of an existing street right-of-way. Development standards for the M district, including signs, shall apply.

24.023 Hotels, motels.

24.024 Churches and other similar places of worship.

24.025 Public and private elementary schools and high schools.

24.026 Public buildings and properties of an administrative, cultural, recreational, or service type including such buildings used to house not-for-profit organizations.

24.027 Research and development facilities, distribution warehouses, wholesale warehouses, package delivery companies, bottling and packaging companies, manufacturing which involves only previously prepared materials or finished parts, including minor assembling, altering, fabricating, finishing, processing, treatment, storage, and incidental sales of such products, provided said use is not first permitted by the provisions of the M-2 District of this Resolution or conducts as its principal activity, a use specified by Article 25, Subsection 25.03 of this Resolution; and further provided said use is located at least one hundred (100) feet from an R-District or recorded residential subdivision.

24.028 Building material sales yard, including concrete mixing; retail lumber yards including mill work; and landscape businesses, provided said use or principal building is located at least two hundred (200) feet from an R-District or recorded residential subdivision.

24.029 Contractor's equipment storage yard or plant, or storage and rental equipment commonly used by a contractor, provided that any such use or principal building is located at least two hundred (200) feet from an R-District or recorded residential subdivision.

24.0291 Trucking and motor freight station or terminal; carting express or hauling establishments; the storage of vehicles; provided any such use or principal

building is located at least two hundred (200) feet from an R-District or recorded residential subdivision.

24.0292 Wireless and Cellular Telecommunication Facilities

24.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

24.031 Dwelling or dwellings only when in conjunction and accessory to a principally permitted use.

24.032 Methadone and similar high volume drug treatment centers, however, limited only to those M-1 districts that fall within the overlay district defined in Section 32.02(C).

24.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14 and all other requirements of this Article or other applicable requirements of the Resolution.

24.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character of the above-permitted use.

24.06 DEVELOPMENT STANDARDS. In addition to the General Provisions, as set forth in Article 10, and the General Provisions for Industrial Districts, as set forth in Article 23, the following standards for arrangement and development of land and buildings are required in the M-1 Light Industrial District.

24.061 HEIGHT REGULATIONS. No structure shall exceed fifty (50) feet in height, except as provided in Article 10, Subsection 10.21.

24.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where a M-1 District is located within a Road Corridor Overlay District, the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	25 ft.	5 ft.	40 ft.	85 %

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ARTICLE 25
M-2 GENERAL INDUSTRIAL DISTRICT

25.01 PURPOSE. The M-2 General Industrial District promotes and protects certain land areas for general industrial development, manufacturing, processing and related operations.

25.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

25.021 Any use permitted and as regulated, including development standards, by the principal permitted use as regulated in the M-1 Light Industrial District.

25.022 Manufacturing, recycling when conducted in an enclosed building, or other similar industrial actions of unfinished parts or materials provided said use is located at least three hundred (300) feet from any R-District or recorded residential subdivision, and further provided that the specific principal activity of such use does not require conditional use approval pursuant to Subsection 25.03 of this Article. Uses permitted by this Subsection which are located in an M-2 District which existed prior to the creation of an adjacent R-District or recorded residential subdivision shall not be required to be located three hundred (300) feet away from such R-District or recorded residential subdivision.

25.023 Wireless and Cellular Telecommunication Facilities.

25.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

25.031 Automobile wrecking yards and junk yards, provided that the site contain not less than ten (10) acres and be completely enclosed by a solid fence. Such fence shall be free of any type of advertising, and not less than eight (8) feet in height. Stacking of automobiles shall not be permitted unless they are completely screened from surrounding roadways or properties.

25.032 Animal slaughtering, stock yards, or similar activities involving the processing or storage of livestock.

25.033 Any use, excluding automobile service stations, which conducts as its principal activity, the production, processing, storing, or similar industrial action of solids, liquids, or gases, that have a degree of hazard rating in health, flammability, or reactivity of 2, 3, or 4 as ranked by the National Fire Protection Association 704.

25.034 Any use which involves incineration, processing, reduction, storage of garbage, debris, infectious or medical waste, dead animals, or other types of refuse.

25.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14 and all other requirements of this Article or other applicable requirements of the Resolution.

25.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character of the above-permitted uses.

25.06 DEVELOPMENT STANDARDS. In addition to the General Provisions, as set forth in Article 10, and the General Provisions for Industrial Districts, as set forth in Article 23, the following standards for arrangement and development of land and buildings are required in the M-2 General Industrial District.

25.061 HEIGHT REGULATIONS. No structure shall exceed fifty (50) feet in height, except as provided in Article 10, Subsection 10.21.

25.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where an M-2 District is located within a Road Corridor Overlay District, the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
10,000 sq. ft.	None	25 ft.	5 ft.	40 ft.	85 %

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ARTICLE 26
PUD-PLANNED UNIT DEVELOPMENT DISTRICTS

26.01 PURPOSE. This article authorizes the creation of certain types of planned unit development districts which provide a flexible zoning procedure for residential, commercial, industrial, and special purpose land uses. These districts permit new techniques in community development and flexible design and development regulations which assure an efficient utilization and allocation of land. Maximum overall gross densities and intensities can be achieved on tracts within these districts when approved by the Board of Trustees and/or Zoning Commission which assure a minimum adverse effect on natural features and the environment, and which assure greater efficiency in providing public and utility services or which due to key design, land use, or public amenities offer an increased overall benefit to the community and promotes the public health, safety, and general welfare.

26.02 TYPES OF PLANNED UNIT DEVELOPMENT DISTRICTS. The following are the planned unit development districts which are available to property owners at their election:

"R-PUD" Residential Planned Unit Development

"C-PUD" Commercial Planned Unit Development

"I-PUD" Industrial Planned Unit Development

"SP-PUD" Special Purpose Planned Unit Development

26.03 PRINCIPAL PERMITTED USES. All uses in a Planned Unit Development District are subject to the approval of a preliminary and final development plan by the Zoning Commission and Board of Township Trustees pursuant to Subsection 26.09 through 26.16, inclusive. The following explains the uses permitted by each of the Planned Unit Development Districts. Uses not specifically listed as permitted by these districts may be permitted if determined by the Zoning Commission and/or Board of Trustees to be of the same general character as the above permitted uses.

26.031 The following uses are principal permitted uses in the R-PUD District:

26.0311 Any use permitted either as a principal or conditional use in the R-1, R-1A, R-2, or R-3 Districts.

26.0312 Multiple-family dwellings, row dwellings and townhouses. The density of these uses in a Residential Planned Unit Development shall be determined pursuant to the General Design Standards listed in Article 26.04 and not necessarily restricted to the development standards of the R-4 (Multiple-Family) District.

26.032 The following uses are principal permitted uses in the C-PUD District:

26.0321 Any use permitted either as a principal or conditional use in the O-1, O-2, B-1, or B-2 Districts.

26.033 The following uses are principal permitted uses in the I-PUD District:

26.0331 Any use permitted either as a principal or conditional use in the O-1, O-2, B-1, B-2, M-1, or M-2 Districts.

26.034 The following uses are principal permitted uses in the SP-PUD District. Said district shall be for designating those uses approved on a planned unit basis which are not generally included in other districts of this Resolution, employ a combination of district provisions, or due to unique circumstances or unusual characteristics require special design consideration:

26.0341 Airports.

26.0342 Amusement centers or parks.

26.0343 Colleges or universities.

26.0344 Community centers and recreational areas

26.0345 Museum and cultural centers, including outdoor theaters.

26.0346 Stadiums and sports arenas.

26.0347 Mass transit terminals.

26.0348 Zoos.

26.04 GENERAL DESIGN STANDARDS. Design standards for area, lot coverage, density, yard requirements, parking, landscaping, architecture, and screening for a proposed Planned Unit Development shall be established by the Zoning Commission and Board of Township Trustees on the Preliminary Development Plan. Exceptions and variations from the standards provided by the non-planned Zoning Districts of this Resolution may, and should be granted by the Zoning Commission and Board of Township Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted. Standards for public infrastructure improvements shall be governed by the applicable regulations of the county agency charged with the responsibility for review and approval.

26.05 MINIMUM LOT AREA. The tract of land to be developed on a planned unit basis shall be a minimum of five (5) acres. Infill tracts of less than five (5) acres may be considered and approved by the Zoning Commission and Board of

Township Trustees on a planned unit basis when the use is in compliance with the West Chester Township Land Use Plan.

26.06 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. The Zoning Commission and Board of Trustees may require additional open space as warranted by the individual development plan. This minimum percentage of land shall be as follows:

26.061	R-PUD	% for projects of exclusively single-family units 15% for projects of mixed units 20% for projects of exclusively multi-family units
26.062	C-PUD	15% for all projects
26.063	I-PUD	15% for all projects
26.064	SP-PUD	15% for all project.

26.065 Required common open space shall not consist of isolated or fragmented pieces of land which will serve no useful purpose or which will present maintenance difficulties.

26.066 Required common open space may include pedestrian walkways, parkland, open areas, bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, parking areas for any of the above, and other lands of essentially open or undisturbed or improved character, exclusive of off-street parking areas and street right-of-ways.

26.067 Ownership of common open space in an R-PUD shall be transferred by the developer to a legally established homeowners association, or if accepted, to the Board of Township Trustees, or other public or quasi-public agency. Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership, subject to size and special conditions applied by the Zoning Commission and Board of Township Trustees. Common open space in a C-PUD, I-PUD, or SP-PUD may also be dedicated to the Township or other public or quasi-public agency pursuant to the above requirements or remain in private ownership, provided public easement, as determined necessary by the Zoning Commission and Board of Trustees, is granted and officially recorded on the plat.

26.07 PLANNED UNIT DEVELOPMENTS REQUIRE DISTRICT CHANGE. In addition to the following specific procedures and provisions of this Article regarding requirements for application and approval of planned districts, an application request for any of the Planned Unit Development Districts included in this Article are also subject to the procedures set forth in Article 6. The original establishment and application of a planned unit development shall be regarded as and subject to the same requirements as a district change.

26.08 PROCEDURES FOR APPLICATION. The owner/developer(s) shall engage in informal consultation with the Director prior to filing any application request for a planned unit development. The purpose of said consultation is to explain the application procedures and the submission requirements to the applicant. No statement or representation by the Director, however, shall be binding on either the Zoning Commission or Board of Township Trustees.

26.081 After meeting with the Director to discuss the procedures, the applicant must submit the Planned Unit Development Application Packet (available from the Community Development Department), fully completed, along with a fee in the amount determined by the Board of Trustees to cover the cost of the publishing, posting and/or mailing the notices of the hearings required by the foregoing provisions and/or other expenses in conjunction therewith. In addition to the application packet, a Preliminary Development Plan pursuant to Subsection 26.09, must also be submitted with the application.

26.09 SUBMISSION OF PRELIMINARY DEVELOPMENT PLAN. The applicant shall submit the necessary copies of the Preliminary Development Plan and all other information required by the application packet. The application packet is available from the Community Development Department, and contains a checklist of submission requirements and application procedures for Planned Unit Developments. The Preliminary Development Plan shall include the following items:

26.091 A survey of the tract to be developed, showing a metes and bounds description of property lines and total acreage, existing zone district boundaries, the area and district which is proposed to be rezoned, and property ownership of the subject site and all adjacent parcels and parcels within two-hundred (200) feet of the subject site.

26.092 Base mapping of the tract to be developed and surrounding property within one hundred (100) feet, showing existing features of the property including: streets, alleys, easements, utility lines, existing land use and structures, and general topography (minimum of five (5) foot intervals) and physical features.

26.093 A preliminary site plan showing the following: the approximate areas and arrangement of the proposed uses and the relationship of abutting land uses and zone districts; the proposed general location of vehicular circulation, showing how this circulation pattern relates to the primary and secondary road alignments designated on the Butler County Thoroughfare Plan; the proposed treatment of existing topography, drainage ways and tree cover; and the location of schools, parks, community amenities or facilities, if any.

26.094 Anticipated 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.

26.095 In the case of an R-PUD District, the Preliminary Development Plan shall also include the proposed type of unit, density level, and proposed area setbacks of each residential area, and the type, general location and approximate acreage of the common open space. All other miscellaneous and accessory uses shall also be included.

26.096 In the case of a C-PUD, I-PUD, or a SP-PUD the Preliminary Development Plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size, and intensity. The proposed type, general location and approximate acreage of common open space shall also be included.

26.10 PROCEDURES FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN. The applicant shall submit the Planned Unit Development Application Packet and Preliminary Development Plan to the West Chester Township Community Development Department.

26.101 The Community Development Department, upon receiving such application and Preliminary Development Plan shall, within five (5) days, transmit a copy thereof to the Butler County Planning Commission. The Planning Commission shall at a regular meeting, recommend the approval or denial of the proposed zoning amendment, and Preliminary Development Plan, or the approval of some modification thereof and shall submit such recommendation to the West Chester Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission on the proposed zoning amendment and Preliminary Development Plan.

26.102 The West Chester Township staff shall study the material received and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written recommendations to the Zoning Commission and the applicant prior to the public hearing held by the Zoning Commission.

26.103 The West Chester Township Zoning Commission shall advertise and hold a public hearing in accordance with the procedures outlined in Article 6 of this Resolution. 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, landscaping, development, improvement and maintenance of common open space, and other pertinent development characteristics.

26.104 Following the public hearing by the Zoning Commission, the application, Preliminary Development Plan, staff report, recommendation of the Butler County Planning Commission, and recommendation of the West Chester Township Zoning Commission shall be forwarded to the West Chester Township Board of Trustees. The Trustees shall advertise and hold a public hearing and approve, modify or deny the application and request for the zone amendment and

Preliminary Development Plan, in accordance with the procedures outlined in Article 6 and 26.11 of this Resolution.

26.105 Approval of the Preliminary Development Plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed Final Development Plans.

26.106 Approval of the Preliminary Development Plan shall constitute the creation of a separate Planned Unit Development Zoning District. After approval of a Preliminary Development Plan by the Board of Trustees and after the subsequent referendum period has ended, the Official Zoning Map is changed to reflect this amendment.

26.11 REQUIRED CONDITIONS FOR APPROVAL OF PRELIMINARY DEVELOPMENT PLAN. The Township Zoning Commission and Board of Trustees shall study and review all applications for Planned Unit Developments. The Township Zoning Commission and Board of Trustees may impose conditions which should generally be satisfied before the approval of the Preliminary Development Plan.

26.111 The Planned Unit Development District is consistent with the adopted West Chester Township Land Use Plan (if applicable).

26.112 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 as well under other Zoning Districts.

26.113 The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network and is not in conflict with the design indicated on the current Butler County Thoroughfare Plan.

26.114 The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development.

26.115 The minimum common open space area(s) have been designated and shall be duly transferred to a legally established Homeowner's Association or has been dedicated to West Chester Township or another public or quasi-public agency as herein provided in Subsection 26.067.

26.116 The Preliminary Development Plan is consistent with the intent and purpose of this Resolution, to promote the public health, safety and general welfare of the residents of West Chester Township, Butler County, Ohio.

26.117 The Preliminary Development Plan has been transmitted to all other agencies and departments charged with responsibility of review.

26.12 TIME LIMITS AND EXTENSIONS. The approval of a Preliminary Development Plan shall become null and void and the Board of Trustees or Zoning Commission may initiate proceedings to rezone the land to its former zoning classification, unless within three (3) years of date of the approval of the Preliminary Development Plan all of the following have been completed

a) A Final Development Plan for the first phase of the development has been approved in accordance with the provisions of this Article and Resolution; and

b) The final subdivision plat, when applicable, has been recorded in the Office of the Butler County Recorder.

26.121 An extension of the time limit for the Preliminary Development Plan may be approved by the Zoning Commission. Such approval shall be given upon a finding of the purpose and necessity for such extension, and evidence of reasonable effort toward the accomplishment of the Preliminary Development Plan**.**

26.13 SUBMISSION OF FINAL DEVELOPMENT PLAN. Once the Planned Unit Development District and Preliminary Development Plan have been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the detailed Final Development Plan(s) in whole or in phases. The applicant shall submit the necessary copies of the Final Development Plan(s) and all other information required by the application packet. The application packet is available from the Community Development Department and contains a checklist of requirements and application procedures for Planned Unit Developments.

26.131 The detailed Final Development Plan shall be consistent with the contents of the approved Preliminary Development Plan, and be prepared by a professional urban planner, engineer, architect or landscape architect and include the following items:

26.132 Site plan(s) of the development showing survey of the tract, lot lines, building outlines, off street parking areas and spaces, pedestrian walkways, and vehicular circulation.

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

26.134 Landscaping plans showing quantity, size and varieties of landscaping which are proposed.

26.135 Specific engineering plans, showing site grading, street plans and improvements, drainage and utility improvements and extensions, and treatment of general topography and common open space.

26.136 In the case of an R-PUD, the Final Development Plan shall also include the proposed type of unit, density level, area and setback requirements of each residential area, and the type, location, and acreage of common open space. All other miscellaneous and accessory structures shall also be indicated.

26.137 In the case of a C-PUD, I-PUD, and SP-PUD, the Final Development Plan shall identify the principal and accessory types of uses that are to be included in the development, and the area and setbacks which are proposed. The proposed type, location and acreage of all common open space shall also be included.

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

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

26.14 APPROVAL PROCEDURES FOR FINAL DEVELOPMENT PLANS. The applicant shall submit the Final Development Plan Application Packet and the Final Development Plan(s) to the West Chester Township Community Development Department.

26.141 The West Chester Township staff shall study the material received and confer with other agencies of government as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written recommendations to the Zoning Commission and the applicant prior to the public meeting held by the Zoning Commission.

26.142 Upon receipt of the detailed Final Development Plan and recommendations of staff, the Zoning Commission shall, at a public meeting of the Commission, study and review the detailed Final Development Plan(s) on the basis that all requirements have been satisfied, and the conditions specified in Subsection 26.15 have been met.

26.15 REQUIRED CONDITIONS FOR APPROVAL OF FINAL DEVELOPMENT PLAN. The Township Zoning Commission shall study, and review the Final Development Plan to ensure the following specific conditions have been met:

26.151 Appropriate arrangements with the applicant have been made which will ensure the accomplishment of the public improvements and reservation of common open space as indicated on the Preliminary and Final Development Plan. If deemed necessary by the Board of Township Trustees during the Preliminary Plan process, the applicant may be required to secure a bond, held by and according to the standards and specifications of Butler County to the benefit of the Township to ensure the successful and proper completion of the proposed public improvements and reservation of common open space.

26.152 The proposed detailed Final Development Plan(s) for the individual section(s) of the overall Planned Unit District is consistent in contents (building location--as

applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved Preliminary Development Plan and the West Chester Township Land Use Plan.

26.153 Each individual phase 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.

26.154 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 Zoning Commission, left in its natural state.

26.155 That any exception from the design standards provided in the PUD is warranted by the design and amenities incorporated in the detailed Final Development Plan.

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

26.157 That the detailed Final Development Plan is consistent with the intent and purpose of this Resolution to promote the public health, safety and general welfare of the residents of West Chester Township, Butler County, Ohio.

26.158 The Final Development Plan has been transmitted to all other agencies and departments charged with the responsibility of review.

26.16 EFFECTS OF FINAL DEVELOPMENT PLAN APPROVAL. The approved Final Development Plan is kept on record in the West Chester Township Community Development Department together with all resolutions, applications, plats, plans, and other information regarding the development. The Resolutions prepared by the Zoning Commission and Township Trustees serve as the official record for the permitted uses and activities which are approved for the planned unit landholding. The use of the planned unit landholding or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the Final Development Plan shall be considered a violation of this Resolution and subject to the procedures and penalties specified in Article 5, Subsection 5.08.

26.17 REQUIRED CONDITIONS FOR THE ISSUANCE OF A ZONING CERTIFICATE AND FINAL CERTIFICATE OF OCCUPANCY. No Zoning Certificate shall be issued for any property in a Planned Unit Development District and no construction, except preliminary excavation, shall begin until an approved Final Development Plan is in effect for that phase or property. The Final Development Plan becomes effective upon approval of a Resolution by the Zoning Commission.

26.171 No Final Inspection Certificate shall be granted for any property in a Planned Unit Development District until the Director receives written certification that all public and private improvements, such as roads, utilities, drainage basins, and

other improvements have been satisfactory installed pursuant to applicable regulations. In the case of public improvements, such certification shall be by the government agencies charged with the applicable responsibility. In the case of private improvements, the certification shall be provided by a professional registered engineer or architect.

26.18 ADJUSTMENTS TO PLANNED UNIT DEVELOPMENTS.

26.181 Major Changes. Major Changes to an existing Planned Unit Development, modifications from the Preliminary Development Plan, or revisions to a Final Development Plan for a tract of land in which development has not already begun or is completed, in light of technical or engineering considerations, shall include the following. Such changes shall be subject to reconsideration and approval by the Board of Township Trustees and shall be required in accordance with the procedures specified in Subsection 26.09 through 26.12 inclusive. Major changes shall be determined by the Zoning Commission and include:

a) An increase in density or intensity.

b) Changes in the outside boundaries of the Planned Unit Development District.

c) Significant modification of the type, location or amount of land designated for a specific land use or open space.

d) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.

26.182 Minor Changes. All changes not deemed to be major changes or qualify as a staff revision, shall be considered minor changes. Minor changes shall be subject to the approval of the Zoning Commission and the procedures set forth in Subsection 26.13 through 26.17 inclusive.

26.183 Staff Revisions. Minor revisions to items of an approved Final Development Plan that have minor cosmetic impact on the overall project may be approved by the Community Development Department Director. This shall only apply if it can be demonstrated the intent of the Final Development Plan is met and the minimal revision does not reduce the quality of the development. The Community Development Director, at his or her sole discretion, reserves the right to nonetheless require Zoning Commission review of any minimal revision to an approved Final Development Plan that might otherwise qualify for a staff change generally authorized under this Subsection.

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ARTICLE 27
RCO-ROAD CORRIDOR OVERLAY DISTRICT

27.01 PURPOSE. The RCO District supplements the standards of the underlying Zoning Districts through the use of an Overlay District and certain specified roadway corridor areas where a specific Road Corridor Land Use/Urban Design Plan has been adopted by the West Chester Township Board of Trustees.

The RCO District, and supplementary Road Corridor Land Use/Urban Design Plan, which is incorporated into the RCO regulations, provide design standards which are unique to a particular area. The standards are created specifically to address the unique existing and desired physical and architectural characteristics which are inherent to a particular area in order to:

a) mitigate the detrimental effects of intensity of use within the corridor upon the safety of residents and the use and enjoyment of their property;

b) preserve and enhance the streetscape along the roadway, in order to maintain the character and to promote safe pedestrian movement;

c) improve the compatibility between residential and non-residential uses;

d) improve the appearance, usefulness and signage;

e) help reduce traffic congestion.

27.02 PRINCIPAL PERMITTED USES. Any use which is permitted in the Zoning District or Districts underlying an RCO District shall be permitted with either a Permitted or Conditional Use Zoning Certificate pursuant to the procedures and requirements of Subsection 27.08 of this Article.

27.03 USES EXEMPT FROM RCO DISTRICT REQUIREMENTS. The RCO District requirements shall not apply to properties which are used exclusively for single-family, two-family, and three-family dwellings and related accessory uses, nor agricultural uses and related structures.

27.04 PROCEDURES FOR RCO DISTRICT DESIGNATION. The Board of Trustees, Zoning Commission, or owners or lessees of property within the area proposed for an RCO District, in accordance with the procedures for amending the Zoning Map set forth in Article 6, may designate an area along a roadway as a RCO District. Such amendment shall include the area to be included within the RCO District and a Road Corridor Land Use/Urban Design Plan containing the information pursuant to Subsection 27.05 of this Article setting forth the supplemental development provisions for the area within the RCO District.

27.05 REQUIRED CONTENTS OF A ROAD CORRIDOR URBAN DESIGN PLAN. The designation of any area within the Township as a RCO District shall require the preparation and adoption (in accordance with the provisions of Subsection 27.04) of a Road Corridor Urban Design Plan. Such plan shall contain the following information:

27.051 A survey of the area to be included in the RCO District, showing property lines, existing Zoning District boundaries, and property ownership of all parcels to be included with the RCO.

27.052 Base mapping of the area to be included in the RCO showing existing features of the properties, including: streets, alleys, easements, utility lines, existing land use and structures, and general topography and physical features.

27.053 Base mapping of the area to be included in the RCO showing the recommended land uses for all properties in the RCO, and plans for the entire area regarding pedestrian movement and vehicular access control.

27.054 Written or graphic requirements for building and structure setbacks, heights, maximum building coverage, and floor area ratios.

27.055 Written or graphic requirements for off-street parking and loading.

27.056 Written or graphics requirements for signage.

27.057 Written or graphic requirements for landscaping and screening between adjacent sites, and land uses.

27.058 Written or graphic requirements for the architectural character of buildings and structures and exterior lighting of streets, parking areas, buildings, and signs.

27.059 Written policy statements regarding recommended key public improvements necessary to achieve substantial elements of the plan.

27.06 PREPARATION OF A ROAD CORRIDOR URBAN DESIGN PLAN. The preparation of a Road Corridor Land Use/Urban Design Plan may be prepared by any appointed agent of the Board of Trustees (i.e., Community Development Department, or independent consultant) or any appointed agent of a property owner or group of property owners located within the subject area to be classified in the RCO Districts pursuant to the requirements of this Article and other applicable requirements of this Resolution.

27.07 EFFECTS OF ADOPTED RCO DISTRICT AND ROAD CORRIDOR URBAN DESIGN PLAN. Upon the adoption of a RCO District and Road Corridor Land Use/Urban Design Plan for a designated area, these regulations shall supersede or supplement, as applicable, the regulations of the underlying Zone Districts within the RCO District. In the case of conflict with other provisions of this Resolution, the regulations of the RCO District and Road Corridor Land Use/Urban Design Plan shall control.

27.08 PROCEDURES FOR OBTAINING A ZONING CERTIFICATE ON PROPERTY WITHIN AN RCO DISTRICT. Upon the designation of an area as an RCO District, the use of any structure, building, land, or part thereof, hereinafter created, erected, changed, converted, or enlarged, wholly or partly,

shall require the issuance of a Zoning Certificate in accordance with the following procedures and requirements:

27.081 Each application for a Zoning Certificate shall be accompanied by the proper number of plan sets pursuant to the amount specified by the application instructions. Plans shall be drawn to scale in blackline or blueprint, showing the actual shape and dimensions of the lot to be built upon or changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing or intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate; and when no buildings are involved, the location of the present use and the proposed use to be made of the lot. The plans should also indicate all other applicable information as required by the Road Corridor Urban Design Plan.

27.082 Within fifteen (15) days of the date of said application for a Zoning Certificate, the Community Development Department staff shall review the proposal to determine consistency with the adopted Road Corridor Land Use/Urban Design Plan and underlying Zone District and report to the applicant and Zoning Commission. In preparing its report, the Community Development Department staff shall confer with all other applicable township, county, and state departments and agencies and incorporate their recommendations into the report to the Zoning Commission.

27.083 Within thirty (30) days of receipt of said report from the Community Development Department, the Zoning Commission shall hold a public hearing, and by Resolution, either approve, deny, or modify the application for the Zoning Certificate. In rendering its decision the Zoning Commission shall give due regard to the report presented by staff, testimony presented by proponents and opponents of said proposal, and the requirements and objectives of the applicable Road Corridor Urban Design Plan.

27.084 Upon the approval of a Zoning Certificate by the Zoning Commission, the Community Development Department shall issue the Zoning Certificate and return the approximate number of approved plans, stamped with Community Development Department approval, to the applicant in order that he/she may proceed with the applications necessary for all building and other applicable permits.

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

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ARTICLE 28
A-1 AGRICULTURAL DISTRICT

28.01 PURPOSE. The A-1 Agricultural District promotes and protects certain land areas exclusively for agricultural cultivation, low density one-family homes and related compatible uses.

28.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Certificate of Occupancy have been issued pursuant to Article 5, Subsection 5.06.

28.021 Agricultural and farm uses, including any customary agricultural use, building or structure for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, greenhouses and nurseries, not including garden stores or supply centers.

28.022 Animal and poultry husbandry or the keeping of farm animals, provided that such uses are located on lots which contain three (3) or more acres and comply with all other requirements of Subsection 28.06 of this Article, and further provided that a maximum of one (1) animal per acre, up to five (5) animals be permitted, and any building or structure used for the keeping of animals be located not less than one hundred (100) feet from any other lot in a R-District or recorded residential subdivision.

28.023 One-family detached dwellings.

28.024 Public and non-profit parks and recreational facilities.

28.025 Billboard signs, subject to the conditions of Article 20, Subsection 20.095.

28.026 In-Law Suite in principal structure, Pursuant to Article 11, Subsection 11.14

28.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals pursuant to the standards and procedures set forth in Article 8, Subsection 8.054:

28.031 Churches, and other similar places of worship.

28.032 Public and private elementary and high schools.

28.033 Public buildings and properties of an administrative, cultural, recreational or service type including such buildings used to house not-for-profit organizations.

28.034 Country clubs, golf courses (excluding driving ranges which are not of part a golf course or miniature golf course) and other private, profit oriented, non-commercial recreation areas and facilities including swimming pools.

28.035 Bed and breakfast establishments provided it is owner-occupied and contains not more than four guest rooms.

28.036 Day care child centers provided such buildings not exceed three thousand (3000) square feet of gross floor space.

28.037 Cemeteries.

28.04 ACCESSORY USES AND STRUCTURES. Accessory structures and uses shall be permitted in the Agricultural District provided that: a) it is incidental to and customarily found in connection with a principal building permitted by the district in which it is located; b) it is subordinate to and serves a principal building or use; c) it is subordinate in area, extent, or purpose to the principal building; and d) it is located on the same lot as the principal building or use for which it serves.

28.041 Such accessory structures or uses**,** not involving farm uses, shall be subject to the provisions of Article 10, Subsections 10.141, 10.142, 10.143 and 10.144 and all other requirements of this Article or other applicable requirements of this Resolution.

28.042 The maximum number of accessory structures or uses, not involving farming uses, permitted shall be as follows and shall be included in the calculation of the lot coverage pursuant to the Agricultural District in which it is located:

a) Two (2) accessory structures or uses for any lot less than one (1) acre in any Agricultural District.

b) Three (3) accessory structures or uses for any lot greater than or equal to one (1) acre and less than three (3) acres in any Agricultural District.

c) Four (4) accessory structures or uses for any lot greater than or equal to three (3) acres in any Agricultural District.

28.043 Day Care Home. Day Care Homes are permitted in the A-District as defined in this resolution and regulated by the State of Ohio as a 'type B family day-care home'.

28.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character as the above permitted uses.

28.06 DEVELOPMENT STANDARDS. In addition to the General Provisions set forth in Article 10 and the General Residential Provisions as set forth in Article 11, the following standards for arrangement and development of land and building are required in the A-1 Agricultural District.

28.061 HEIGHT STANDARDS. No principal structure shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height, whichever is less, and no

accessory structure shall exceed twenty (20) feet in height, except as provided in Article 10, Subsection 10.23.

28.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure.

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
Agricultural Uses--3 acres	200 ft.	50 ft.	50 ft.	100 ft.	35%
One Family Dwellings - 80,000 sq. ft.	200 ft.	50 ft.	35 ft.	100 ft.	25%
Other Permitted Uses 80,000 sq. ft.	200 ft.	50 ft.	50 ft.	100 ft.	35%

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ARTICLE 29

RESERVED

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ARTICLE 30
GENERAL PROVISIONS FOR CENTRAL BUSINESS DISTRICT

30.01 PURPOSE. The specific provisions of this article and the general provisions provided by Article 10, shall apply to the CBD Zone District of this Resolution.

30.02 MULTIPLE OCCUPANCIES/USES PERMITTED. Multiple occupancies or uses on a lot shall be permitted in the CBD District provided such uses or occupancies are located within the same principal building (See Figure 9 in Graphic Appendix).

30.03 PRINCIPAL BUILDING GROUPS PERMITTED. Lots which are located in the CBD District may contain more than one principal building provided such buildings are utilized for the same business or company and the same principal permitted use (See Figure 10 in Graphic Appendix).

30.04 REQUIRED CONDITIONS. All uses must comply with the following requirements.

30.041 All business, service or processing of goods shall be conducted within a completely enclosed building, except for off-street automobile parking, off-street loading, and specifically permitted uses under Subsection 30.092. Outdoor displaying of goods shall be permitted. The total square footage of outdoor display area shall be limited to ten (10) percent of the principle building's interior floor space.

30.042 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, noise, vibration, refuse matter or water-carried waste to the public interest.

30.05 LANDSCAPING. The perimeter of each parcel shall be landscaped in accordance with the following requirements. Street trees shall be selected from either Tree List I or Tree List II (See Figure 14 in Graphic Appendix). A variety of tree species is encouraged.

a) Tree List I

Street Frontage	Street Tree Ratio	Caliper Size (min.)
Union Centre Boulevard	1 tree per 40' of frontage	3.5" - 4.0"
Muhlhauser Road	1 tree per 40' of frontage	2.5" - 3.0"
West Chester Road	1 tree per 40' of frontage	2.5" - 3.0"
Allen Road	1 tree per 40' of frontage	2.5" - 3.0"
Cincinnati-Dayton Road	1 tree per 40' of frontage	2.5" - 3.0"
Other Proposed Public Roads	1 tree per 40' of frontage	2.5" - 3.0"

b) Tree List II

Street Frontage	Street Tree Ratio	Caliper Size (min.)
Union Centre Boulevard	1.5 tree per 40' of frontage	2.0" - 2.25"
Muhlhauser Road	1.5 tree per 40' of frontage	1.75" - 2.0"
West Chester Road	1.5 tree per 40' of frontage	1.75" - 2.0"
Allen Road	1.5 tree per 40' of frontage	1.75" - 2.0"
Cincinnati-Dayton Road	1.5 tree per 40' of frontage	1.75" - 2.0"
Other Proposed Public Roads	1.5 tree per 40' of frontage	1.75" - 2.0"

c) There shall be a minimum of two (2) street trees per parcel, regardless of minimum lot width.

d) In calculating the quantity of required street trees, all rounding of quantities shall be up to the next highest number.

e) Street trees shall be calculated as defined in Sections a) and b) listed above. Trees shall be clustered and incorporated into mulched plant beds located between the right-of-way and the front edge of site development (such as parking areas, drives, and buildings).

f) All non-building coverage areas and areas not covered by improvements or landscaping shall be landscaped with a minimum of seeding or sodding. All parcels shall have interior landscaping areas equal to twenty (20) square feet for every one thousand (1,000) square feet of impervious surface coverage. In addition to perimeter and interior requirements the following landscaping shall apply to parking areas:

1) Landscaping shall be provided at a rate of five (5) square feet of landscape area per one hundred (100) square feet of parking area in such a manner as to break up large expanses of pavement.

2) Minimum of one (1) tree for every five thousand (5,000) square feet of impervious surface coverage.

3) Planting islands within parking areas and/or defining interior drives shall have a minimum dimension of thirteen and one-half feet (13.5') and a minimum square footage of two hundred seventy (270) square feet.

g) All water features, whether designed for aesthetics or drainage purposes, shall be maintained by their owners. Said water features shall be maintained so as to promote and protect the public health, safety, and general welfare.

30.06 PEDESTRIAN WALKWAYS REQUIRED. A six (6) feet wide concrete pedestrian walkway shall be required for all portions of a parcel which front along

a public street. Said walkway shall align with adjoining properties and shall be recorded as a public easement.

30.061 Pedestrian walkways at driveways, curbcuts, and intersections shall be flushed to meet the top of the concrete apron to avoid abrupt changes in elevation at these intersections (See Figure 13 in Graphic Appendix).

30.07 FENCES AND WALLS. Fences and walls may be located on any property within the CBD District, pursuant to Article 10, subsection 10.24 of the West Chester Township Zoning Resolution, with the following exceptions:

30.071 No fence or wall shall exceed six (6) feet in height above the elevation of the surface of the ground in a side or rear yard, and four (4) feet in a front yard. Such fence shall setback twenty-five (25) feet from right-of-way (See Figure 14 in Graphic Appendix).

30.072 Fences and walls shall not be constructed of chain link, vinyl, untreated wood or wire.

30.08 OUTSIDE STORAGE PROHIBITED. No outside storage of products or other miscellaneous items (dumpsters and trash containers excluded) shall be permitted.

30.081 All dumpsters and trash containers must be completely screened by a solid fence or wall of not less than six (6) feet or more than eight (8) feet in height. If the screening is six (6) feet in height, and not attached to the building, it shall be located at least four (4) feet from the principal building, and all property lines. If the screening is over six (6) feet in height it must meet the requirements of an accessory structure under Article 10, Subsection 10.144. All dumpsters and trash container enclosures shall be constructed of the same materials used on the majority of the principal structure. Such screening shall be maintained in good condition without any form of advertising thereon. The side of the enclosure used for access to dumpsters and trash containers shall contain a minimum width of ten (10) feet, and shall not be located so as to face any street, unless equipped with gates so the dumpster can be fully enclosed.

30.082 The storage of recreational vehicles, campers, or water craft shall be stored within a fully enclosed building. All buildings shall be constructed of the same materials and colors as used on the majority of the principal structure. All such vehicles and equipment shall be free of fixed connections to water, gas, or sanitary sewer facilities and at no time be used for living or housekeeping purposes.

30.09 TEMPORARY USES. In addition to the temporary uses permitted, and as regulated by Article 10, Subsection 10.10, the following temporary uses are permitted in the CBD District.

30.091 Christmas Tree Sales. Christmas tree sales are permitted. Such use shall be limited to a period not to exceed sixty (60) days and be subject to the provisions of Article 10, Subsections 10.11 and 10.12 of this Resolution.

30.092 Indoor and Outdoor Art, Craft, and Plant Shows, Exhibits, Sales, and Festivals. Indoor and outdoor art, craft, and plant shows, exhibits, and sales are permitted when in conjunction with the principal use on the property or when sponsored solely by a non-profit organization. Festivals are permitted when sponsored by an Association whose majority of its membership includes merchants or owners of property or businesses located in the CBD District. Such uses shall be limited to three periods per calendar year, not exceeding three (3) days per period, and are subject to the provisions of Article 10, Subsection 10.11 and 10.12.

30.10 OFF-STREET PARKING. In the CBD District, there shall be provided, at the time any building is erected or enlarged or increased in capacity, off-street parking spaces for automobiles. Requirements for off-street parking shall be pursuant to Article 10, Subsection 10.17 of the West Chester Township Zoning Resolution.

30.101 The specific numbers of spaces required for each use shall correspond to those uses outlined in Articles 11, 17, 20, and 23, Subsections 11.043, 17.041, 20.061, and 23.061 of the West Chester Township Zoning Resolution, with the following exceptions:

30.1011 Required off-street parking spaces shall not be required to be located on the same parcel as the principal use served, provided the required number of spaces can be accommodated within three hundred (300) feet of the parcel.

30.1012 Uses which utilize private common parking areas referred to in Article 30.1011 must demonstrate that legal rights of easement exist and have been recorded to permit the use of the required number of parking spaces, on the property within three hundred (300) feet. This documentation shall be provided to the Community Development Department, as applicable, before a Zoning Certificate is issued for said use.

30.1013 Uses which utilize public off-street parking areas referred to in Article 30.1011 shall be reviewed by the Community Development Department, as applicable, to determine if adequate space exists, before a Zoning Certificate is issued for said use.

30.11 STRUCTURED PARKING FACILITIES. All structured parking facilities, either attached to the principal structure or a multi-storied, above grade parking garage shall be located on the same parcel as the principal building or use served and subject to the following requirements:

30.111 All structured parking facilities shall be constructed of the same materials and colors used on the majority of the principal structure.

30.112 Steel materials shall not be visible from the exterior.

30.12 MULTIPLE OCCUPANCIES AND USES NOT SPECIFIED. In the case of multiple occupants in one principal structure, the total requirements for off-street

parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned, the requirements for a use which is most similar shall apply.

30.13 OFF-STREET LOADING SPACES REQUIRED. In connection with every building or part thereof erected for uses which customarily receive or distribute material or merchandise by vehicle, there shall be provided, on the same lot with such buildings, off-street loading spaces with the requirements herein.

30.131 All principal permitted uses involving retail, wholesale, or other similar uses requiring the receipt or distribution by vehicles of materials or merchandise, shall provide off-street loading space as follows:

Total Square Footage of Principal Building	Number of Loading Spaces Required
Less than 1,000 sq. ft.	None Required
More than 1,000 sq. ft. but less than 10,000 sq. ft.	One loading space
More than 10,000 sq. ft. but less than 40,000 sq. ft.	Two loading spaces
More than 40,000 sq. ft.	Three loading spaces, plus one space for each 30,000sq. ft. over 40,000 sq. ft. of building area

30.132 Each off-street loading space shall conform with the following standards.

a) Each off-street loading space shall be at least ten (10) feet in width, fifty (50) feet in length and have a vertical clearance of fifteen (15) feet or more.

b) All loading spaces shall be graded and improved with bituminous concrete or Portland concrete, and be drained as to dispose of all surface water in accordance with the standards of the Butler County Engineer's office.

c) All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a front, side or rear yard setback and in no case shall any space be located less than fifty (50) feet from any R-District.

30.14 SIGNS. In addition to the sign provisions regulated by Article 10, Subsection 10.26-General Provisions of this Resolution, the following provisions apply to signs located in the CBD District.

30.141 Prohibited Signs. In addition to the prohibited signs outline in Article 10, Subsection 10.265 of this Resolution, the following types of signs are specifically prohibited in the CBD District:

a) Real estate signs displayed at locations other than on the premises offered for sale or rent, except within a recorded subdivision and on private property with the approval of the owner.

b) Billboard signs

c) High-rise interstate signs

30.142 Business Park Identification Ground Sign. A permanent business park identification sign which identifies the name and address and any tenant of the park or subdivision may be located on any lot within the park or subdivision which is located at the entrance of the park or subdivision. Said signs may be located on the same lot as an accessory business sign, and are subject to the following requirements:

a) No such sign shall exceed eighty (80) square feet in identification display area. Eight (8) square feet of the permitted eighty (80) square feet of display area shall incorporate the words Union Centre or the approved Union Centre logo (See Figure 15 in Graphic Appendix).

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such sign**s** or any portion of the structure they may be integral with, shall exceed fifteen (15) feet in height from the elevation of any street such sign fronts.

d) Any business park identification sign that incorporates a tower, monument, or landmark design and exceeds fifteen (15) in height from the elevation of any street such sign fronts shall require special exception approval by the West Chester Township Board of Zoning Appeals.

e) Permitted materials for business park identification sign structure shall be granite, concrete, brick, stone, or natural masonry.

30.143 Ground Signs. Ground signs, accessory to a permitted use, located on the premise**s** are permitted. Such signs shall be completely in the form of a ground-mounted sign, and are subject to the following requirements:

a) All such signs conform to the following maximum display area requirements:

Frontage Along Public Street Right of Way	Permitted Square Feet of Display Area
0 - 150 ft.	48 sq. ft.
Over 150 ft.	96 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 10,000 sq. ft.	48 sq. ft.
Over 10,000 sq. ft.	96 sq. ft.

b) The maximum amount of display area for a ground mounted sign shall be forty-eight (48) square feet. Parcels containing less than one hundred-fifty (150) feet of frontage or in cases where no frontage exists, a principal building containing ten thousand (10,000) square feet or less shall be permitted one (1) ground sign per parcel. Parcels containing over one hundred-fifty (150) feet of frontage or in cases where no frontage exists, a principal building containing over ten thousand (10,000) square feet shall be permitted two (2) ground signs (maximum of forty eight (48) square feet per sign) per parcel.

c) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and conform with Article 10, Subsection 10.15, regarding traffic visibility.

d) No such signs or any portion of the structure they may be integral with, shall exceed eight (8) feet from grade or in height from the elevation of any street such sign fronts, whichever is higher.

e) All such signs shall have a base constructed of the same materials and colors used on the majority of the principal structure.

f) All such signs shall have foundation plantings.

30.1431 On corner lots, the maximum permitted display area shall be calculated by using the greater amount of the two frontages, not the combined total of both (See Figure 11 in Graphic Appendix).

30.144 Building Signs. In addition to the above mentioned ground sign, buildings in the CBD District may also contain: wall (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

a) The total amount of square feet permitted for such signs shall not exceed four percent (4%) of the total square footage of the front building wall elevation.. Corner or double frontage lots shall be permitted four percent (4%) of the total square footage of each front building wall elevation and shall not be cumulative.

b) No sign shall project more than two (2) feet beyond any building or roof line.

30.145 Directional Signs. A sign which provides directional assistance to access an office or business which is not located on the parcel where the sign is located is permitted provided:

a) No such sign shall exceed six (6) square feet of identification display area.

b) All such signs shall set back a minimum of ten (10) feet from any street right-of-way or adjoining property line and shall conform with Article 10, Subsection 10.15, regarding traffic visibility.

c) No such signs or any portion of the structure they may be integral with, shall exceed four (4) feet from grade.

d) Such signs shall be limited to one sign per parcel.

e) All such signs shall have a base constructed of the same materials and colors used on the majority of the principal structure for which the sign is advertising.

f) All such signs shall have foundation plantings.

g) With permission of property owner.

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ARTICLE 31
CBD CENTRAL BUSINESS DISTRICT

31.01 PURPOSE. The CBD Central Business District promotes and protects land areas for mixed use residential, professional and corporate offices, convenience commercial, community and highway oriented retail and service establishments, and light industrial development which are located in close relationship to development areas of the Union Centre Boulevard Interchange. The development provisions of this Article assure compatibility with the unique natural and physical characteristics of the area and achieve a desired character which promotes the public health, safety, and general welfare.

31.02 PRINCIPAL PERMITTED USES. The following uses are principal uses permitted as of right, provided that a Zoning Certificate and Final Inspection Certificate have been issued pursuant to Article 5, Subsection 5.06.

31.021 Any principal permitted use in the O-1 or O-2 Districts, excluding veterinarian offices and clinics, subject to the development standards as regulated in the CBD District.

31.022 Any principal permitted use in the B-1 District, excluding billboard signs, subject to the development standards as regulated in the CBD District.

31.023 Convenience business and retail strip centers.

31.024 Shopping centers, grocery stores, and box retailers.

31.025 Automobile fuel service stations including the on-site filling of propane tanks as an accessory use and mechanical auto body repair garages; provided that no such use shall be located less than two hundred (200) feet from any lot recommended as a residential use, pursuant to the West Chester Township Proposed Land Use Map, excluding any lot recorded for open space or greenbelt purposes.

31.026 Automobile sales and service establishments, including sales lots and repair of such; provided that all such operations other than storage, display and sales be conducted within a completely enclosed building; and further provided that any building used for repair work shall be located not less than two hundred (200) feet from any lot recommended as a residential use, pursuant to the West Chester Township Proposed Land Use Map, excluding any lot recorded for open space or greenbelt purposes.

31.027 Garden stores, supply centers and greenhouses.

31.028 Hotels, motels.

31.029 Night clubs and drive-thru restaurants, including outdoor seating; provided that the drive-thru window or outdoor seating area shall be located not less than two hundred (200) feet from any lot recommended as a residential use, pursuant to the

West Chester Township Proposed Land Use Map, excluding any lot recorded for open space or greenbelt purposes.

31.0210 Commercial recreation, including baseball fields, swimming pools, bowling alleys, skating rinks; golf driving ranges, stables or riding academies, amusement parks, movie theaters, 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 recommended as a residential use, pursuant to the West Chester Township Proposed Land Use Map, excluding any lot recorded for open space or greenbelt purposes.

31.0211 Research and development facilities, distribution warehouses, wholesale warehouses, package delivery companies, bottling and packaging companies, manufacturing which involves only previously prepared materials or finished parts, including minor assembling, altering, fabricating, finishing, processing, treatment, storage, and incidental sales of such products, provided said use is not first permitted by the provisions of the M-2 District of this resolution or conducts as its principal activity, a use specified by Article 25, Subsection 25.03 of this Resolution; and further provided said use is located at least one hundred (100) feet from any lot recommended as a residential use, pursuant to the West Chester Township Proposed Land Use Map, excluding any lot recorded for open space or greenbelt purposes.

31.03 CONDITIONAL USES. The following uses are principal conditional uses permitted only after approval by the Board of Zoning Appeals, pursuant to the standards and procedures set forth in Article 8, Subsection 8.054.

31.031 Attached or detached single- or multi-family dwellings. The density of multi-family dwellings in the Central Business District shall be determined by the Board of Zoning Appeals pursuant to Article 8.054 and not necessarily restricted to the development standards of the R-4 (Multiple Family) District.

31.04 ACCESSORY USES. Accessory uses and structures shall be permitted as of right, provided they comply with the requirements of Article 10, Subsection 10.14 and all other requirements of this Article or other applicable requirements of the Resolution.

31.041 All accessory structures shall be constructed of the same materials used on the majority of the principal structure.

31.05 PROHIBITED USES. Uses not specifically listed as permitted by this district may be permitted if determined by the Board of Zoning Appeals pursuant to Article 8, Subsection 8.052 to be of the same general character of the above permitted use.

31.06 DEVELOPMENT STANDARDS. In addition to the General Provisions, as set forth in Article 10, and the General Provisions for the Central Business District, as set forth in Article 30, the following standards for arrangement and

development of land and buildings are required in the CBD Central Business District.

31.061 HEIGHT REGULATIONS. No structure shall exceed one hundred twenty (120) feet in height, except as provided in Article 10, Subsection 10.21.

31.062 AREA, FRONTAGE AND YARD REQUIREMENTS. The following minimum area, frontage, and yard requirements shall apply to each principal building or structure (See Figure 3 in Graphic Appendix), provided that in all cases where a CBD District is located within a Road Corridor Overlay District, the area requirements of the Road Corridor Overlay District shall apply.

Lot Areas	Lot Frontage	Street Frontage	Pavement Setback from Right-of-way	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
One (1) Acre	None	Dedicated Roads	25 ft.	50 ft.	15 ft.	35 ft.	75 %

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ARTICLE 32
SEXUALLY ORIENTED BUSINESSES

32.01 DEFINITIONS

a) As used in this Article:

1) "ADULT BOOKSTORE," "ADULT CABARET," "ADULT MOTION PICTURE THEATER," "ADULT VIDEO STORE," "SEXUAL DEVICE SHOP," AND "SEXUAL ENCOUNTER CENTER" have the same meanings as in Section 2907.40 of the Revised Code; and

2) "ADULT ARCADE," "ADULT ENTERTAINMENT," "ADULT ENTERTAINMENT ESTABLISHMENT," "ADULT NOVELTY STORE," "ADULT THEATER," "NUDE OR SEMINUDE MODEL STUDIO," AND "SEXUAL ENCOUNTER ESTABLISHMENT" have the same meanings as in Section 2907.39 of the Revised Code.

b) "ESTABLISHED" means and includes any of the following:

1) The opening or commencement of any Sexually Oriented Business as a new business; or

2) The conversion of an existing business, whether or not a Sexually Oriented Business, to any Sexually Oriented Business; or

3) The addition of any Sexually Oriented Business to any other existing Sexually Oriented Business; or

4) The relocation of any Sexually Oriented Business.

c) "PREMISES" means the real property on which the Sexually Oriented Business is located and all appurtenances to the real property, including, but not limited, to the Sexually Oriented Business, the grounds, private walkways, and parking lots or parking garages adjacent to the real property under the ownership, control, or supervision of the owner or operator of the Sexually Oriented Business.

d) "SEXUALLY ORIENTED BUSINESS" means an adult arcade, adult bookstore, adult cabaret, adult entertainment establishment, adult motion picture theater, adult novelty store, adult theater, adult video store, nude or semi-nude model studio, sexual device shop, sexual encounter center, and sexual encounter establishment, as defined by Section 32.01, sub-section a) of this Article, but does not include a business solely by reason of its showing, selling, or renting materials that may depict sex.

e) "SUBSTANTIALLY ENLARGED" means an increase in the floor area occupied by a Sexually Oriented Business by twenty-five percent (25%) or more. For a Sexually Oriented Business that is lawfully operating on the date this Resolution takes effect, the increase shall be measured from the floor area that is occupied by the Sexually Oriented Business on the date this Resolution takes effect. For a Sexually Oriented Business that begins operating as a

lawful Sexually Oriented Business after the date this Resolution takes effect, the increase shall be measured from the floor area that is occupied by the Sexually Oriented Business on the date the Sexually Oriented Business receives its initial license under this Resolution.

32.02 LOCATION OF SEXUALLY ORIENTED BUSINESSES.

a) A Sexually Oriented Business may be located only in accordance with the restrictions contained in b) through l) below.

b) A Sexually Oriented Business may be located only in a Sexually Oriented Business Overlay District.

c) A Sexually Oriented Business Overlay District is hereby established comprising those portions of the B-2 and M-1 Zoning Districts located south of the centerline of Port Union Road and West of the centerline of Princeton-Glendale Road (SR 747).

d) No Sexually Oriented Business may be established within 500 feet of:

1) A church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities;

2) A public or private educational facility including but not limited to kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, public vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities which have students regularly attending classes and which either teach an elementary education or secondary education curriculum that is the same as or comparable to that commonly taught in the public schools of the state of Ohio, or regularly confer Associate, Baccalaureate, Master, or Doctorate degrees to graduates; school includes the school grounds, but does not include facilities used primarily for another purpose and only incidentally as a school;

3) Child day care facilities, nursery schools and preschools, where children from the age of one (1) year old or less to twelve (12) years old are regularly in attendance;

4) A boundary of a residential district as shown on the Zoning Map;

5) A public park or recreational area which has been designated for park or recreational activities 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 public land within the Township which is under the control, operation, or management of either the Township or which is operated or managed by another public entity.

e) No Sexually Oriented Business may be established within 500 feet of the property line of a lot regulated as a lawful non-conforming residential use as defined in the Zoning Resolution.

f) No Sexually Oriented Business may be established on a parcel any portion of which is within one hundred fifty (150) feet of the right-of-way line of Princeton-Glendale Road (SR 747).

g) No Sexually Oriented Business may be established on a parcel any portion of which is within one hundred fifty (150) feet of the right-of-way line of Port Union Road.

h) No Sexually Oriented Business may be established, operated or substantially enlarged within 500 feet of another Sexually Oriented Business.

i) Not more than one Sexually Oriented Business shall be established or operated in the same building, structure, or portion thereof, and the floor area of any Sexually Oriented Business in any building, structure, or portion thereof containing another Sexually Oriented business may not be increased.

j) For the purpose of subsections d) and e) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the principal building or structure, or tenant space if located in a multi-tenant building, used as the part of the premises where a Sexually Oriented Business is operated, to the nearest property line of the premises of a use listed in subsection d) and e).

k) For the purpose of subsection f) of this Section, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the right-of-way line of Princeton-Glendale Road (SR 747) to the nearest property line of the parcel.

l) For purposes of subsection g) of this Section, the distance between any two Sexually Oriented Businesses shall be measured in a straight line, without regard to the intervening structures or objects, from the closest exterior wall of the structure, or tenant space if located in a multi-tenant building, in which each business is located.

m) No sexually oriented business that was in compliance with the above locational restrictions at the time that it received a zoning certificate will be subsequently found not to be in compliance if, subsequent to the sexually oriented business receiving a zoning certificate, a use listed in subsection d) is newly established or expands so as to be within 500 feet of the sexually oriented business.

32.03 ADDITIONAL REGULATIONS CONCERNING LOT, YARD, HEIGHT, PARKING, BUILDING AND SITE DESIGN STANDARDS, AND SITE DEVELOPMENT PLAN REQUIREMENTS.

a) Lot area and width, setbacks, buffering, yard area, height provisions and other site development requirements for a Sexually Oriented Business are those specified in the “M-1” and “B-2” districts of the Zoning Resolution.

b) Parking requirements for an Adult Cabaret or any other Sexually Oriented Business that features live entertainment shall be those provided for under Zoning Resolution Article 20 "Restaurant."

c) Parking requirements for all other Sexually Oriented Businesses shall be those provided for under Zoning Resolution Article 20 "Convenience and Personal Services Uses."

32.04 SIGN REGULATIONS FOR SEXUALLY ORIENTED BUSINESSES.

a) All signs shall be “building signs” as defined and regulated in the Zoning Resolution, but in no event shall the maximum allowable sign area exceed 40 square feet. Any address sign area shall be included in the maximum sign area calculation.

b) Review and approval procedures for a sign permit for a Sexually Oriented Business shall be in accordance with the Zoning Resolution.

c) No merchandise or pictures of the products or entertainment on the premises shall be displayed in window areas or any area where they can be viewed from the sidewalk or street in front of the building.

d) Window areas shall not be covered or made opaque in any way. No signs shall be placed in any window. A one square foot sign may be placed on the door to state hours of operation and admittance to adults only

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ARTICLE 33
OLDE WEST CHESTER
ROAD CORRIDOR OVERLAY DISTRICT

33.01 PURPOSE. The Olde West Chester Road Corridor Overlay District ("Overlay District") supplements the standards of the underlying zoning district to provide development provisions which assure compatibility with the unique natural and physical characteristics of the area and achieve a desired character which promotes the public, health, safety, and general welfare of the residents and property owners.

33.02 ZONING CODE AND ARCHITECTURAL ADVISORY GUIDELINES PROVISIONS APPLY. This Article shall serve as the governing regulations for the Overlay District pursuant to subsection 27.07, and replaces prior regulations contained in the Olde West Chester Road Corridor Overlay Plan at pp. 24--35. These Overlay District regulations shall apply to property contained in the Overlay District as shown on the zoning map. All provisions of the West Chester Township Zoning Resolution shall also apply, unless the provisions of the Overlay District specifically address otherwise. All provisions of the Olde West Chester Architectural Advisory Guidelines shall also apply to property contained within the Overlay District.

33.03 EXEMPT AND EXISTING USES.

33.031 Any building, structure, or the use thereof, legally existing at the time this Overlay District becomes effective, may be continued as a legal non-conforming use, building, or structure, even though such use, building, or structure may not conform with the provisions of this Overlay District.

33.032 The Overlay District provisions and Olde West Chester Architectural Advisory Guidelines shall not apply to properties used exclusively for single-family, two-family, and three-family dwellings and related accessory uses, nor to agricultural uses and related structures.

33.033 Height, area, frontage, and yard requirements for existing buildings on existing lots of record shall be permitted to be maintained at the current as built dimensions. Such provision shall also apply to all buildings and structures involving a change of use.

33.04 PRINCIPAL PERMITTED USES. The following uses are permitted if it is determined to be consistent with the intent of this Road Corridor Overlay District pursuant to the requirements and process defined in this article.

33.041 Any Principal Permitted Use of the B-1 District.

33.05 CONDITIONAL USES. The following uses may be conditionally permitted if it is determined to be consistent with the intent of this Road Corridor Overlay District pursuant to the process defined in this article.

33.051 Any Principal Permitted Use or Conditional Use of the B-2 District, but not on properties zoned B-1.

33.06 TYPE OF CHANGES.

33.061 Minor Maintenance/Improvement. 1)Typical and ongoing repairs to grounds or structures in order to preserve the structure or property (spot painting, etc.); 2)Minimal replacement of damaged items to match original conditions (damaged/missing shingle replacement, chimney repair, broken window repair, damaged/dying landscaping, etc.); and 3)Installation or replacement of the following items, if it is consistent with the Architectural Requirements as defined in Section 33.07: mailbox, light fixtures, shutters, gutters, downspouts, landscaping, etc.

A permit is not necessary for Minor Maintenance/Improvement. However, property owners and tenants are encouraged to consult with Community Development Department staff prior to undertaking the Minor Maintenance/Improvement to confirm it is considered as such an improvement and to ensure that it complies with the Architectural Requirements defined in Section 33.07.

33.062 Minor Use Change. Change in the use of a property that is consistent with the Principally Permitted Uses that are defined in Section 33.04.

A permit is required for Minor Use Changes, which will be processed at the staff level. If other improvements are proposed in conjunction with the Minor Use Change, the appropriate process shall be followed for each improvement.

33.063 Staff Level Improvement. Any improvement that is consistent with the Design Criteria defined in Section 33.07 and the Access Management Requirements defined in Section 33.08.

A permit is required for Staff Level Improvements, which will be processed at the staff level. However, if at any time staff believes that a proposed improvement may have a potential negative impact on the structure, property or overlay district it may refer it to the Architectural Advisory Committee for review and approval under the procedure set forth in Section 33.09.

33.064 Board Level Improvement or Building Addition. 1) Any improvement that is not consistent with the Design Criteria defined in Section 33.07 or the Access Management Requirements defined in Section 33.08; or 2) Any addition to the principal structure that increases the interior square footage.

A permit is required for Board Level Improvements or Building Additions. Applications shall be submitted to the West Chester Architectural Advisory Committee for review and approval under the procedure set forth in Section 33.09.

33.065 Major Use Change. 1) New principal building construction; or 2)Conditional Uses as defined in Section 33.05.

A permit is required for Major Use Changes. Applications shall be submitted to the West Chester Zoning Commission for review and approval under the procedure set forth in Section 33.10.

33.066 Accessory Structures. A permit is required for accessory structures which will be processed at the staff level under Section 10.15. However, staff may refer highly visible or otherwise unusual accessory structures to the Architectural Advisory Committee for review and approval under the procedure set forth below.

33.07 DESIGN CRITERIA. The following architectural requirements shall only apply when a new principal structure is built or a substantial modification occurs that affects more than 25% of the specific architectural feature. The Olde West Chester Architectural Advisory Guidelines may be referenced for examples of the following architectural features:

33.071 Masonry and Siding. a)Any replacement masonry shall be similar in nature to the existing masonry with regard to color, texture and size; b)Painting masonry is not permitted; c)All siding shall be wood or composite material; and, d)Vinyl siding is not permitted.

33.072 Windows. The original windows shall be retained, if possible. Any replacement windows shall comply with the following: a) The original shape and configuration of window openings shall be maintained; and, b) The windows shall closely represent the original windows.

33.073 Doors. The original doors and entrance features shall be retained, if possible. Any replacement doors and entrance features shall comply with the following: a) The door shall be the same size and style of the original door; and, b)Metal and steel doors are not permitted.

33.074 Shutters. The original wood shutters shall be retained, if possible. Any replacement shutters shall comply with the following: a) The shutters shall be wood; and, b) The shutters shall be proportionate to the window size.

33.075 Porches and Decks. The original porches and decks shall be retained, if possible. Any replacement porches and decks shall comply with the following: a)The materials and design shall match and complement the character of the existing structure; b)Accessibility ramps shall also match the character of the existing structure; and, c)Aluminum and vinyl porch covers and outdoor carpeting are not permitted.

33.076 Painting. a)Any painting shall utilize a color from a “historic” type palette; b)Trim shall be painted in a contrasting complementary color; and, c)Any paint removal shall be done with caution due to the potential presence of lead-based paint.

33.077 Awnings. The use of awnings is encouraged, which shall comply with the following:

a) The material shall be fabric. Vinyl and plastic awnings are not permitted;

b) The awning style shall be complementary to the architectural character of the building; and,

c) The color shall be complementary to the building color.

33.078 Roofs. The original roof pitches and shapes shall be retained, if possible. Any replacement roofs shall comply with the following: a) Roof material shall be dimensional shingle, decorative metal, wood/shake shingles or slate; and, b) The color shall be complementary to the building color.

33.079 Sidewalks. All sidewalks along the frontage of a public roadway shall contain the decorative banding that is typical of Olde West Chester. The banding shall include a 16" stamped concrete section, which contains a red used brick style with an "old English basket weave" pattern between three 4' sidewalk panels (12' total).

33.0710 Landscaping. A variety of deciduous and evergreen plantings shall be required along the side of the building that faces the public right-of-way, which shall complement the architectural features of the building and contain a sufficient amount of plants, and height of plants, to "break up" the base of the building.

33.0711 Decorative/Retaining Walls, Fences and Railings. a)All decorative/retaining walls shall be constructed of natural materials such as standard brick, natural stone, tumbled concrete, etc.; b)All fences shall be wood picket fences with the finished side facing outward, or decorative metal. Privacy fences may only be approved in areas with limited public view. Chain link, split rail, vinyl and stockade fences are not permitted; and, c) All railings shall be decorative metal or wood when integrated with a wood porch or deck.

33.0712 Mailboxes. All mailboxes shall be decorative in nature and be complementary to the overall character of Olde West Chester.

33.0713 Light Fixtures. a)All light fixtures shall be complementary to and in scale with the overall design of the building and site; b)Up lighting fixtures may be permitted to highlight buildings, landscaping and signage if the light fixtures are hidden from view or blended into the landscaping and minimize the light spillover onto the public road; c)Elevated spotlights may be permitted at the rear of the building for security purposes, but shall be directed down and away from adjoining properties; and, d)Neon lighting is not permitted.

33.08 ACCESS MANAGEMENT REQUIREMENTS. The Olde West Chester Road Corridor Overlay Plan contains a "Proposed Access, Vehicular, Circulation and Parking" design that recommends a rear alley access drive with identified ingress/egress points along the primary roadways.

33.081 All Minor and Major Use Changes shall be required to work toward the accomplishment of this access plan according to the following guidelines:

33.082 If the subject property contains an identified ingress/egress point, the curb cut, internal access drive and rear alley access drive shall be installed immediately.

33.083 If there is a rear alley access drive on an adjoining property that provides direct access to the subject property, the rear alley access drive shall be extended onto the subject property and installed immediately. All other curb cuts shall be closed immediately.

33.084 If the subject property does not have direct access to an adjoining property via the rear alley access drive, the existing curb cut from the main roadway may be maintained as a temporary ingress/egress until permanent access to the rear alley access drive can be accomplished. However, a cross-access easement shall be recorded immediately in the location of the future rear alley access drive.

33.085 A cross-access easement shall be recorded for all rear alley access drives and identified ingress/egress points, which shall benefit all properties in the Olde West Chester Road Corridor Overlay District.

33.09 ARCHITECTURAL ADVISORY COMMITTEE REVIEW PROCEDURE

33.091 Prior to applying, applicants shall hold a pre-application meeting with staff.

33.092 Each application shall be accompanied by a completed form, and the application materials described on the form. To scale architectural elevations in 11” x 17” format showing the proposed design, features, and color must be included in the application.

33.093 The Architectural Advisory Committee shall meet monthly pursuant to a schedule of meetings and filing deadlines created by staff at the beginning of the year. All complete applications filed by the application deadline shall be heard at the corresponding meeting. Staff shall forward all applications to the committee members prior to the meeting.

33.094 The Architectural Advisory Committee shall hold a public meeting at which time the committee will hear from the applicant. No notice, other than to the applicant and that required for public meetings, need be given. The committee members shall discuss the project and provide feedback to the applicant.

33.095 Upon conclusion of the presentations and discussion, the committee shall adopt a motion approving or denying the application, or if the case involves a matter before the West Chester Zoning Commission, the motion shall be in the form of a recommendation with regard to the architectural elements. The committee’s decision shall be in conformance with the Olde West Chester Architectural Advisory Guidelines. The committee may attach conditions to any approval.

33.096 Staff decisions regarding the requirements of this overlay district may be appealed to the Architectural Advisory Committee.

33.10 ZONING COMMISSION REVIEW PROCEDURE

33.101 Prior to applying, applicants shall hold a pre-application meeting with staff.

33.102 Each application shall be accompanied by a completed application form, and the application materials described on the form. To scale drawings in 11" x 17" format including a site plan, landscaping plan, and architectural elevations showing the proposed design, features, and color must be included in the application.

33.103 The Zoning Commission shall hold a public meeting on each application pursuant to Zoning Resolution Article 7. However, prior to appearing before the Zoning Commission, the applicant shall meet with and obtain the Architectural Advisory Committee's recommendation pursuant to Section 33.09.

33.104 Staff shall forward all applications, a staff report and the Architectural Advisory Committee's recommendation to the commission members prior to the public meeting. In preparing its report, staff shall confer with other applicable agencies and incorporate their recommendations into the report.

33.105 The Zoning Commission shall study, and review applications to ensure the following specific conditions are met:

33.1051 The proposed internal vehicular circulation and parking plan for the site is consistent with the Access Management Plan of the Olde West Chester Road Corridor Overlay Plan and properly connects with the primary and secondary road network.

33.1052 The proposed architectural character, landscaping, scale, massing, and materials of the structure or building and exterior lighting is consistent with standards contained within the Olde West Chester Architectural Advisory Guidelines.

33.1053 The site plan contains elements and components which create an area of sustained desirability and stability and achieve the goals and objectives of the Olde West Chester Road Corridor Overlay Plan and the Olde West Chester Development Plan.

33.1054 The application is consistent with planned future public improvements necessary in the area.

33.1055 The proposed use does not employ process, equipment, or goods that are objectionable by reason of odor, dust, smoke, cinders, gas, fumes, vibration, refuse matter, water-carried waste, etc. Attention shall also be given to creating a mix of uses within the Overlay District to promote community vitality and avoid over-saturation of a particular use.

33.106 Upon conclusion of the presentations, comment and deliberations, the commission shall adopt a resolution of approval or motion of denial by no later than the next regularly scheduled meeting date. The commission's approval or denial shall take into account all aspects of the application, including but not limited to site layout, landscaping, building appearance, access, circulation, and use compatibility within Olde West Chester. The commission shall further take into account the recommendation of the Architectural Advisory Committee and those recommendations contained in the Olde West Chester Development Plan and the Olde West Chester Road Corridor Overlay Plan. The commission may attach conditions to any approval.

33.107 Architectural Advisory Committee decisions regarding the requirements of this overlay district may be appealed to the Zoning Commission.

33. 11 ZONING CERTIFICATE REQUIRED.

Pursuant to Section 5.02, zoning certificates shall be required for work or new uses within the Overlay District as in any other zoning district. After receiving approval from the Zoning Commission or Architectural Advisory Committee, the applicant shall then apply for and receive a zoning certificate prior to commencing any work or use. If approval by the Zoning Commission or Architectural Advisory committee is not required, the applicant may apply immediately for a zoning certificate. Pursuant to Section 5.05, a Final Inspection Certificate shall be obtained prior to occupancy or as otherwise required under that Section.

33.12 MODIFICATIONS AND OTHER USES

33.121 Modifications. For matters before the Zoning Commission or Architectural Advisory Committee under the above Overlay District procedures, those boards may grant minor area modifications from the terms of the underlying zoning district or the Overlay District if such modifications do not create a safety hazard and are in keeping with the character of Olde West Chester. Board members should reference the review standards of Section 8.053 to determine if such approval is appropriate. Those boards may also grant a variance from the Design Criteria of Section 33.07 and Sign Requirements of Section 33.16 if it is in keeping with the character of Olde West Chester.

33.122 Conditional and Special Exceptions Uses. The Zoning Commission may approve uses like those authorized as a Conditional Use or Special Exception under the underlying zoning district if reviewed in association with the above Overlay District procedures. Commission members should reference the review standards of Section 8.054 to determine if such approval is appropriate.

33.123 Other Uses. Uses not specifically listed as permitted, conditional, or special exception by the underlying zoning district are prohibited. When conducting a review under the above Overlay District procedures, the Zoning Commission may authorize a use determined to be of the same character as the principally

permitted, conditional, or special exception uses of the specific underlying zoning district. Commission members should reference standards of Section 8.052 to determine if such approval is appropriate.

33.13 MISCELLANEOUS

33.131 A dwelling unit shall be permitted, as of right, in all the underlying Business Districts of the Overlay District when secondary to the principal permitted commercial use.

33.132 All business, service or processing shall be conducted within a completely enclosed building, except for off-street automobile parking and off-street loading specifically permitted by the District where it is located or if granted by special exception by the Board of Zoning Appeals.

33.133 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, noise, vibration, refuse matter or water-carried waste.

33.134 Sidewalks. Sidewalks shall be required for all portions of a parcel which front along a public street and shall be constructed in accordance with Butler County Engineer standards.

33.135 Outdoor storage and display. No outside storage of any kind, excluding dumpsters, shall be permitted. Limited outdoor display of merchandise currently for sale is authorized provided such display does not last overnight. Such display shall not interfere with pedestrian access and shall not exceed ten (10) percent of the principal building's interior floor space occupied by that business.

33.136 Dumpsters. All dumpsters and trash containers must be completely screened by a fence, wall, or earth berm of not less than six (6) feet, or more than eight (8) feet in height on at least three sides. Such screening shall be maintained in good condition without any form of advertising thereon. The side of the enclosure used for access shall be equipped with gates, so the dumpster can be fully enclosed.

33.137 Fences. Fences may be located as authorized by the West Chester Architectural Advisory Committee or the West Chester Zoning Commission. Fences authorized in a side or rear yard shall not exceed six (6) feet in height above the elevation of the surface of the ground and fences authorized in a front yard shall not exceed four (4) feet in height above the elevation of the surface of the ground.

33.138 Recreational vehicles, campers, watercraft or commercial vehicles shall be stored within a fully enclosed building. All such vehicles and equipment shall be free of fixed connections to water, gas, or sanitary sewer facilities, and at no time be used for living or housekeeping purposes.

33.14 OFF-STREET PARKING.

Requirements for off-street parking and the specific numbers of spaces required for each use within the Overlay District shall be pursuant to Article 10, subsection 10.18 of the West Chester Township Zoning Resolution, with the following exceptions:

33.141 Required off-street parking spaces shall not be required to be located on the same parcel as the principal use served, provided the required number of spaces can be accommodated within three hundred (300) feet of the parcel.

33.142 Uses which utilize private common parking areas referred to in subsection 33.111 must demonstrate that legal rights of easement exist and have been recorded to permit the use of the required number of parking spaces on the adjacent or surrounding property. This documentation shall be provided to Community Development Department staff before a Zoning Certificate is issued for said use.

33.143 Uses which utilize public off-street parking areas referred to in subsection 33.111 shall be reviewed by the Zoning Commission or Community Development Department staff, as applicable, to determine if adequate space exists, before a Zoning Certificate is issued for said use.

33.15 OFF-STREET LOADING.

Each building or part thereof erected for uses which customarily receive or distribute material or merchandise shall comply with Article 20, subsection 20.8 of the West Chester Township Zoning Resolution with the following exceptions:

33.151 Required off-street loading spaces shall not be required to be located on the same parcel as the specific uses to be served, provided said loading space can be accommodated within one hundred and fifty (150) feet of said use and further provided that the documentation of legal right of easement has been provided to Community Development Department staff.

33.16 SIGNS.

The following provisions apply to all signs in the Overlay District. Specific setback and location requirements as well as other requirements for signs are included with each permitted sign type.

33.161 Prohibited Signs. In addition to prohibitions stated elsewhere in this Zoning Resolution, the following types of signs are specifically prohibited in the Overlay District:

33.1611 Billboard signs

33.1612 Pole Signs

33.162 Reader Boards for Changeable Copy Permitted. Reader boards which allow changeable copy may be authorized by the Architectural Advisory Committee or

the Zoning Commission and are considered as part of the permitted display area of a sign. Signs which employ electronic message changes are prohibited.

33.163 Freestanding Signs. Freestanding signs, accessory to a business use, located on the premise are permitted in the form of a ground-mounted sign, subject to the following requirements.

33.1631 All such signs shall conform to the following maximum display area requirements:

Frontage Along Public Street Right-of-way	Permitted Square Feet of Display Area
0 - 150 ft.	32 sq. ft.
151 +	48 sq. ft.

Total Square Footage of Principal Building	Permitted Square Feet of Display Area
0 - 5,000 sq. ft.	32 sq. ft.
5,000 sq. ft. +	48 sq. ft.

The following requirements shall apply only to those parcels which have no frontage on a public dedicated street:

33.1632 Such signs shall be limited to one sign per parcel.

33.1633 All such signs shall set back a minimum of five (5) feet from any street right-of-way or adjoining property line and conform with Article 10, subsection 10.16, of the West Chester Township Zoning Resolution, regarding traffic visibility.

33.1634 No such signs or any portion of the structure they may be integral with, shall exceed eight (8) feet from grade.

33.1635 No such sign shall be internally illuminated.

33.1636 Such sign shall be a sandblasted type sign, which may be constructed with a composite material that has a sandblasted appearance.

33.1637 Such sign shall be located in either an “O” or “B” underlying zoning district of the West Chester Township Zoning Resolution.

33.164 Building Signs. In addition to the above mentioned ground-mounted freestanding signs, commercial buildings may also contain: wall (integral or attached), projecting, or awning signs which are accessory to the business or use located on the premise. Such signs shall be subject to the following requirements:

33.1641 The total amount of square feet permitted for such signs shall not exceed two percent (2%) of the total square footage of the front building wall elevation. Corner or double frontage lots shall be permitted two percent (2%) of the total square footage of each front building wall elevation and shall not be cumulative.

33.1642 No sign shall project more than four (4) feet beyond any building or roof line.

33.1643 No such sign shall be internally illuminated, except for awning signs.

33.1644 Except for awning signs, such sign shall be a sandblasted type sign, which may be constructed with a composite material that has a sandblasted appearance.

33.1645 Such sign shall be located in either an "O" or "B" underlying zoning district of the West Chester Township Zoning Resolution.

33.17 DEVELOPMENT STANDARDS. The following standards shall supersede the development standards provided for by the underlying zoning district.

33.171 No structure shall exceed thirty-five (35) feet in height.

33.172 The following minimum area, frontage, and yard requirements shall apply to each new principal building or structure within the Overlay District:

Lot Areas	Lot Frontage	Front Yard Depth	Each Side Yard	Rear Yard Depth	Lot Coverage
6,000 sq. ft.	None	10 ft.	5 ft.	20 ft.	80%

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2	Rear	
2	Side	
2	Front	
2	Panhandle Lot	Definitions
2	Lot Width	Definitions
2	Lot Coverage	Definitions
3	Lot Frontage	Definitions
3	Front Yard	Definitions
3	Side Yard	Definitions
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5	Traffic Visibility across Corner Lot	10.16
5	Double Frontage Lot	10.241
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15	Fence & Wall Requirements	30.071
16	Union Centre Logo Requirements	30.142a

FIGURE 1:
EXTENSION OF ZONING DISTRICT USE

Section 4.04

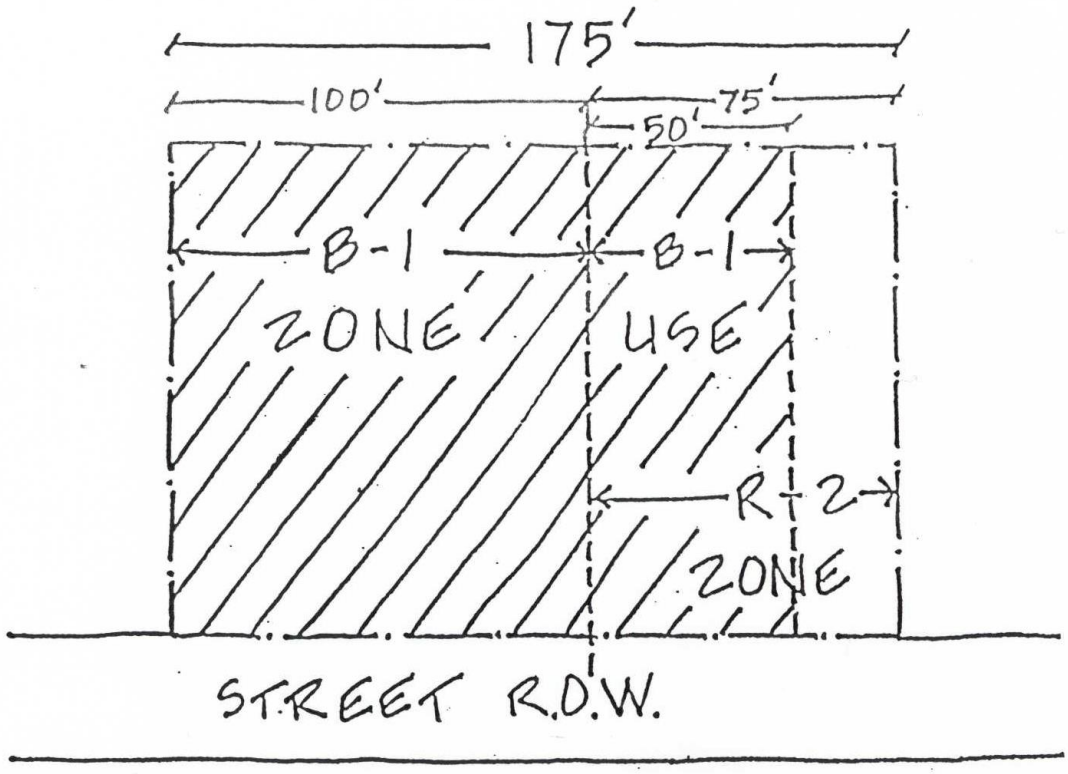


FIGURE 2: DEFINITIONS

Interior Lot
Lot Area
Lot Depth
Lot Lines
Rear
Side
Front
Panhandle Lot
Lot Width
Lot Coverage

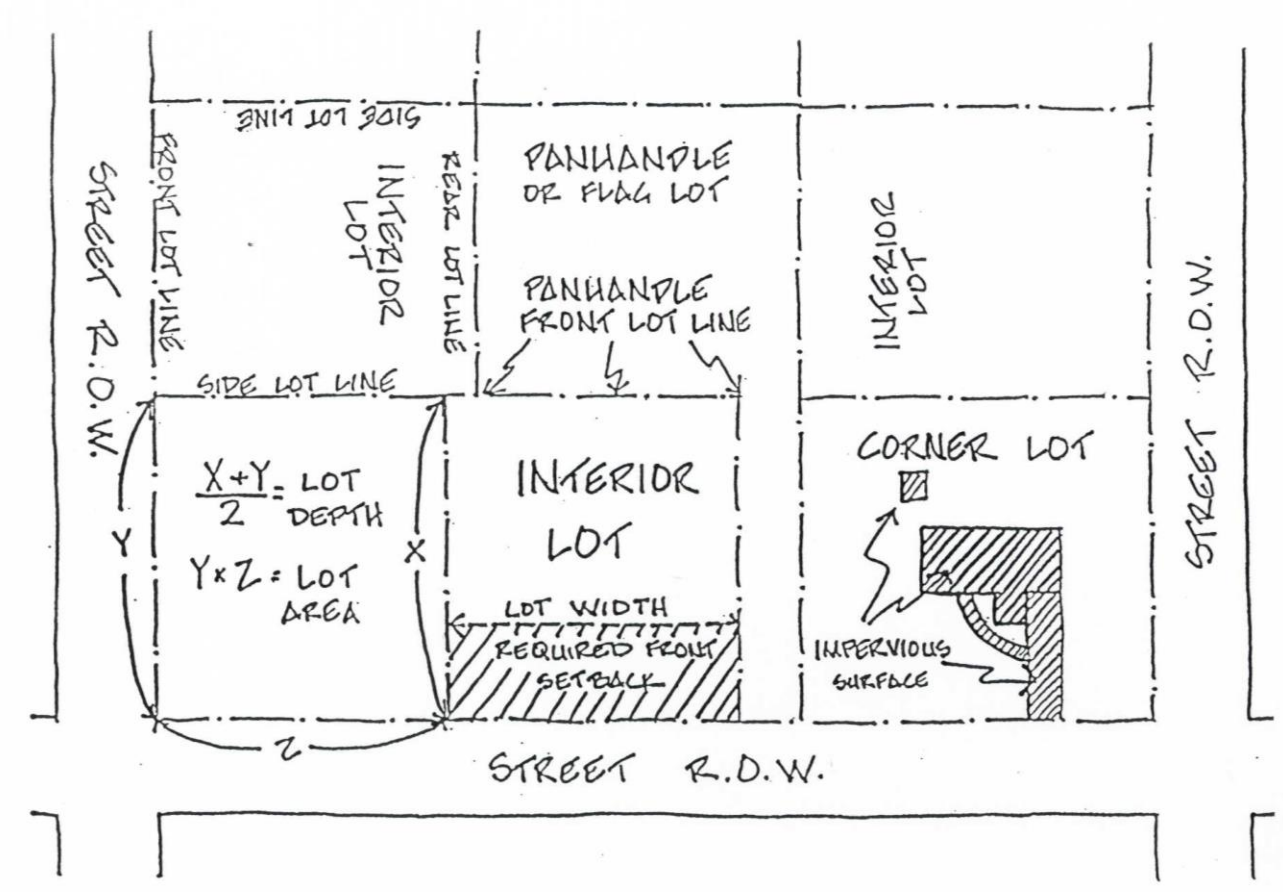


FIGURE 3:
DEFINITIONS

Lot Frontage
Front Yard
Side Yard
Rear Yard
Yard Requirement
Front Yard Depth
Rear Yard Depth
Each Side Yard

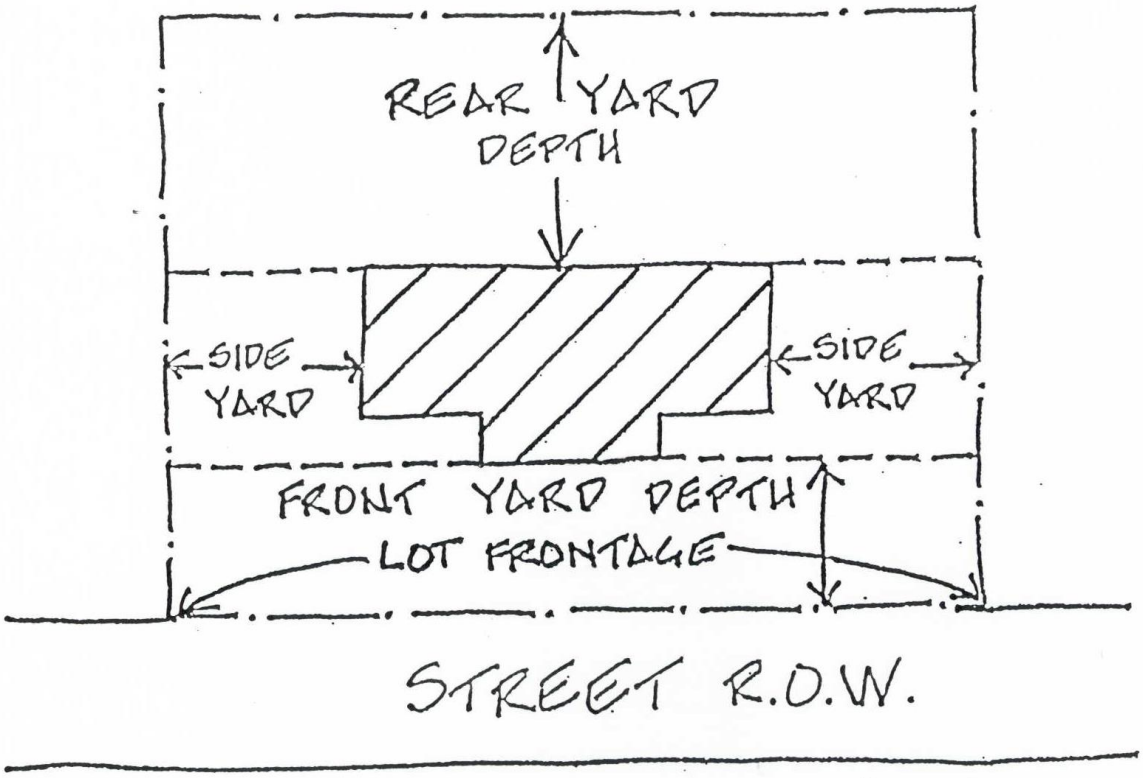


FIGURE 4:
OFF STREET PARKING

Section 10.17

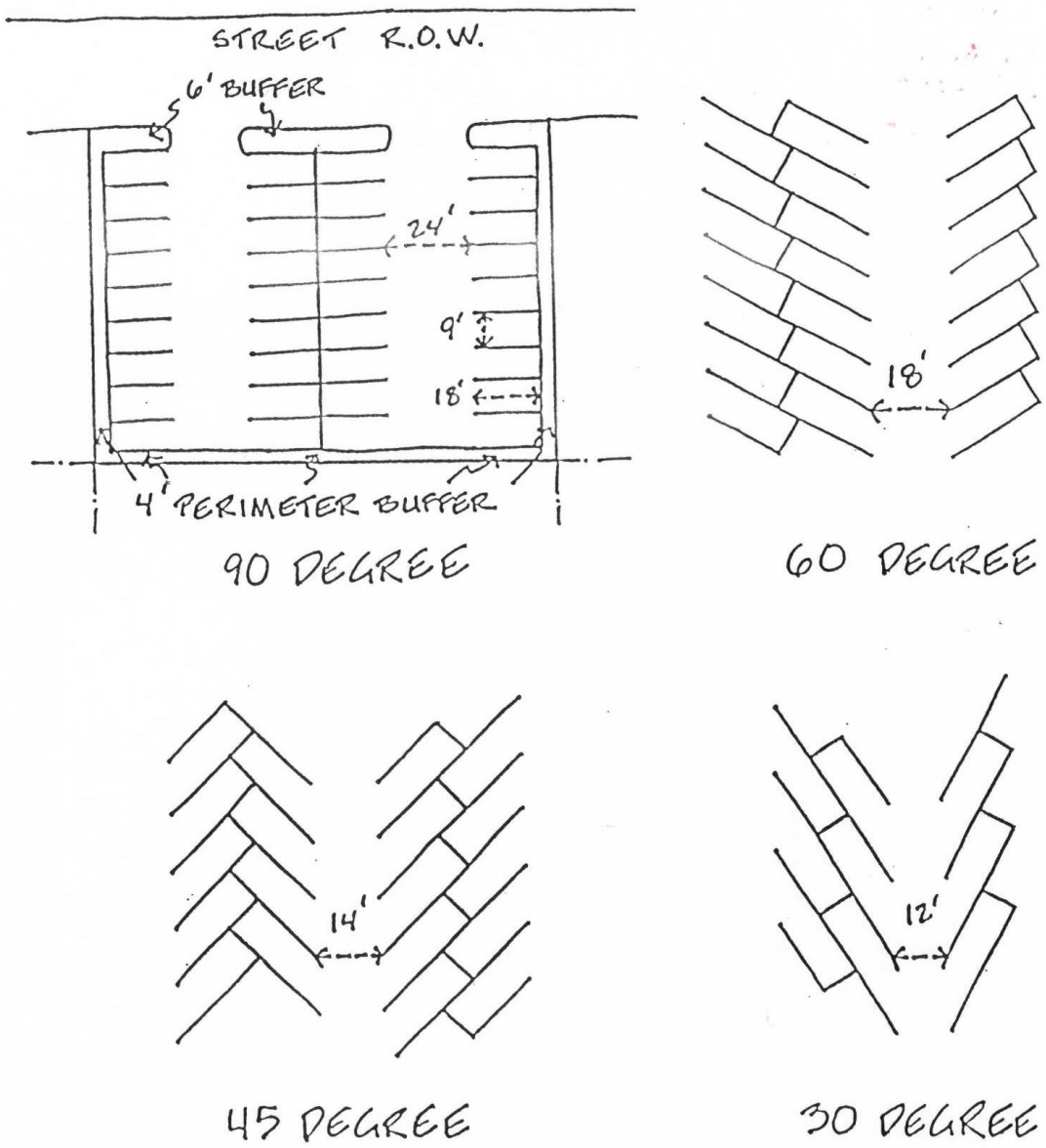
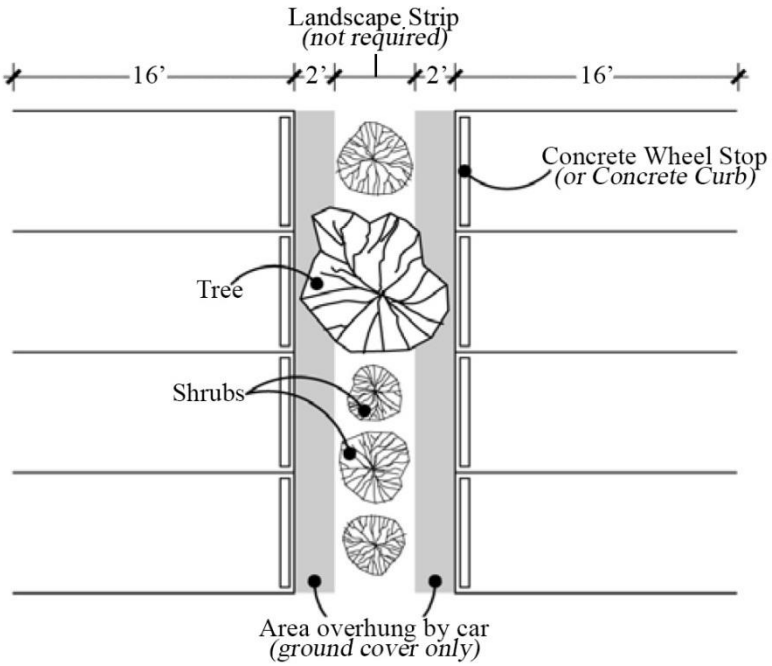


FIGURE 4:
OFF STREET PARKING

Section 10.1793



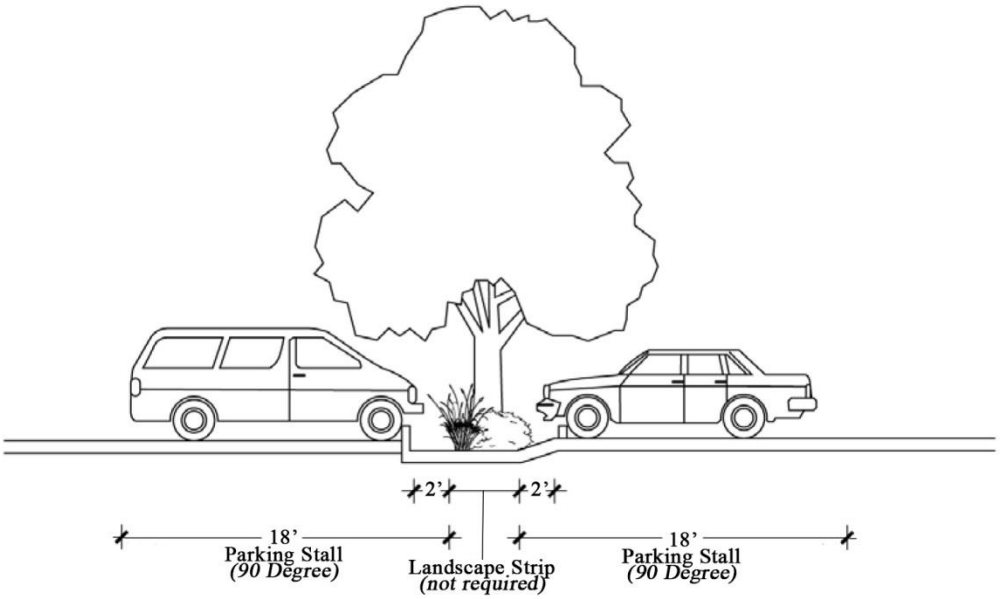
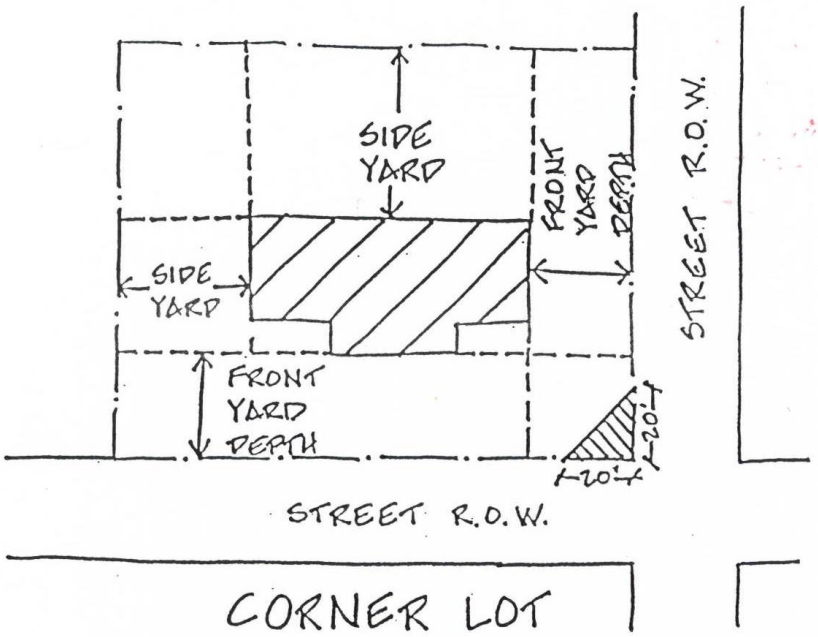


FIGURE 5:

Corner Lot	10.24
Traffic Visibility Across Corner Lot	10.16
Double Frontage Lot	10.241



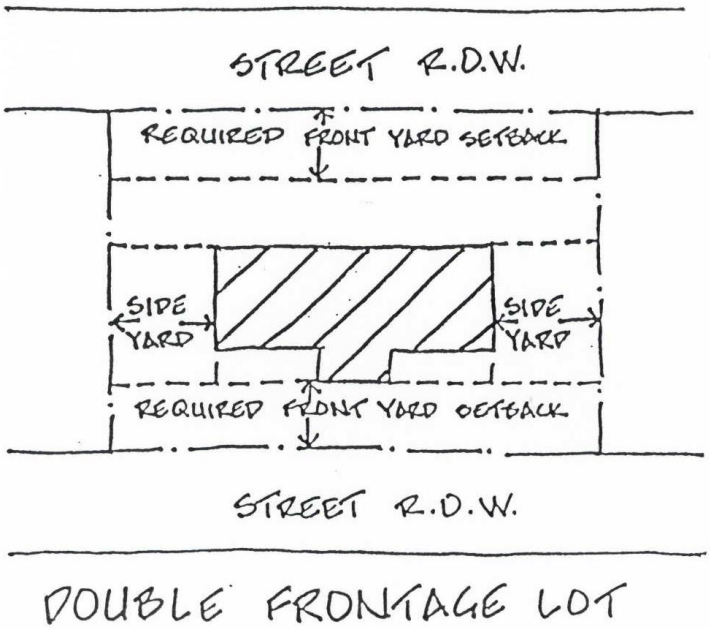


FIGURE 6:
LOT FRONTAGE ON A CUL-DE-SAC OR CURVED ROAD

Section 11.021

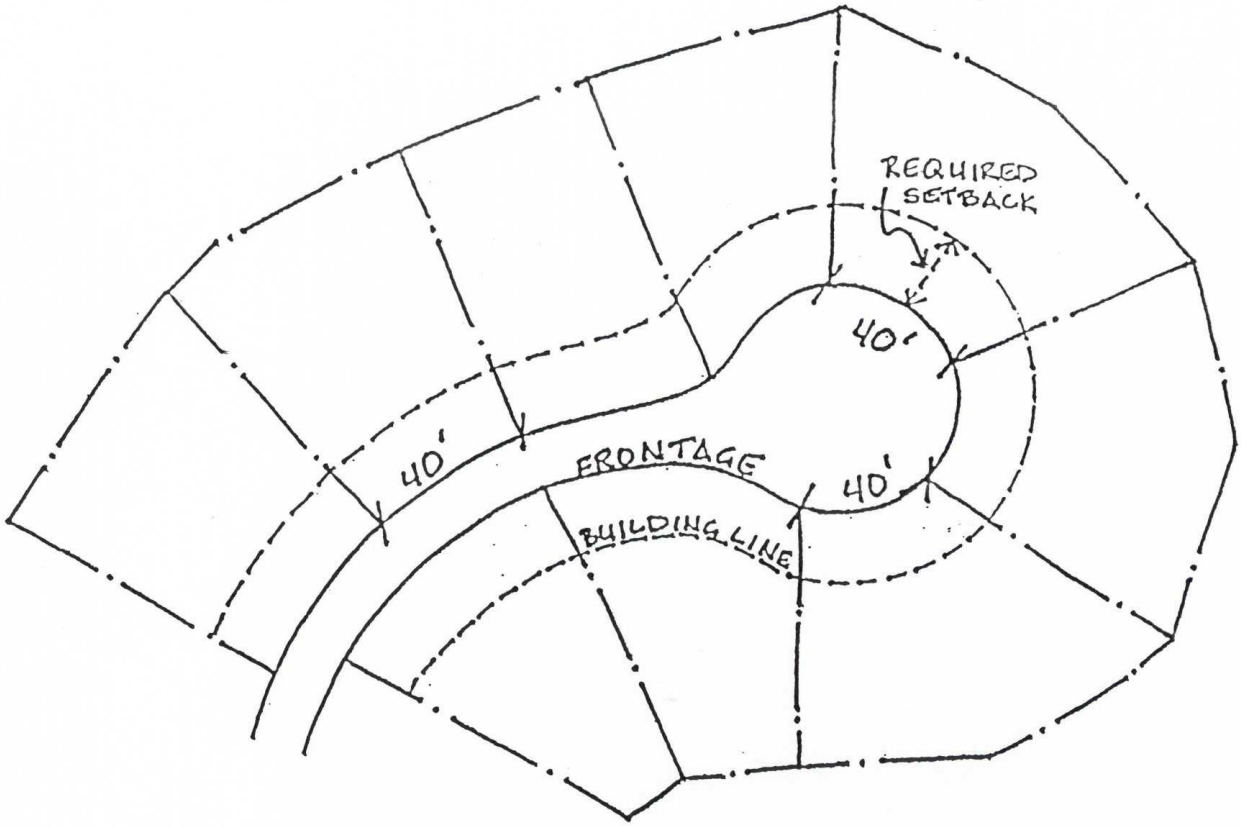


FIGURE 7:
PANHANDLE LOT REQUIREMENTS

Section 11.022, 11.0221

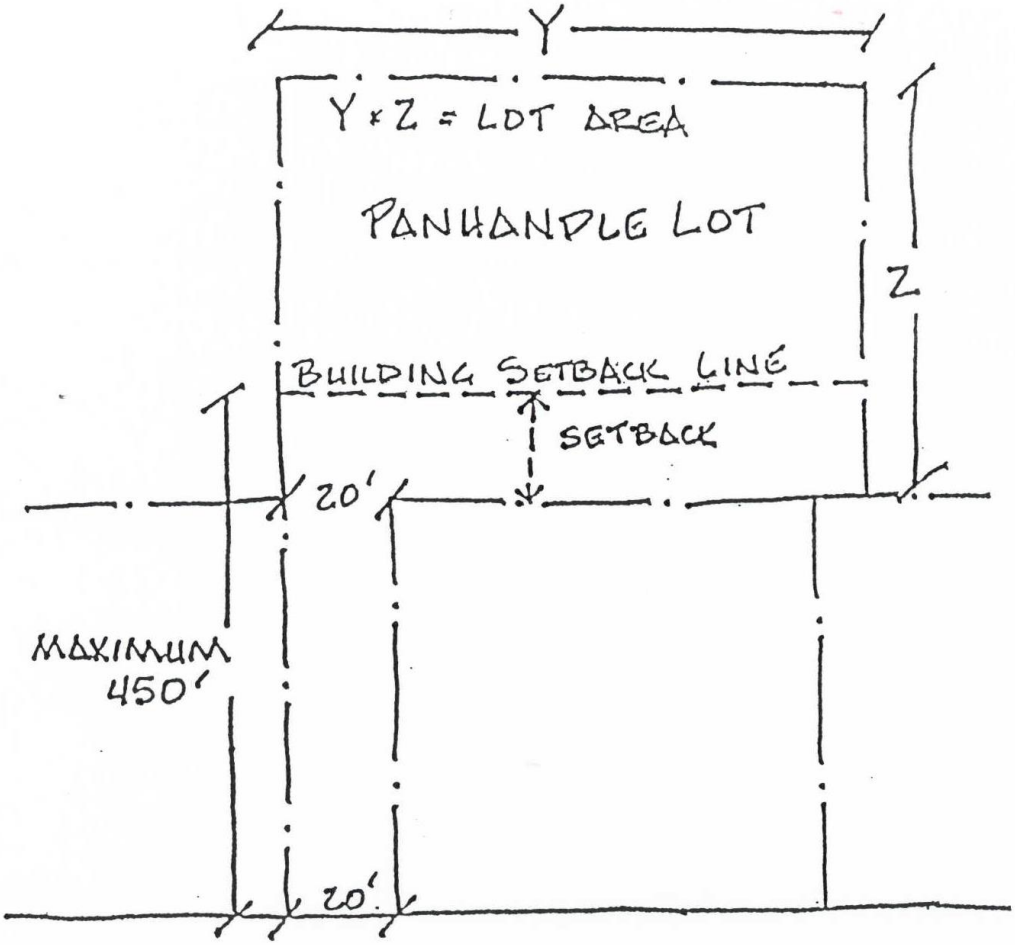


FIGURE 8:
LIMITED-ACCESS OR INTERSTATE ROADWAY FRONTAGE FOR RESIDENTIAL PROPERTIES

Section 11.023

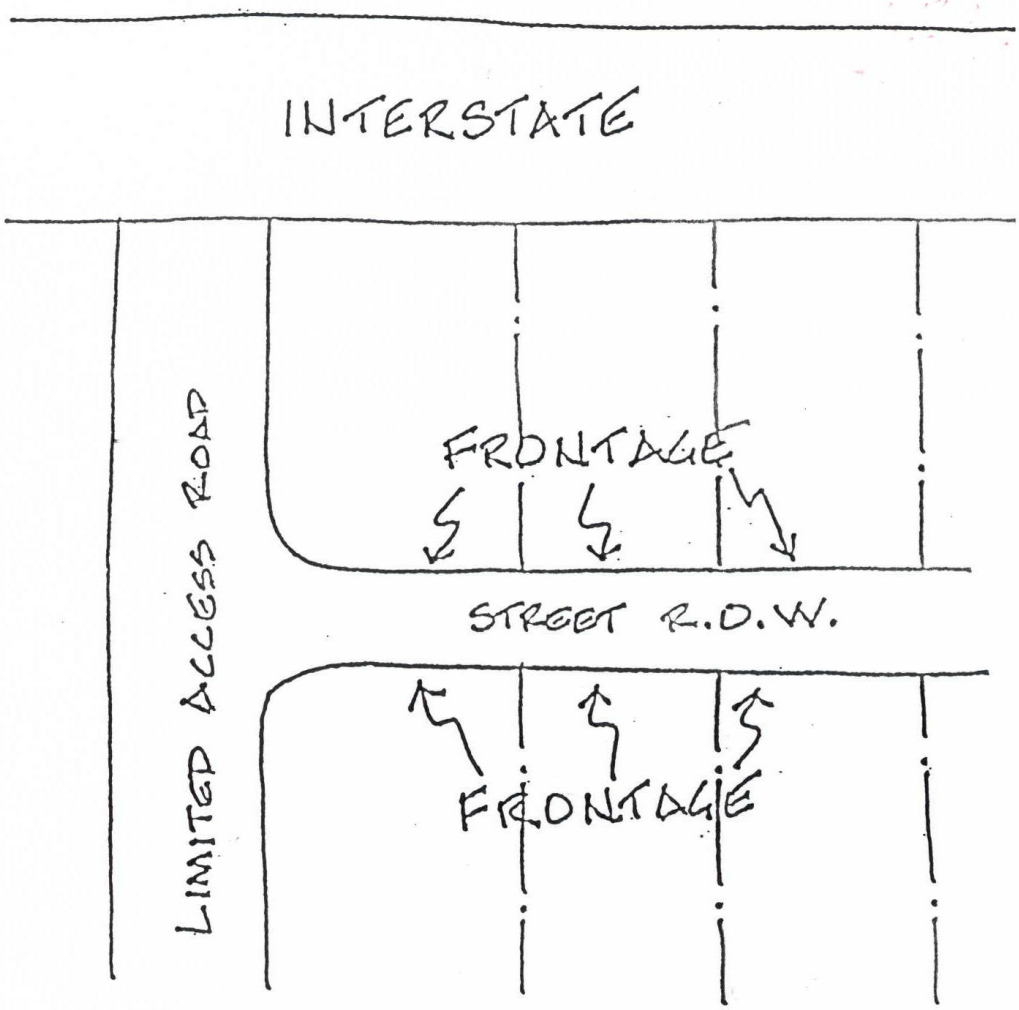


FIGURE 9:
MULTIPLE OCCUPANCIES / USES PERMITTED

Section 20.02

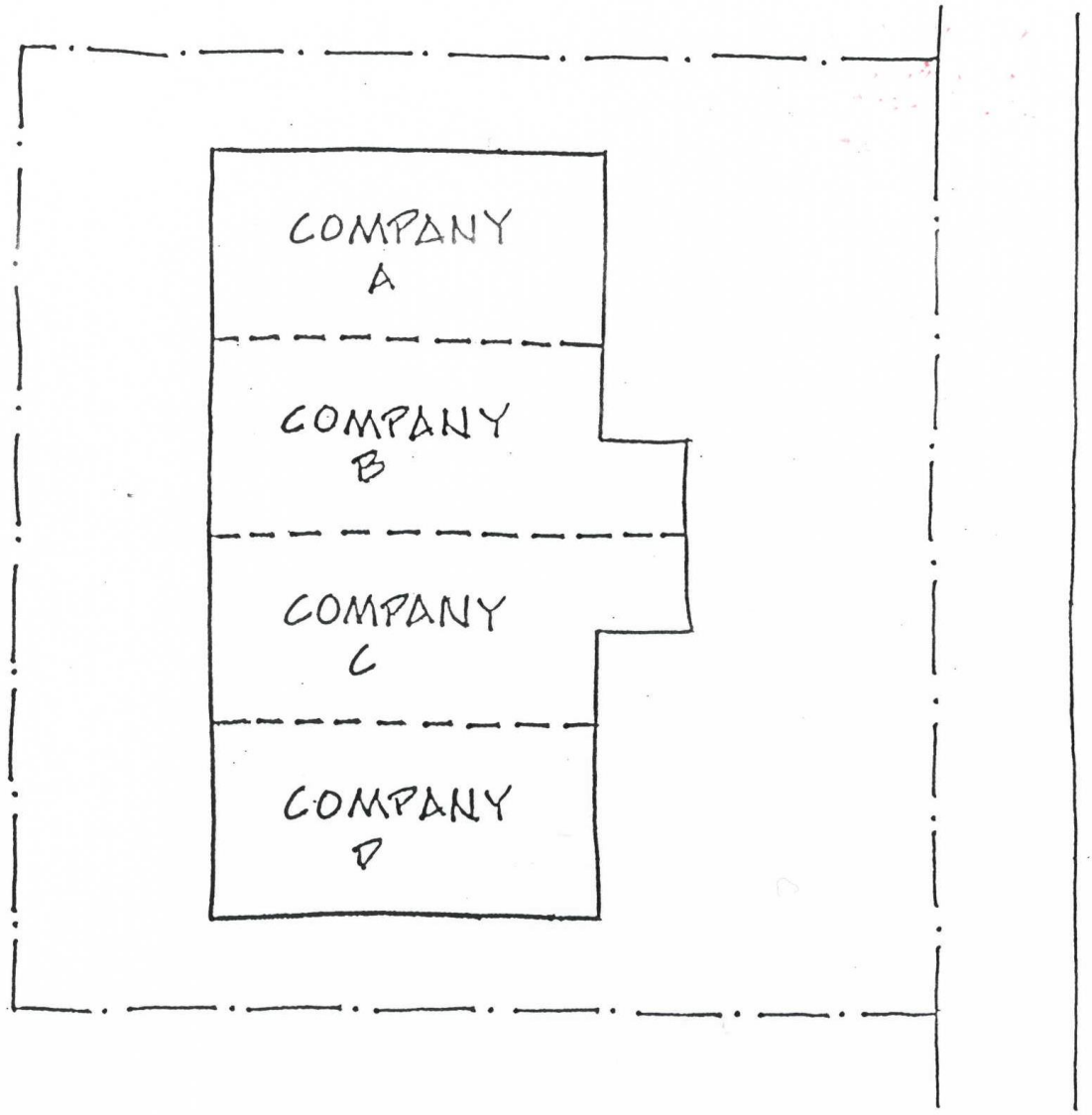


FIGURE 10:
PRINCIPLE BUILDING GROUPS PERMITTED

Section 23.03

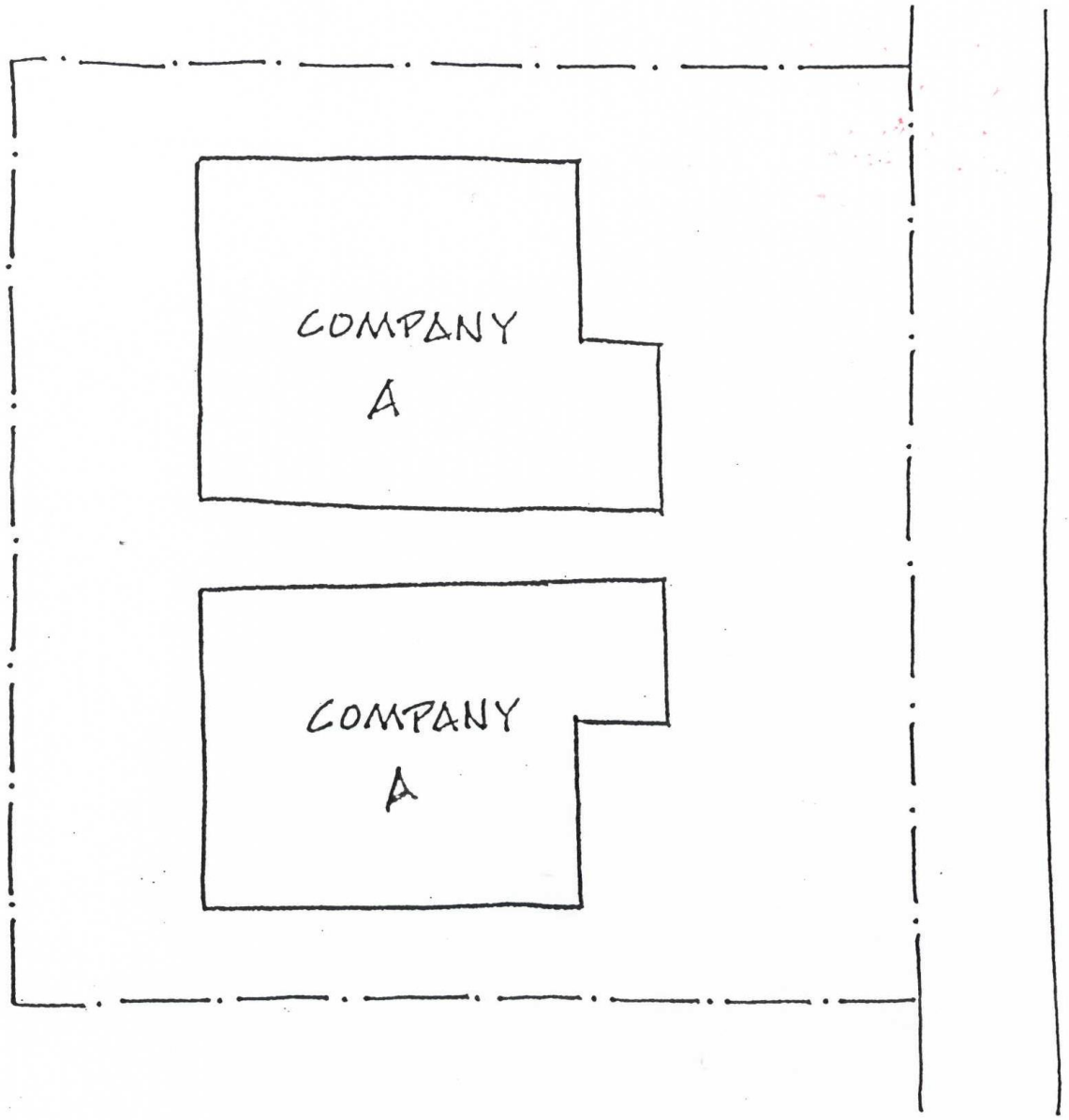


FIGURE 11:
SIGN DISPLAY AREA CALCULATION FOR CORNER LOTS

Section 20.0913

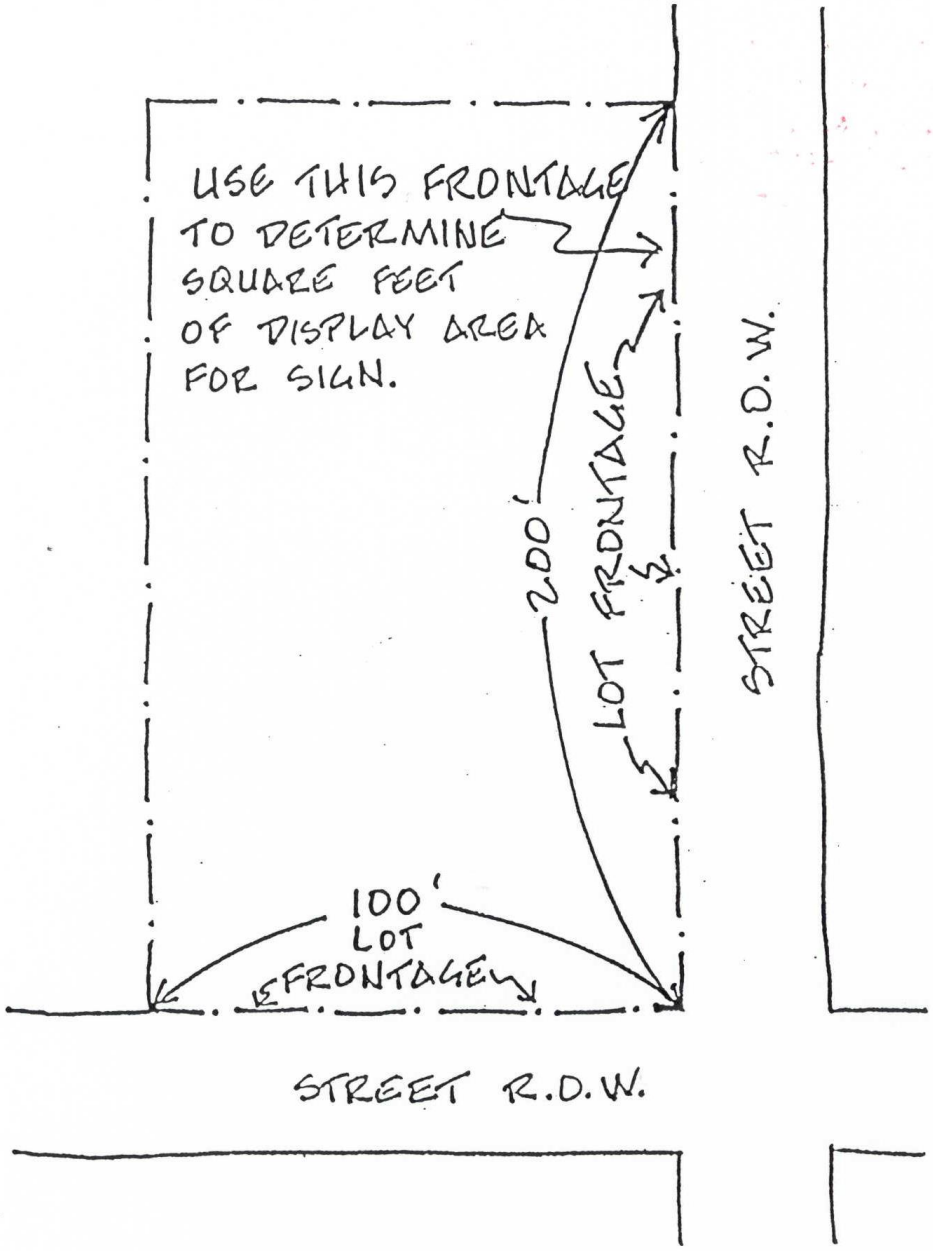
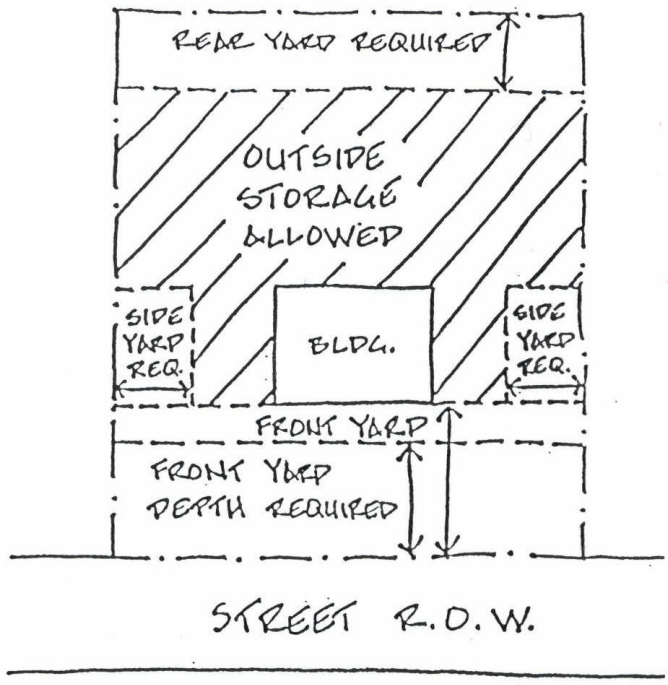


FIGURE 12:
OUTSIDE STORAGE

Section 23.04



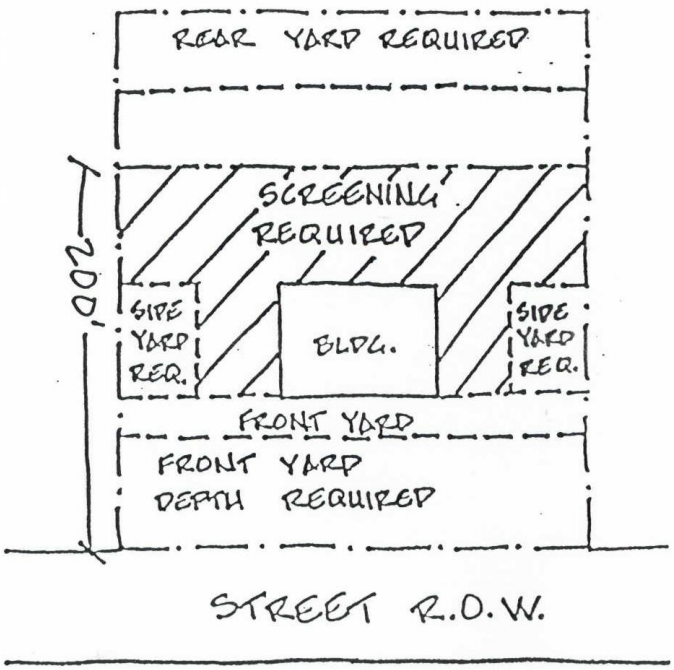


FIGURE 13:
OUTDOOR DISPLAY AREAS

Section 20.044

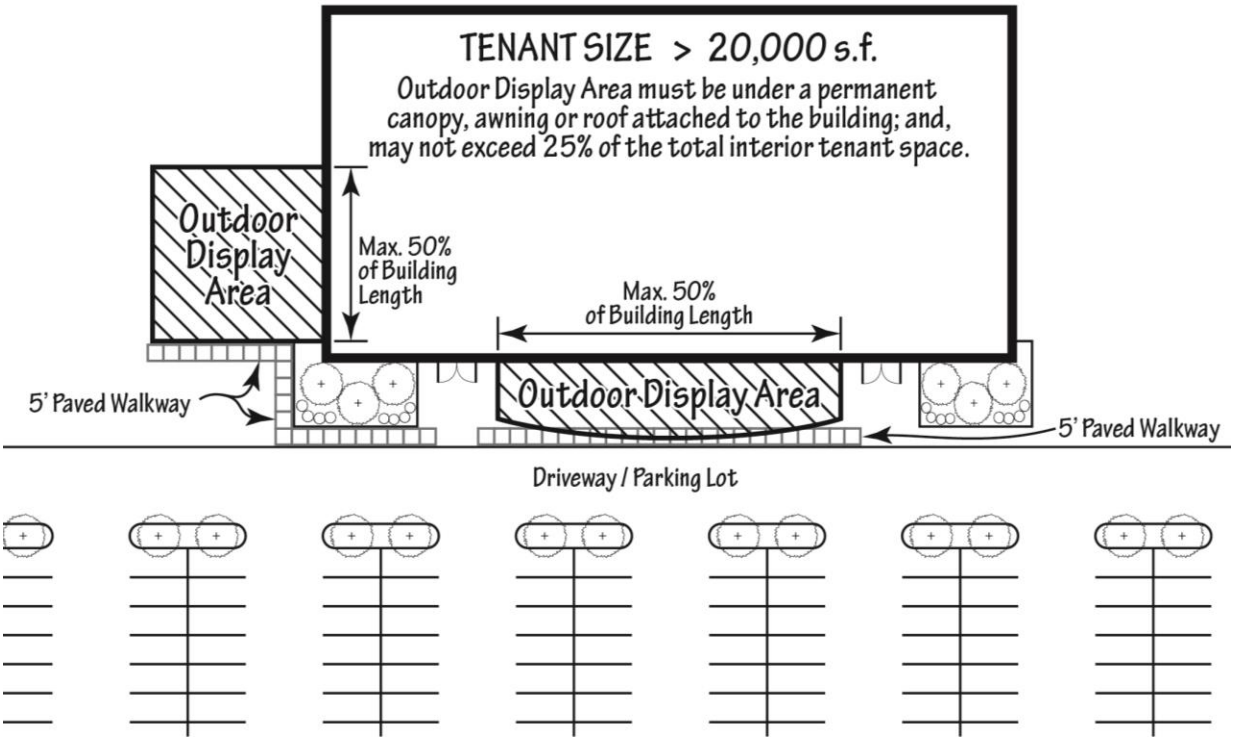
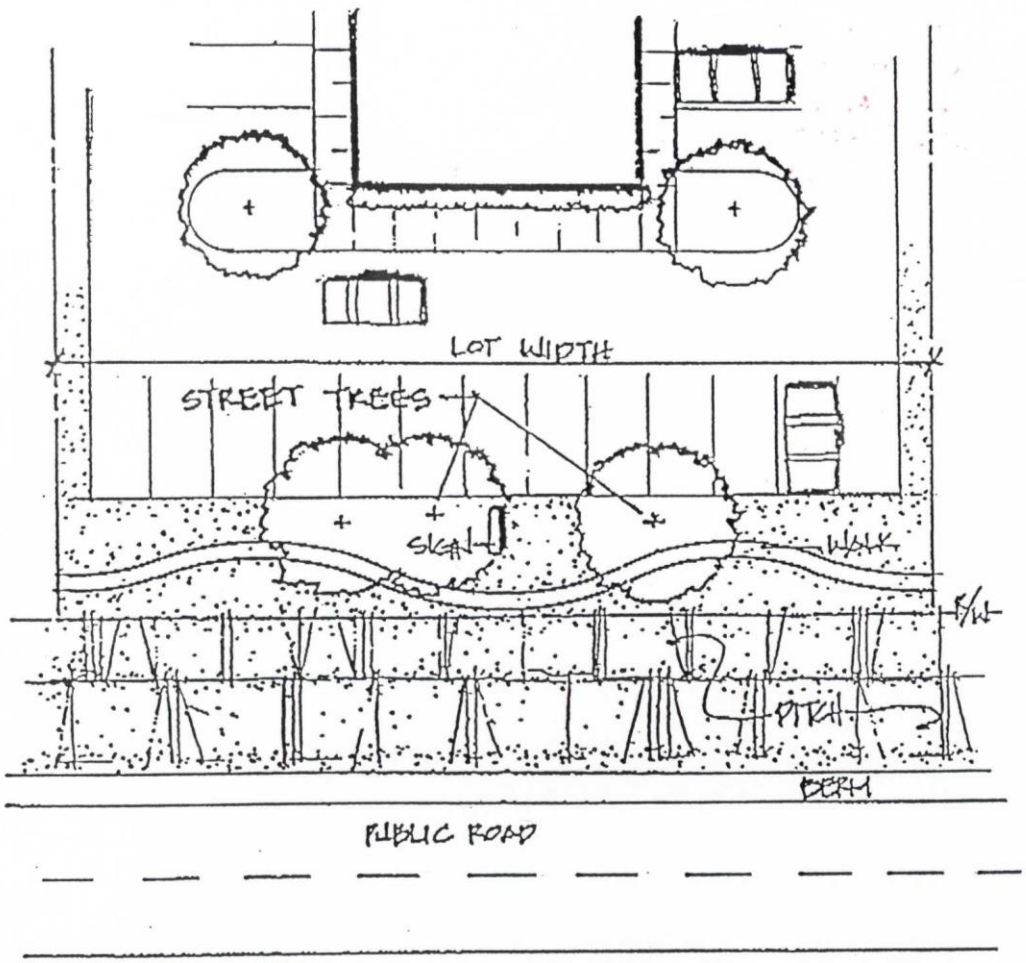


FIGURE 14:
STREET TREE REQUIREMENTS

Section 30.05, 30.061



$$\text{REQ'D. NO. OF STREET TREES} = \frac{\text{LOT WIDTH}}{40'} \times Y$$

Y = 1 (TREE LIST I) or
1.5 (TREE LIST II)

FIGURE 14:
TREE LIST I

Section 30.05

Botanical Name **Common Name**	**Mature** **Ht.**	 **Spread**	**Summer / Fall** **Color**	**Notes**
Acer platanoides (cultivars) Norway Maple (species)	60’	50’	F/ yellow	
Acer rubrum (cultivars) Red Maple (species)	50’	40’	F/ red	
Acer saccharum (cultivars) Sugar Maple (species)	80’	50’	F/ red – orange	
Gledistsia triacanthos inermis (hybrids) Honeylocust (species)	45’	40’	F/ yellow – gold	Seedless & thornless
Koelreutiaria paniculata Panjicled Goldenraintree	40’	50’	S/ yellow flowers	Showy seed pods
Platanus x acerifolia (hybrids) London Plane Tree (species)	80’	65’		
Quercus coccinea Scarlet Oak	60’	60’	F/ scarlet	
Quercus rubra Red Oak	75’	50’	F/ red	
Tilia cordata (hybrids) Littleleaf Linden (species)	60’	40’	F/ yellow – gold	
Ulmus parvifolia Chinese Elm	40’	50’	F/ yellow- red	

**** NOTE: Other similar trees may be permitted, subject to Township Approval. ****

FIGURE 14:
TREE LIST II

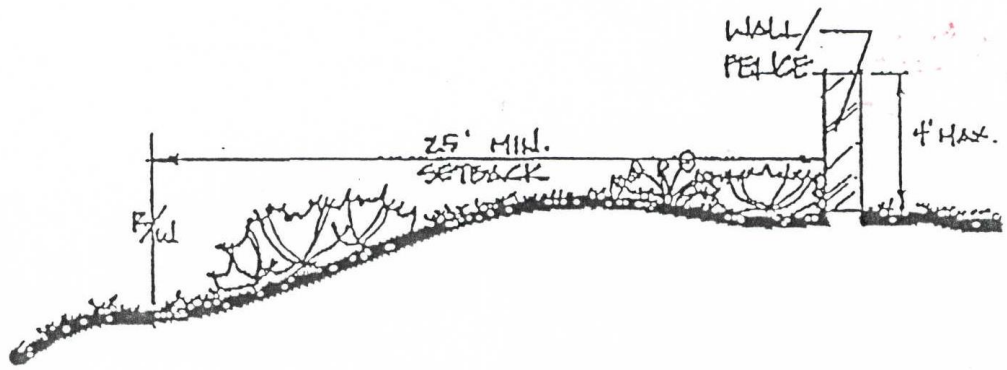
Section 30.05

Botanical Name **Common Name**	**Mature** **Ht.**	 **Spread**	**Summer / Fall** **Color**	**Notes**
Acer campestre Hedge Maple	25’	25’	F/ yellow	
Acer ginnala Amur Maple	15’	15’	F/ gold – red	
Acer tataricum Tatarian Maple	20’	20’	S/ red fruit (late July) F/ yellow – rust	
Crataegus crusgalli Cockspur Hawthorn	15’	15’	F/ red fruit F/ red – purplish	Spring white flowers THORNS
Crataegus punctata “Ohio Pioneer” Ohio Pioneer Hawthorn	25’	20’	F/ red fruit	White flowers THORNLESS
Crataegus phaenopyrum Washington Hawthorn	25’	25’	F/ red fruit F/ orange – red	Spring white flowers THORNS
Malus (cultivars) Crabapple	varies	varies	varies	Spring flowers select disease resistant cultivars
Pyrus calleryana (cultivars) Bradford Pear (species)	35’	25’	F/ crimson – purple	White flowers

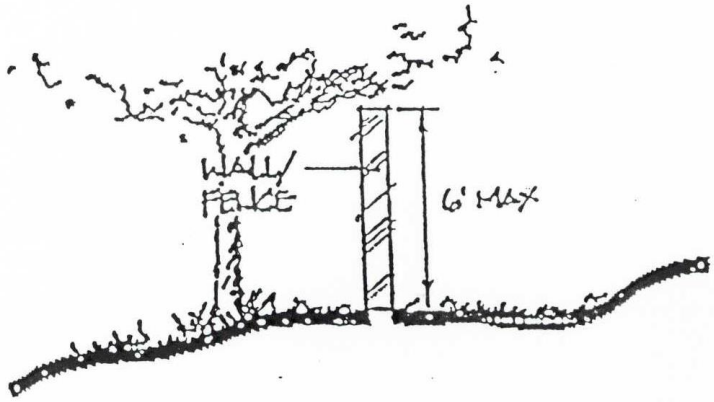
**** NOTE: Other similar trees may be permitted, subject to Township Approval. ****

FIGURE 15:
FENCE & WALL REQUIREMENTS

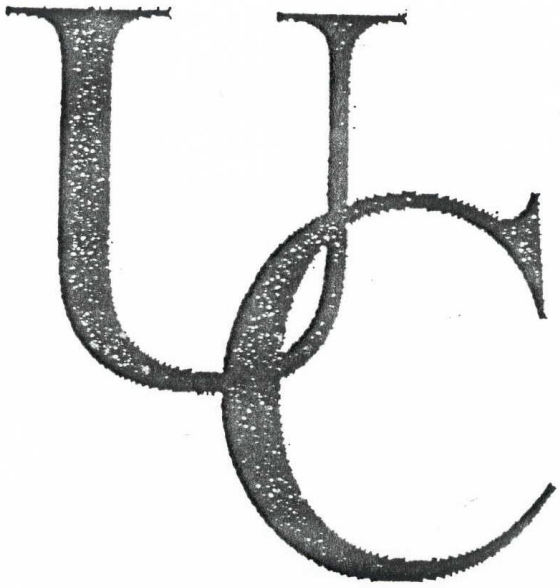
Section 30.071



FRONT YARD



SIDE/REAR YARD

FIGURE 16:
UNION CENTRE LOGO REQUIREMENTS

Section 30.142a