

# ARTICLE 3

## CHAPTER 2: USE SPECIFIC STANDARDS AND REQUIREMENTS

**SEC 3.201** **OVERVIEW:** This Chapter describes the standards governing permitted and conditional uses as designated in the “Use Provision and Dimensional Requirements” of Article 2, Chapter 2. These standards are in addition to and may supersede other standards required elsewhere in this Code. The requirements include buffer, location, bulk and scale, and environmental standards intended to ensure compatibility with surrounding land uses and to ensure orderly development. The standards for each use may vary by zoning district.

Uses designated as "P" in the Table of Permitted Uses are permitted uses subject to staff review; however, they may require additional standards. Uses designated as "S" are permitted uses subject to site plan review by the BOCC. Uses designated as "C" are conditional uses, requiring additional standards, and must be considered and approved by the BZA. Conformance with these standards shall be subject to site plan review.

**SEC 3.202** **AGRICULTURAL & RELATED USES:** Non-exempt agricultural use shall comply with the parking, lighting, signage, landscaping, site access, and all other applicable standards of this code.

**3.202.1** **Agricultural Support Services:** Agricultural Support uses within the R1A and R1 zoning districts shall demonstrate that:

- (A) The use will not require the extension of central sanitary sewer or central water system;
- (B) The use does not substantially detract from agricultural production on-site or in the area;
- (C) The use does not create a concentration of commercial uses in the immediate area;
- (D) The use is compatible with, and does not adversely impact, surrounding residential neighborhoods;
- (E) The use shall be located along, and have direct access to, an arterial roadway; and,
- (F) A feed store or related retail use size shall not exceed five thousand (5,000) square feet.

**3.202.2** **Commercial Stables:** Commercial stables within residential zoning districts shall demonstrate that:

- (A) **Buffers:** Buildings and outdoor areas where livestock are contained shall be screened by Buffer Type D, as specified in Table 3.405-2.
- (B) **Minimum Fence Height:** Four (4) feet around paddock areas.
- (C) **Minimum Lot Area:** The minimum lot area is ten (10) acres or one (1) acre per horse, whichever is greater.
- (D) **Setbacks:** All areas where livestock will be housed shall be set back at least one hundred fifty (150) feet from residential property lines.

- (E) **Traffic Impact:** Uses generating more than fifty (50) trips shall take access from an arterial or collector road.

**3.202.3 Agritourism:** shall meet the following requirements:

- (A) **General:** Farm must be a working farm;
- (B) **Site Plan Requirements:**
  - (1) Identify the location and dimensions of all structures, parking areas, existing and proposed driveways, parking and vehicular turning areas, areas where visitors will be permitted and restricted, and landscaping if required to buffer adjacent properties;
  - (2) Locate sanitary facilities
- (C) **Visitor Service:** Food and/or beverages may include value-added products, produced or grown from the farm.
- (D) **Transportation:**
  - (1) An approved curb cut and adequate off-street parking is provided;
  - (2) Parking areas are screened from residential properties; and,
  - (3) No vehicles shall be parked on the shoulders of adjacent roads.
- (E) **Lodging:** Lodging used primarily for agritourism is limited to six rooms.
- (F) **Maximum Floor Area Ratio:** 0.01 / (1 %) The Board of County Commissioners may regulate this requirement base on the following criteria:
  - (1) The design of the structure is characteristic of the county's rural character and minimizes the mass of the structure; or
  - (2) The location and proposed landscaping screens the structure from the public right-of-way and adjacent properties.

**3.202.4 Farm Markets and Produce Stands:** Farm Markets and Produce Stands are permitted if it is demonstrated that:

- (A) **Access:** A curb cut authorized by the approving authority.
- (B) **Location:** The farm stand is on the premises of the farm where the merchandise was grown and at least fifty percent (50%) of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- (C) The use shall comply with size of parking areas that may be required, setback building lines, and egress and ingress of this Code.

**3.202.5 Kennels (Non-Exempt Agriculture)**

- (A) Minimum lot area of two (2) acres. One (1) acre is required for each animal beyond five (5).
- (B) Shall comply with all county and state permit and operational requirements.

- (C) Signage and site access shall be in accordance with the standards of this Code Structures, Animal Runs, and Exercise Areas
  - (1) **Setback:** Shall not be located in any required setback area, and shall be set back a minimum of twenty (20) feet from side and rear property lines, and shall be a minimum of eighty-five (85) feet from abutting residential districts or uses, church, school, or restaurant on the same side of the street;
  - (2) **Enclosures and screening:** Animal runs and exercise areas shall be enclosed on all sides by screening in compliance with Article 3, Chapter 4 (Landscaping and Screening Requirements);
    - (a) Animal runs and exercise areas shall have impervious surfaces and an appropriate system for runoff, waste collection, and disposal;
    - (b) Outdoor exercising is allowed when the area is fenced or the animal is accompanied by an employee, provided no animals shall be permitted outside of the buildings between 9:00 p.m. and 8:00 a.m.

**3.202.6 Nurseries, Greenhouses, and Garden Centers (Non-Exempt Agriculture):**

(A) **Residential Zoning Districts:**

- (1) Plants, products, and materials offered for sale shall be intended for household use or home gardening activities.
- (2) Retail sales are permitted provided the use is located along, and has direct access to, an arterial roadway.

(B) **All Zoning Districts:**

- (1) Storage and display areas shall meet the zoning district setback requirements for structures; and,
- (2) Soil, fertilizer, or similar loosely packaged materials shall be covered and contained.

**SEC. 3.203 RESIDENTIAL USES STANDARDS AND REQUIREMENTS**

**3.203.1 Principal Building per Single or Two Families Residential Lot:**

Only one principal building is permitted per lot.

**3.203.2 Multiple-Family:**

(A) **All Development:**

(1) **Architectural Details:**

- (a) When located adjacent to single-family dwellings and visible from a public right-of way, the design and appearance of multiple-family dwellings must have similar massing, height, roof pitch, and architectural features, including front porches, cornice lines, horizontal lines of windows, and architectural embellishments such as, but not limited to,:

shutters, dormers, belvederes, etc., to create the appearance of single-family dwellings.

- (b) Walls visible from a public right-of-way shall include windows and architectural features similar to the front façade of the building, including, but not limited to, awnings, cornice work, bay windows, edge detailing, or other decorative finish materials.
- (c) All buildings shall have pitched roofs, which may include functional dormer windows and varying lines.

- (2) **Parking:** Parking or storage of recreational vehicles, boats, utility trailers, or similar items is prohibited within the front yard.
- (3) **Pedestrian Circulation:** Pathways shall be provided from parking areas, public sidewalks, and recreation areas.
- (4) **Maximum Number of Units per Structure:** Twelve (12), excluding mixed use buildings.
- (5) **Site Design:** Site designs should create a sense of “community” which may include:
  - (a) Buildings sited with front entrances and porches oriented toward streets, drives, and plazas, rather than clustered around parking lots.
  - (b) Parking lots located behind buildings or screened from view from internal streets, unless it is deemed appropriate to use a parking lot as a buffer from an arterial street.
  - (c) Centrally located plazas, clubhouses, pools, and recreational facilities.
- (6) **Building Design:** Buildings shall be designed to the following standards:
  - (a) Porches, varied rooflines, varied façade depths, or elements that create variety and interest.
  - (b) Windows and projecting wall surfaces that prevent larger blank wall surfaces and provide visibility of the street and other public spaces.
  - (c) Garages that are integrated with the building or sited so as to avoid long rows of garage doors.
  - (d) Garages shall be oriented so that they do not visually dominate the building façade or the streetscape.

(B) **Conversion of Single-Family to Two-Family and Multi-Family Dwellings:**

- (1) **General:** A residence may not be converted to accommodate an increased number of dwelling units unless it meets the use, density, and development standards of the district. Conversions shall comply with all other relevant Code requirements.

- (2) **Exterior Alterations:** Conversions completed in accordance with these provisions shall not result in any exterior additions to the structure. New building entrances shall be to the rear or side of the structure.
- (3) **Minimum Unit Size:** Six hundred (600) square feet - this standard supersedes the district standard.
- (4) **Off-Street Parking:**
  - (a) Amount Converted residential buildings shall provide at least one (1) off-street parking space per dwelling unit, but no more than three (3) spaces per dwelling unit may be provided.
  - (b) Location: Additional off-street parking spaces shall be located to the rear or side of the structure.

(C) **Upper Story Residential:**

- (1) **Permitted Uses:** Residential uses shall be allowed as a Permitted Use in all commercial zoning districts, provided that they are:
  - (a) In mixed use buildings; and,
  - (b) Located above the ground floor.
- (2) **Intensity:** Upper-story residential units are not factored into the intensity calculations of a site.

**3.203.3 Community-Based Residential Social Service Facilities:** This sub-section applies to Adult Group Homes, Family Daycare Types A, and Institutional Care Facilities.

(A) **Adult Group Homes and Institutional Care Facilities:**

- (1) Submission Requirements:
  - (a) A statement justifying the need and location of the facility.
  - (b) A map that depicts community facilities and/or services pertinent to the proposed use, e.g. fire stations, parks, libraries, community centers, shopping complexes, or major thoroughfares.
  - (c) A license or a statement documenting the ability to obtain a license prior to the issuance of a certificate of occupancy.
  - (d) An illustration of typical floor plans.
  - (e) A community impact statement that addresses the facility's design, operation and maintenance, compatibility, noise, traffic, and lighting.
  - (f) A detailed plan for services and programs.
- (2) **Facility Requirements:**
  - (a) **Compatibility:** Exterior alterations and new structures shall be compatible with the residential character of the neighborhood.

(b) **Off-Street Parking:** One space per every three (3) persons, except for facilities that prohibit clients from operating automobiles.

(3) **Institutional Care Facilities:**

(a) **All Zoning Districts:**

1. **Landscaping and Screening:** Buffer Type D along with two (2) shrubs per ten (10) linear feet shall be provided along the side and rear lot lines.
2. **Maximum Building Footprint:** Twenty percent (20%) of the gross site area.
3. **Minimum Lot Size:** Five (5) acres.

(b) **Residential Zoning Districts:** Institutional Care Facilities are permitted within residential districts if it is demonstrated that:

1. Access to the use is provided by a road that is classified as collector or greater in capacity;
2. Within the R-1B, R-2, and R-3 districts the buildings are residential in character; and,
3. No exterior signage is utilized for accessory commercial uses.

(B) **Family Day-Care Homes, Type A (Seven/7 to Twelve/12 persons):**

- (1) Hours of Operation: Maximum of sixteen (16) hours per day and daily operations shall terminate no later than 10:00 p.m.
- (2) Play Area: A fenced and contiguous outdoor play area shall be provided in the rear or side yard and shall be subject to Section 5104.01 of the Ohio Revised Code. Outdoor play areas shall:
  - (a) Be completely enclosed by a fence that is at least three-and-one-half (3 ½) feet in height;
  - (b) Be safely segregated from parking, loading, or service areas; and,
  - (c) Not be operated for outdoor play activities after 8:00 p.m.

**3.203.4 Home Uses:**

(A) **Home Occupations:** This sub-section allows limited business uses as a home occupation. There are two (2) classifications of home occupations — Class 1 and Class 2. Class 2 allows for greater intensity.

- (1) **All Uses:** A home occupation shall be permitted within the principal dwelling unit, provided that:
  - (a) The use is clearly incidental and subordinate to the principal residential use;

- (b) The use is compatible with other uses, maintains and preserves the character of the neighborhood, and does not create a nuisance or detract from residential function and tranquility;
- (c) The use does not produce offensive noise, vibration, smoke, dust, odors, lighting, electrical interference, radioactive emission, environmental pollution, or other nuisances;
- (d) The use does not exhibit exterior indication of its presence or any variation from residential appearance, except for a sign as permitted per (h);
- (e) Display of Goods: No commercial display of materials, merchandise, goods, or equipment is visible from public rights-of-way or surrounding properties;
- (f) Operating Hours: Client visits and the delivery of merchandise are restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. daily, except on Sundays, which are restricted from noon to 6:00 p.m.;
- (g) Sales: Only products or services generated by the home occupation shall be offered for sale. In addition, incidental retail sales are allowed in connection with a permitted home business (for example, a beautician may sell hair products to customers). No outdoor display of products for sale is permitted;
- (h) Signage: Signage is limited to one (1) non-illuminated nameplate sign for identification purposes, not greater than four (4) square feet in area, mounted on the front face or driveway lamppost of the dwelling;
- (i) Truck Traffic: The use does not require the delivery or shipment of materials, merchandise, goods, or equipment by other than passenger motor vehicles and small parcel delivery services; and,
- (j) Vehicles: The use does not have more than one vehicle or trailer which is identified by a sign, logo, or emblem of the occupation, business, or activity that is visible from adjoining property or public rights-of-way.

(2) **Class 1:** The following illustrates examples of **permitted uses:**

1. Accountant
2. Architect
3. Baker
4. Barber
5. Beauticians
6. Builder
7. Caterer
8. Cabinet making
9. Chauffeur
10. Cleaning service
11. Construction contractor
12. Contract manager
13. Counselor
14. Dentist
15. Doctor
16. Draftsperson
17. Editor
18. Electrician
19. Engineer
20. Florist
21. Financial/investment broker
22. Graphic designer
23. Gun dealer (no on-site retail sales),
24. Hair stylist
25. HVAC installer
26. Instructor for arts, crafts, cooking, dancing, fitness, music, tutoring, and design including studios and workshops for an artist, sculptor, musician, and photographers, etc.
27. Insurance agent
28. Journalist
29. Land developer
30. Landscape designer
31. Lawyer
32. Manicurist
33. Manufacturer representative
34. Masseuse
35. Pedicurist
36. Pet groomer
37. Plumber
38. Professional Office
39. Psychologist
40. Publisher
41. Realtor
42. Repair service for watches and clocks, small appliances, computers, electronic devices, gunsmith, jewelry, etc
43. Salesperson
44. Surveyor
45. Telecommuter or telemarketer
46. Therapist
47. Travel agent
48. Workshop for a dressmaker, seamstress, tailor, weaver, or other like craft or service, such as for lapidary, jewelry making, welding, pottery, toy-making, and wood-working
49. Writer

(a) **Development Standards:**

1. Accessory Storage Structure: The storage area dedicated to the home occupation use does not exceed two hundred (200) square feet in gross area.
2. Advertising: The use shall not be advertised in a manner that invites the public to the use.



3. Alteration: No alteration is made to accommodate the home occupation that changes the residential character;
4. Customer Visits: Ten (10) or less per day and not more than two (2) at the same time.
5. Floor Area: The area used for the home occupation does not exceed twenty percent (20%) of the gross floor area within the principal dwelling unit or one room, whichever is greater.
6. Outdoor Storage: The home occupation shall not use outdoor storage or detached structures.
7. Work Force: The home occupation is managed and owned by a person who resides in the dwelling unit and employs only family members living in the unit and one (1) non-resident of the household as on-site employees. There is no limit as to the number of persons employed off-site by the home occupation.

(3) **Class 2:** The following illustrates examples of **permitted uses:**

(a) **Conditional Permitted Uses:**

- |                                      |   |
|--------------------------------------|---|
| 1. All Class 1 uses                  | 11. Machine and/or Mold Making Shop                           |
| 2. Automotive Repair                 | 12. Mechanical, Electrical, HVAC, Plumbing Service Contractor |
| 3. Blacksmithing                     | 13. Mulch and Topsoil Service Contractor                      |
| 4. Catering                          | 14. Other similar business as determined by the BZA           |
| 5. Cabinet Maker Service             | 15. Small Wood Products Maker                                 |
| 6. Construction Contractor           | 16. Upholstery Service Shop                                   |
| 7. Excavation Contractor             | 17. Tractor Trailer Operator                                  |
| 8. Furniture Maker and Repair        | 18. Vending off-site Service and Equipment Provider           |
| 9. Landscaping Contractor            | 19. Welder Service Shop                                       |
| 10. Lawn and Garden Equipment Repair | 20. Well Drilling Service Contractor                          |

(b) **Development Standards:**

1. **Business Area:** Permitted within the principal residence and/or an accessory structure.
2. **Lighting:** Subject to the non-residential lighting standards of Article 3, Chapter 5.
3. **Minimum Site Size:** Five (5) acres or as approved by the BZA.
4. **Parking & Loading Spaces:** Off-street parking shall be provided to accommodate the anticipated number of customers and deliveries. Parking and loading spaces shall be screened by evergreen landscaping or a solid fence or wall sufficient in height to block the

view of the vehicles in those spaces from surrounding residential zoned or used properties.

5. **Work Force:** The home occupation is owner operated and employs only family members living in the unit and not more than two (2) non-resident employees on-site. There is no limit as to the number of persons employed off-site.
  6. **Accessory Structure Setbacks:** Accessory structures shall be located at least two hundred (200) feet from an offsite principal structure and a minimum of one hundred (100) feet from the property line. The BZA may reduce this requirement if additional screening is proposed.
  7. **Tractor Trailer Operator:**
    - a. One tractor trailer per occupant with a maximum of three (3);
    - b. Limited to one tractor trailer outside of a completely enclosed structure; and,
    - c. Requires a Buffer Type D adjacent to surrounding principal structures.
  8. **Motor Vehicle and Small Engine Repairs:**
    - a. Limited to a total of six (6) motor vehicles at any time;
    - b. All repairs shall be conducted indoors;
    - c. Motor vehicle painting is prohibited;
    - d. All motor vehicles awaiting repairs shall be stored in a completely enclosed structure or within a completely screened area;
    - e. Bay doors shall be oriented away from public rights-of-way; and,
    - f. Requires a Buffer Type D adjacent to surrounding principal structures.
  9. **Retail Sales:** Retail sales will only be permitted on items which are customarily associated with the home occupation as approved by the BZA
- (c) **Prohibited Home Occupations:** The following business uses and activities are prohibited as home occupations:
1. Medical and dental clinics and hospitals.
  2. Restaurants or any other eating and/or drinking establishment.
  3. Undertaking and funeral parlor.
  4. Adult Entertainment or Sexually Oriented Businesses.
  5. Motor vehicle towing, storage, and salvage business.
  6. Veterinarian with boarding and or surgical services.
  7. Motor vehicle painting.
  8. On site, store front retail as a primary use.
- (4) **Permit Issuance and Maintenance:** Home occupations require a zoning permit issued in accordance with requirements of Section 1.301.

**3.203.5 Secondary Dwelling Units:** One (1) secondary dwelling unit is allowed per lot in conjunction with an owner-occupied single-family residential unit (elsewhere in this section referred to as the “primary dwelling unit”). Secondary dwelling units are permitted on lots five (5) acres or greater, and are subject to the conditional use process on lots less than five (5) acres. Secondary dwelling units in B1 and B2 zoning districts, no matter whether a permitted or conditional use, are limited to existing single-family residential uses.

(A) **Zoning Permit Required:** The applicant shall provide a site plan, building elevations, and floor plan for review and approval in accordance with the zoning permit review process specified in Article 1, Chapter 3 (Zoning Enforcement).

(B) **Standards:** A secondary dwelling unit shall only be allowed in accordance with the following provisions:

- (1) The secondary dwelling unit is located entirely within the principal structure, or is a standalone accessory structure subject to the provisions of Section 3.102.2 (Residential Accessory Buildings) except that such structure shall be subject to the same district setback requirements as the principal structure.
- (2) When a secondary dwelling unit is within the principal structure, access points (i.e. all door entrances including garage doors) serving the secondary dwelling unit shall not be located on the front façade of the structure. An exception is made for garage doors which are attached to the principal structure and located adjacent to another garage door serving the primary dwelling unit.
- (3) When a secondary dwelling unit is a standalone structure or an addition to the principal structure, it must be architecturally similar (excluding exterior building materials) to the principal structure.
- (4) The secondary dwelling unit shares the same address and utility bill as the primary dwelling unit.
- (5) Off-street parking is sufficient to accommodate all occupants of both the primary dwelling unit and secondary dwelling unit.
- (6) The secondary dwelling unit’s maximum living space shall be fifty (50) percent of the total living space of the primary dwelling unit, but at no time shall exceed fifteen hundred (1,500) square feet of living space.

(C) **Conditional Use Limit** Another conditional use may be approved on the same lot as an approved secondary dwelling unit (a secondary dwelling unit subject to the conditional use process shall not be counted toward the maximum conditional use allowance per Section 1.306.5(B)(9)).

**SEC. 3.203 RESIDENTIAL USES STANDARDS AND REQUIREMENTS**

**3.203.6 Boarding House:** A residential dwelling is permitted to let or sublet up to three (3) sleeping rooms, in conjunction with the two and multiple family residential standards, excluding Section 3.203.2.A.4.

- (A) **Conditions of Approval:** A boarding house shall only be approved in specific zoning districts as stated in Section 2.205, and in accordance with the following standards.
- (1) The owner or the manager shall reside on site
  - (2) Sleeping rooms shall not constitute as a “dwelling unit”.
  - (3) Sleeping rooms are to be used as a primary residence and are let or sublet for a period of thirty (30) days or more.
  - (4) Sleeping rooms may not have cooking facilities.
  - (5) The structure includes a common entrance, shared utilities, and is limited to one kitchen facility.
  - (6) The shared kitchen is accessible to all occupants.
  - (7) Parking must comply with multi-family standards, as stated in Table 3.307-1.
  - (8) The facility does not accommodate overnight stays by paying transient guests.
  - (9) Meals are not served to the general public.
- (B) **Prohibited Uses:** A boarding house is not to be used as a hotel, motel, inn, dormitory, or convalescent home, nursing home, or group home.
- (C) Individuals living together as a single housing unit does not constitute a boarding house.

**SEC 3.204 TEMPORARY USE STANDARDS AND REQUIREMENTS:** This section allows for the establishment of uses of limited duration, provided that such uses do not negatively affect adjacent land, and provided that such uses are discontinued upon the expiration of a set time period. Temporary uses shall not involve the construction or alteration of any permanent building or structure or encroachment on established landscaped areas of developed sites. Special events in county facilities and parks shall be regulated by the County and are not limited by this section. In general, except as provided within this subsection, temporary uses shall demonstrate compliance with the requirements below:

- (A) **Access Control:** If deemed necessary by the Warren County Engineer or Ohio DOT.
- (B) **Parking:** Adequate off-street parking shall be maintained at all times and shall not displace required off-street parking or cause parking or traffic congestion on adjacent streets or properties.
- (C) **Permit:** Obtain the appropriate permit including plot plan approval (if required).
- (D) **Removal:** Structures of any kind must be removed within three (3) days of the expiration of the permit. Merchandise, signage, waste, debris, and all equipment used on the site shall also be removed.
- (E) **Setback:** Temporary uses, including display or sale of items, shall not be located within the required setback for the zoning district, unless expressly stated otherwise in this Code, and shall provide for clear vision area at each intersection or driveway.
- (F) **Waiver by Zoning Inspector:** The Zoning Inspector may waive the standards of “Permitted Uses” under this section upon the determination that the use does not negatively impact the site or surroundings or creates a public safety concern.
- (G) **Tents:** Pipe frame-supported and pole-supported tents (e.g. “party tents”) are permitted in accordance with the following:
  - (1) Maximum Duration:
    - (a) Non Residential Use Tents: Fifteen (15) days.
    - (b) Residential Use Tents: Four (4) days.
  - (2) Setback: Twenty (20) feet from all property lines.
  - (3) Permit Required: Non-Residential Use Tents.

**3.204.1 Circuses, Fairs, Carnivals, Revivals, Rodeos:**

- (A) **Minimum Lot Size:** Ten (10) acres for events on vacant sites.
- (B) **Setbacks:**
  - (1) All structures shall be at least three hundred (300) feet from any dwelling.
  - (2) Un-improved temporary parking and ingress/egress shall be set back at least two hundred (200) feet from the property lines.

- (C) **Renewals:** Recurring special events such as rodeos and concerts shall require approval by the BZA.
- (D) **Site Plan:** A site plan shall be required with each permit application. The drawing must be signed by the owner of the parcel.
- (E) **Applicability:** Special events in existing facilities such as in churches, banquet halls, and convention centers may be exempt from the standards of this sub-section including use approval, upon determination by the Zoning Inspector that the use complies with the intent of this section.

**3.204.2 Construction-Related Activities:**

- (A) **General:** Temporary construction-related activities, including construction and sales office buildings may occur on the same site as the construction activity or a nearby site by obtaining a permit. Such uses shall be removed within thirty (30) days after issuance of the last certificate of occupancy for the development.
- (B) **Residential Construction:** Temporary housing, including but not limited to, a manufactured home or RV may be permitted in all residential districts in accordance with the following requirements:
  - (1) **Timing of Approval:** The temporary housing unit may not be placed on the property prior to the issuance of a building permit for the permanent residence, the approval of the foundation, the approval of a curb cut, and health department permit.
  - (2) **Renovation and Remodeling:** The temporary housing unit may be occupied on site during renovation or remodeling of the principle structure. Upon completion of the renovation or remodeling, if the temporary housing unit is an RV, the RV may remain on the Site but it shall comply with the storage requirements of Section 3.102.3 within 30 days of the date of the last final inspection. In no case shall the primary residential structure and the temporary housing unit be occupied at the same time. A manufactured home may not be stored on the site upon completion of the renovation or remodeling.
  - (3) **Occupancy Limitations:** The temporary housing unit may be occupied for a period of six (6) months and an additional six (6) month period may be approved by the Warren County Zoning Department if construction progress has occurred. In no case shall the unit be occupied for more than one (1) calendar year.
  - (4) **Deposit:** A refundable deposit in accordance with the provisions of Section 1.310 (Fees) shall be made with the Zoning Inspector. If necessary, the deposit may be used by the County to defray the cost of removing the unit.

**3.204.3 On-Demand Storage Containers:** On-Demand Storage Containers (e.g. PODS™) shall be permitted in accordance with the following requirements:

- (A) **Location:** Containers shall be located on the driveway or within the rear or side yard.

- (B) **Time Limits:** The maximum number of days a storage container may be placed on any property shall be thirty (30) days within any twelve (12) month period and may be extended by the Zoning Inspector up to thirty (30) additional days.
- (C) **Additional Requirements:**
  - (1) No more than two (2) temporary portable storage units shall be located on a property.
  - (2) Containers shall not be located within ten (10) feet of any lot line unless located on a driveway.
  - (3) The property where the temporary portable storage unit is located must be occupied by a principal building.
- (D) **Permits:** A zoning permit is not required.

**3.204.4 Yard/Garage, Estate Sales, and Private Auctions:**

- (A) Shall not exceed seventy-two (72) hours of total duration;
- (B) Shall not have more than three (3) such sales annually;
- (C) Items offered for sale shall not have been bought for resale or received on consignment for the purpose of resale;
- (D) External evidence of the sale shall be removed immediately upon the conclusion of the sale.

**3.204.5 Prohibited Temporary Uses:** Without limiting the standards of this Code, the following activities are prohibited in all districts:

- (A) Retail or Display of Goods, Products, or Services in Public Right-of-Way: Retail sales or display of goods, products, or services within the public right-of-way except as part of a county authorized event.
- (B) Retail Sales or Display of Goods from Vehicles: Except as an extension of a permitted business.

**SEC. 3.205** **COMMUNITY AND ESSENTIAL SERVICE USES:** Generally, except as otherwise stated in this Chapter, Community and Essential Services Facilities shall comply with the following requirements:

- (A) **Adaptive Re-Use:** The adaptive re-use of residential structures may be exempt from the requirements of the subsection upon determination by the appropriate approval authority provided that the proposed use will not adversely impact the character for function of the area.
- (B) **Landscaping:** Community and Essential Services uses adjacent to residential districts or used shall be regulated as “Commercial” in application of the provisions of Article 3, Chapter 4 (Landscaping and Screening Requirements).
- (C) **Minimum Lot Size:** The minimum lot size requirements of this section applies to single use developments and shall not be applied cumulatively to mixed-use sites. For mixed use sites, the most restrictive lot size requirement among the proposed uses shall apply.
- (D) **Supplementary Standards for the R1B, R2 and R3 zoning districts:**
- (E) **Location:** The use is located along and has direct access to an arterial roadway, unless the appropriate approval authority finds that access to an adjoining collector or local street is safer, and provides improved design, benefitting the county.
  - (1) **Signage:** Internally illuminated signs are prohibited.
  - (2) **Traffic Impact Analysis:** Required for uses generating more than one hundred (100) peak hour trips.
  - (3) **Community Impact Statement:** Required that documents the anticipated impacts on neighborhood character, quality of life, public facilities, services, and infrastructure.

**3.205.1** **Auditorium, Museums, Performing Arts Centers and Fine Arts Center, Places of Worship:**

- (A) **Accessory Facilities:** Accessory facilities such as rental, fellowship or social halls, gymnasiums or recreation facilities, and other similar and traditional associated uses shall be permitted, subject to the requirements of this Zoning Code.
- (B) **Conference and Training Centers:** Conference and Training Centers located within these facilities shall comply with the following standards:
  - (1) **Dining and banquet facilities:** May be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.
  - (2) **No products:** Shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center.
- (C) **Daycare Centers:** Daycare centers in conjunction with a place of worship are subject to the requirements of Section 3.205.5 Daycare Centers.



- (1) Maximum Floor Area Ratio:
  - (a) R2 and R3 Zoning Districts: 0.25
  - (b) R1B Zoning District: 0.27

- (D) **Minimum Lot Size:** Auditoriums, performing arts centers, and large places of worship require five (5) acres. Adaptive re-uses are exempt from this requirement.
- (E) **Setbacks:** All structures shall be set back a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet. Setbacks for adaptive re-uses shall be as determined acceptable by the BZA.
- (F) **On-Site Recreational Facilities:** May be provided for use by employees, trainees, or conferees, provided the gross floor area devoted to such facilities does not exceed twenty percent (20%) of the total floor area of the principal building.

**3.205.2 Day Camps, Campgrounds and Retreats:** Campgrounds and Retreats shall be permitted subject to the following provisions:

- (A) **Access:** Site access shall be from an arterial or collector road.
- (B) **Buffers:** This use shall have a minimum of a Buffer Type C on all sides.
- (C) **Floodplain & Stream Setback:** No permanent structures shall be allowed in the one hundred (100) year floodplain or stream setback.
- (D) **Improvement:** Each parking space shall be improved with a pervious surface or comparable hard-surface covering in order to maintain a dust-free condition.
- (E) **Open Space:** Open space for common areas shall be planned and provided for at convenient, centralized locations to provide at least two hundred (200) square feet per recreational vehicle space. Such open space may include play yards, pools, and recreation buildings, but shall not be deemed to include public facilities and open areas that are not accessible to the tenants.
- (F) **Residential Use Prohibited:** A Recreational Vehicle or tent shall not be used as a place of permanent residence. Use of a Recreational Vehicle or tent for occasional, daily or overnight occupancy for more than thirty (30) consecutive days is permitted during the months of March through November (I.E., camping season). The owner must prove evidence of compliance with applicable Warren County Combined Health District requirements related to sewage disposal, water supply and electrical services.
- (G) **Identification:** Campsites must be identified (numbered) on an entry sign and at each site.
- (H) **Site Area:** The minimum site area for this use shall be ten (10) acres.

**3.205.3 Cemeteries:**

- (A) **Minimum Lot Size:** Twenty (20) acres.

- (B) **Setbacks:** Buildings shall be located a minimum of two hundred (200) feet from residential lot lines, districts, or recorded subdivisions.

**3.205.4 Civic Clubs, Halls, and Lodges:**

- (A) **Minimum Lot Size:** Two (2) acres.
- (B) **Setbacks:** All structures shall be setback a minimum of one hundred (100) feet from adjacent residential districts and uses. Installation of Buffer Type D reduces the required setback to fifty (50) feet.
- (C) **R1B, R2 and R3 Districts:** The use is limited to buildings that:
  - (1) Have the character of a residential building;
  - (2) Have a floor area that is not greater than two and a half (2 ½) times the floor area of the largest home that is located on the same street block; and
  - (3) The site is accessed by a public street that is classified as a collector or greater capacity.

**3.205.5 Day Care Centers:**

- (A) **Minimum Lot Size:** One (1) acre.
- (B) **Minimum Setbacks:** Fifty (50) feet from all property lines.
- (C) **Play Area:** Outdoor activity areas and play lots shall be fenced and screened to Buffer Type C standards.

**3.205.6 Schools, Colleges, and Universities:**

- (A) **Minimum Setbacks:** All structures shall be set back per the following from any abutting residential lot line, residential district, or recorded subdivision:
- (B) **High School, Colleges, and Universities:** Two hundred (200) feet.
- (C) **Elementary and Middle Schools:** Two hundred (200) feet.
- (D) **Temporary Structures:** Temporary structures needed for the expansion of an elementary, middle, or high school located within residential zoning districts shall be screened from view of abutting properties.
- (E) **I1 and I2 District:** The college or university is engaged in vocational training or research and development consistent with the purposes of the district.

**3.205.7 Hospitals, Medical Centers, and Outpatient Clinics:**

- (A) **Accessory Uses:** Accessory uses, such as a pharmacy, gift shop, cafeteria, place of worship, and similar uses shall be allowed within the principal building.
- (B) **Locations Within Residential Districts:**

- (1) **Hospitals:** The use is located along, and has direct access to, an arterial roadway, unless the BZA finds that access to an adjoining collector road is safer, and provides improved design benefitting the county.
- (2) **Medical Centers and Clinics:** Access to the use is provided by a road that is classified as collector or greater in capacity.
- (3) **Within the R-3 and R-2 zoning districts:**
  - (a) The facility shall have a gross floor area not exceeding three thousand (3,000) square feet;
  - (b) The facilities shall be designed to be compatible with residential structures; and
  - (c) Medical and bio-hazardous waste incineration uses are prohibited.
- (C) **Hospitals Minimum Lot Size:** A minimum lot area of ten (10) acres. There is no minimum lot size for medical centers and outpatient facilities.
- (D) **Minimum Setbacks:** All buildings shall be set back a minimum of two hundred (200) feet from any abutting residential lot line, district, or recorded subdivision. Installation of Buffer Type D reduces the required setback to one hundred (100) feet.

**3.205.8 Recreation Facility — Outdoor:**

- (A) **Accessory Uses:** Retail sales must be strictly ancillary to the principal use.
- (B) **Minimum Setback:**
  - (1) Fifty (50) feet from adjacent non-residential property line
  - (2) Two hundred (200) feet from residential district or use.
- (C) **R-1B, R-2 and R-3 Districts:**
  - (1) Uses within three hundred (300) feet from a residential use or zone shall be closed between 10:00 p.m. and 8:00 a.m.
  - (2) Where the use adjoins any residential property or use, the buffers shall incorporate berms or walls and be increased by one hundred percent (100%) of the required buffer.
  - (3) The minimum lot area shall be five (5) acres.
- (D) **Golf Courses, Driving Ranges and Miniature Golf:**
  - (1) **Screening:** Lot lines abutting a residential zoning district shall be screened with Buffer Type D.
  - (2) **Setbacks:** No structure shall be located less than two hundred (200) feet from the property line of any abutting residential district or use.

- (3) **Site Plan Requirements:** The site plan shall illustrate expected trajectory or ball dispersion patterns along fairways and for driving ranges where adjacent to residential uses, buildings, parking lots, or public streets.
  - (4) The location, layout, design, and operation shall not adversely affect nor impair the use.
- (E) **Membership Sports or Recreation Clubs/Swimming Pools:** Swimming pools that are a principal use shall comply with the following standards. Swimming pools that are accessory uses shall comply with Section 3.102.7 and 3.102.10.
- (1) Swimming pools shall be located on a site or parcel with an area of at least three (3) acres and a width of at least two hundred (200) feet at the building line.
  - (2) The area containing the pool shall be completely enclosed by a wall or fence not less than six (6) feet in height, with all access gates being lockable, self-closing and self-latching, and always maintained in good condition.
  - (3) Pumps and filtering equipment and appurtenant structures shall be located at least two hundred (200) feet from off-site property lines.
  - (4) Facilities within the floodplain require Warren County Chief Building Official approval. There shall be no commercial displays visible from the street or other property.
- (F) **Speedways, Casinos, Horse and Dog Race Tracks and Permanent Outdoor Concert Facilities:**
- (1) Requires noise impact analysis that considers impact on surrounding neighborhoods.
  - (2) Structures or facilities are not within one thousand (1,000) feet of a residential, educational, church, or municipal use structure.
  - (3) Requires traffic impact analysis that considers ingress and egress, internal circulation, and impact on the surrounding neighborhood
- (G) **Stadiums:** Stadiums shall comply with the following standards:
- (1) Shall be located at least one thousand (1,000) feet from a residential use;
  - (2) Are prohibited in the R-1B, R-2, and R-3 zoning districts;
  - (3) Shall be located on a site or parcel that, at the primary point of access, has at least two hundred (200) feet of frontage on an arterial street;
  - (4) Shall locate access points to minimize traffic to and through local streets; and,
  - (5) Shall be located on a site or parcel with an area of at least five acres.

**3.205.9 Recreation Facility — Indoor:** This use shall be:

- (A) At least one hundred (100) feet from any residential property line; and
- (B) The appropriate authority shall evaluate noise impact.

**3.205.10 Towers other than Telecommunication Towers:**

(A) **Setbacks:**

- (1) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height.
- (2) A tower may encroach within the required setback only upon securing the following:
  - (a) An easement for the affected area from an adjacent/involved property owner; or
  - (b) A variance from the BZA upon certification by a recognized authority that the tower's engineered fall radius is contained within the parent parcel.

(B) **Structural Sufficiency:** Shall be certified by a licensed engineer

(C) **Lighting:** Towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with all Federal Aviation Administration and Federal Communications Commission requirements.

(D) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.

(E) **Liability Insurance:** The tower owner shall secure, and at all times maintain, public liability insurance for personal injuries, death, and property damage.

**3.205.11 Telecommunications Towers:** Telecommunications towers subject to Warren County Zoning authority, pursuant to ORC Section 303.211, shall comply with the following requirements:

(A) **Telecommunications Tower:**

- (1) **Justification:** The applicant for a new telecommunications facility tower or other type of support structure shall demonstrate the need by submitting a needs study that identifies the location, or group of locations, where a facility will meet the communications need. Justification shall include, but is not limited to, copies of certified mail requests sent to all other tower owners in the vicinity of the proposed tower, stating the applicant's needs. The applicant shall provide documentation of each request and responses. Among the locations identified, the applicant shall locate the facility according to the following priority locations, listed from greatest priority (1) to least priority (5):
  - (a) Collocation on another tower that meets the requirements of this section.
  - (b) On an existing utility structure such as a water tower.

- (c) On an existing structure such as a steeple where the antenna can be camouflaged to retain the appearance of the structure.
  - (d) On a site where the tower will largely be screened from view from residential property and public rights-of-way by distance, intervening buildings, and vegetation.
  - (e) On another location, with screening as approved.
- (2) **Structural Sufficiency:** Structural sufficiency of a telecommunications tower or other support structure shall be certified by an Ohio licensed engineer. To ensure structural integrity and the health and safety of the public, at the minimum, telecommunication tower inspections shall take place as follows:
- (a) Mono-pole towers every ten (10) years; lattice towers every five (5) years; guy-wire cable-secured towers every three (3) years.
  - (b) Inspections are the sole responsibility of the tower operator of record and shall be performed by an individual or company that is a member of the National Association of Tower Erectors. Results of inspections shall be provided in writing to the Zoning Inspector and based upon the results; the Board of County Commissioners may require the repair or removal of a telecommunication tower.
- (3) **Subdivision Compliance:** A telecommunications tower site may be a leased area, on part or all of a parcel, subject to compliance with the Warren County Subdivision Regulations.
- (4) **Site Access and Circulation:**
- (a) Site access shall be:
    1. of a dust-free surface material and load-bearing capacity sufficient to provide for safe intersection of the public road;
    2. Installed and maintained by the site owner;
    3. Of a width that facilitates ingress/egress by vehicles anticipated to visit the site; and,
    4. Approved by the Fire/Rescue Department of jurisdiction and, as applicable, the Warren County Engineer or the Ohio Department of Transportation.
  - (b) Circulation shall be designed to provide for the following:
    1. A T-turnaround or parking spaces configured to facilitate forward movement by vehicles.
    2. A driveway that is not less than ten (10) feet wide and that provides a double-width segment.
- (5) **Setbacks:**
- (a) The setback distance from the center of the tower to an adjacent property line shall be equal to the tower height.
  - (b) A tower may encroach within the required setback only upon securing the following:

1. An easement for the affected area from an adjacent/involved property owner; or,
  2. A variance from the BZA upon certified by American National Standards Institute (ANSI), the Electronic Industry Association (EIA), the Telecommunication Industry Association (TIA), and/or other recognized authorities that the tower's engineered fall radius is contained within the parent parcel.
  3. Accessory structures setback requirements may be reduced or its location in relation to a public street varied, at the sole discretion of the Zoning Inspector to allow the integration of a telecommunication device into an existing or proposed structure such as a church steeple, lighting structures, electric transmission tower, or similar structure.
- (6) **Fencing:**
- (a) A security fence, not less than six (6) feet tall with a locking gate, shall enclose equipment areas and the base of the tower.
  - (b) The fencing shall display signage stating "KEEP OUT — NO TRESPASSING" and warning "DANGER – HIGH VOLTAGE" prominently posted on each face of the fence.
  - (c) Fencing shall be set back at least twenty (20) feet from any adjacent property line.
- (7) **Off-Street Parking:** Minimum of one (1) parking space shall be provided.
- (8) **Buffer Screening:** Existing trees and shrubs shall be maintained to the greatest degree possible to screen the view of the tower and base facility. Additionally, the perimeter of the tower and base facility shall be planted with evergreen landscaping capable of forming a continuous visual buffer screen at least five (5) feet in height within two (2) years after planting.
- (9) **Lighting:** Telecommunications towers shall not be illuminated unless required by the Federal Aviation Administration (FAA) or other applicable Federal or State Authority for security and/or for safety purposes. The applicant shall provide documentary evidence of compliance with Federal Aviation Administration and Federal Communications Commission requirements, unless not lawful to require for a collocation and/or modification request.
- (10) **Abandonment:** The tower owner and any successor or assign shall be required to remove the tower and all related equipment within sixty (60) days after verification by the Zoning Inspector that the use has permanently ceased or is abandoned. Verification requires certified mail notice to the property owner.
- (11) **Height:** Support facilities are subject to the maximum building height permitted in the zoning district.
- (12) **Liability Insurance:** The owner of a wireless telecommunications facilities and/or site owner shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage.

- (13) **Collocation Requirement on a New Facility:** A new facility shall provide at least two (2) collocation opportunities.
- (14) **Collocation or Modification of an Existing Facility:**
- (a) Collocations and modifications of an existing eligible facility shall be approved by exemption from zoning following Zoning Inspector determination per the criteria specified below in (2) that the request would not substantially change the physical dimensions of the tower or base station, involving:
1. Collocation of new transmission equipment;
  2. Removal of transmission equipment; and/or
  3. Replacement of transmission equipment.
- (b) Collocations and modifications of an existing eligible facility are deemed a substantial change subject to approval by the Warren County Board of County Commissioners (BOCC) pursuant to Section 1.303 (Site Plan Approval) if the modification meets any of the following determination criteria:
1. There is a single increase in the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty (20) feet, whichever is greater. For other eligible support structures, the height of the structure is increased by more than 10% or more than ten (10) feet, whichever is greater;
  2. There is an addition of an appurtenance to the body of the tower that would protrude more than twenty (20) feet from the edge of the tower, or more than the width of the structure at the level of appurtenance, whichever is greater. For other eligible support structures, an appurtenance added to the body of the structure would protrude by more than six (6) feet from the edge of the structure;
  3. Entails any excavation or deployment outside the existing site;
  4. Would defeat the concealment elements of the eligible support structure; or
  5. Would not comply with conditions associated with site approval for the construction or modification of the eligible support structures or base station equipment, provided however that this limitation does not apply to any modification that is non-compliant only in a manner that would not exceed the thresholds identified in above items (a) through (c).
- (15) **Review Type and Time Period:**
- (a) **Collocation and/or Modification Request:**
1. A request that does not constitute a substantial change to an existing eligible facility shall be approved by the Zoning Inspector within 60



days after submission to the Zoning Inspector, inclusive of tolling that may have been granted per paragraph (3) of this Section.

2. A request that constitutes a substantial change to an existing eligible facility shall be reviewed and acted on by the BOCC, either for approval as submitted, approval with conditions, or disapproval, within 90 days after submitted to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.

(b) **New Facility Request:**

A new tower and base station facility shall be reviewed and acted on by the BOCC, either for approval as submitted, approval with conditions, or disapproval, within 150 days after submitted to the Zoning Inspector, inclusive of tolling that may have been granted per subparagraph (3) of this Section.

(c) **Tolling:**

The review period begins when the application is filed, and may be tolled only by mutual agreement by the BOCC and the applicant, or in cases where the Zoning Inspector determines that the application is incomplete. To toll the timeframe for incompleteness, the Zoning Inspector must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application. Following a supplemental submission, the Zoning Inspector will notify the applicant within 10 days about the completeness of the application. Subsequent notices of incompleteness may not specify missing documents or information that was not delineated in the original notice of incompleteness. The timeframe resumes upon confirmation by the Zoning Inspector that the application is complete.

(B) **Small Cell Tower:**

- (1) **Pre-Application Conference:** A pre-application conference with the Zoning Inspector is required. Upon receipt of this request, the Zoning Inspector will coordinate with the applicant, any applicable utility providers, and the owner of the right of way or property on which the Small Cell System is proposed to be installed. Applicants shall provide preferred locations, structure design style and structure height upon request for the pre-application meeting.
- (2) **Application Submittal:** All proposed Small Cell Systems shall be subject to administrative review and approval by the Zoning Inspector. The factual determination approving or rejecting such plans shall be made in accordance with requirements of this and other applicable sections of Warren County Rural Zoning Code. Where the Zoning Inspector finds that circumstances or conditions relating to the particular application are not necessary or desirable for the protection of surrounding property or the public health, safety, and general welfare, and that such special conditions or circumstances make one or more requirements unreasonable, the Zoning Inspector may modify or waive such

requirement, either permanently or on a temporary basis. Any modification or waiver shall be requested in writing by the applicant.

- (3) **Application Information:** Applications are limited to ten (10) towers per application. Applicants for the construction of Small Cell Systems shall submit:
- (a) The required application fee;
  - (b) A written description and map showing the coverage area of the provider's existing facilities in the general and site-specific areas that are the subject of the application.
  - (c) A statement of the telecommunications objectives for the proposed location, whether the proposed facility is necessary to prevent or fill a gap or capacity shortfall in the applicant or provider's service area, whether it is the least obtrusive means of doing so, and whether there are any alternative sites that would have fewer aesthetic impacts while providing comparable service.
  - (d) A statement by an authorized representative that the applicant or provider holds all applicable licenses or other approvals required by the Federal Communications Commission, and any other agency of state or federal government with authority to regulate telecommunications facilities that are required in order for the applicant to construct the proposed facility.
  - (e) A full description of the number and dimensions of all Small Cell Towers proposed to be installed.
  - (f) A site plan, signed and sealed by a professional engineer registered in Ohio, showing the proposed location of the tower and existing structures within five hundred (500) feet of the proposed site. For Applications in which multiple towers are proposed, an overall site plan showing all proposed locations must be provided.
  - (g) A vertical profile sketch or drawing of the towers, signed and sealed by a professional engineer licensed in Ohio, indicating the height of the tower and the placement of all antennas and equipment enclosures.
  - (h) Written approval from the property owner stating the applicant or provider has permission to construct a facility on their property. In the case of public right-of-way or public property, written approval must be submitted from the duly-authorized representative of the governing body holding ownership.
  - (i) Description of whether other overhead utilities exist within five hundred (500) feet of the proposed antenna location.
  - (j) A Right-of-Way Use Permit or Public Utility Easement Use Permit from the Warren County Engineer's Office for facilities within the public right-of-way or public utility easement.

- (4) **Processing of Application:** The Zoning Inspector shall review and take final action on Applications for new Small Cell Systems within sixty (60) days of a completed application. This time period will not begin until the filing fee is submitted and the application is deemed complete. The Zoning Inspector shall notify the applicant once the application is deemed complete. The Zoning Inspector shall either: approve, approve with conditions, or deny the application. After a Small Cell System is approved, separate applicable building, zoning, and electrical permits, and permission from the local jurisdiction, right-of-way or property owner are required prior to the beginning of construction. An applicant claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Inspector in the administration of these regulations may appeal the action to the Board of Zoning Appeal.
- (5) **Location & Design Regulations:** A new Small Cell System is subject to design review and approval by the Zoning Inspector. The design criteria required for the new Small Cell Systems is determined by the type of location or zoning district in which the facility is to be located.
- (a) Non-Tower Small Cell System Locations: No administrative review by Staff is required for antennas locating on existing telecommunications structures, water towers, buildings, utility poles (as defined by this regulation) or other existing structures. These non-tower locations must adhere to all other applicable federal, state, and local zoning codes, building codes or permits.
- (b) New Small Cell System Tower Locations in Residential Zoning Districts: The regulations in this section apply to all new Small Cell System Towers.
1. Temporary, mobile or wheeled cellular antenna towers shall not be permitted.
  2. New Small Cell Towers shall be designed and constructed to accommodate a minimum of two (2) service providers.
  3. New Small Cell Towers may be located on public or private land or within a public Right-of-Way provided it does not interfere with other utilities, functionality of sidewalks, visibility, or other matters of public safety.
  4. New Small Cell Towers shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the stealth technology, such as a design intended to look like a street light pole.
  5. New Small Cell Towers shall not include advertisements and may only display information required by a federal, state, or local agency. Such display shall not exceed one (1) square foot in area, unless required by state or federal regulations, or unless a larger display is integral to the stealth technology. Such display shall not exceed the width of the pole, unless a wider sign is integral to the stealth technology such as a design which integrates a decorative banner.

6. A Small Cell Tower located in an area with primarily underground utilities shall adhere to stealth technology that incorporates the telecommunications equipment into a streetscape amenity, such as a decorative lamp post, street light or other approved design. In areas with overhead utilities, cylindrical antennas are required.
7. A Small Cell Tower shall not be located closer than fifty (50) feet to an existing residential structure or the front setback line of a residentially zoned parcel.
8. A new Small Cell Tower shall not be located within five hundred (500) feet of an existing Small Cell System Tower. Multiple carriers are permitted and encouraged to locate on one tower, where possible.

(6) **Amendments to Approved Plans:** Any amendments to plans, except for the minor adjustments outlined below, shall be made in accordance with the procedure of this Section, subject to the same limitations and requirements as those under which such plans were originally approved. The following activities shall be considered minor adjustments from the original approval of an application for towers located in public rights of way. Changes are measured cumulatively from the original approval of the tower or base station.

- (a) Tower height increases by less than ten (10) percent or ten (10) feet, whichever is greater.
- (b) Change in the tower width of less than ten (10) percent or six (6) feet, whichever is greater.

**SEC 3.206**     **COMMERCIAL BUSINESS AND SERVICES USES:** Commercial use within a residential district, excluding Mixed Use Neighborhood Zone (MXU-N), are limited to access from an arterial or collector road, but may also take access from a local road that is not more than five hundred (500) feet, or one (1) lot away, from an arterial or collector road. A Bed and Breakfast may be accessed by any public road.

In cases where two (2) or more attached retail, service, office (including uses within Section 3.207), eating or drinking establishments, or other combination of permitted business or commercial uses, are designed or intended for more than one ownership, side yards between ownerships are not required, provided:

- (A) The complex is planned and constructed as one entity and at the same time.
- (B) Interior side lot lines are coincident with party walls.
- (C) The normal side yard is provided at each end of the complex.

**3.206.1**     **Animal Hospital or Veterinary Clinic:**

(A)     **Accessory Uses:**

- (1) Within residential districts, accessory uses may include retail sales and grooming services, as long as such uses do not occupy more than twenty-five percent (25%) of the total gross floor area of the principal building.
- (2) Crematories for animals as an accessory use are permitted in non-residential districts.

(B)     **Design:** The use shall be designed so that noise or odor cannot be detected off-site as determined by appropriate authority.

(C)     **Landscaping and Screening:** Outdoor enclosures or runs shall be enclosed by a Buffer Type D.

(D)     **Residential Districts Minimum Site Size:** One (1) acre.

(E)     **Operating Requirements:**

- (1) All activities, except animal exercising, shall be conducted within an enclosed building; and,
- (2) Boarding is limited to animals brought in for treatment or surgery.

(F)     **Performance Standards:** Outdoor exercising is not allowed between 9:00 p.m. and 8:00 a.m.

(G)     **Setbacks:** Structures where animals are housed, outdoor runs, and exercise areas shall not be located within the minimum setback areas, and shall be set back at least one hundred (100) feet from a residential use or district.

**3.206.2**     **Automotive Repair, Service, Sales and Rentals:** This sub-section applies to General Automotive Repair, Automotive Fueling Stations, Motor Vehicle Body Repair Shops,

Automobile Washing Facility, and Motor Vehicle Sales, Vehicle sales, rental, and service shall comply with the following standards except as otherwise provided herein.

(A) **All Uses:**

- (1) Vehicles shall not be parked on the public right-of-way.
- (2) Bays shall not front a public right-of-way. On corner lots, bays may face the right-of-way of lower traffic count.
- (3) Accessory uses and structures, such as car wash facilities and their incidental functions (vacuums and air compressors), are set back a minimum distance of seventy-five (75) feet from all rear and side yards of a residential use or district.
- (4) Car washes shall be completely enclosed, except at points of ingress and egress.
- (5) The use shall not include outdoor storage or impound yards for towed vehicles.
- (6) Existing buildings shall not be re-used for vehicle sales, rental, and service unless lighting, signage, parking, and landscaping are brought into compliance with this Code.
- (7) There shall be no external evidence of service and repair operations, in the form of dust, odors, vibration, or noise, beyond the interior of the service building.
- (8) Repair work shall be conducted completely within an enclosed building and all automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building.
- (9) Buffer Type D shall be provided on side and rear lot lines abutting a residential use or district.
- (10) Vehicles parked for repair shall meet district setback requirements.

(B) **Automotive Repair:**

- (1) The minimum lot area shall be twenty thousand (20,000) square feet, with a minimum of one hundred fifty (150) feet of frontage.
- (2) Vehicles shall not be parked or stored as a source of parts.
- (3) Temporary outdoor vehicle storage may be allowed for not more than thirty (30) days, in an outdoor storage area that is no larger than twenty five percent (25%) percent of the buildable area of the lot, located behind or to the side of the principal structure, and screened from off-site view by Buffer Type D.
- (4) The use shall be located at least one hundred (100) feet from a residential use or district, school, or day care.
- (5) The site shall be designed to ensure proper vehicle stacking, circulation, and turning movements (per Section 3.301).
- (6) Painting/Body Shop: Automobile painting/body shop uses shall comply with the following standards:

- (a) The use shall be located at least five hundred (500) feet from any residential zoning district, school, or day care.
- (b) Buildings containing service and repair activities shall have appropriate filtering systems to prevent emission of paint odors and shall comply with OSHA and EPA requirements.

(C) **Automotive Sales and Rentals:**

- (1) No vehicle or equipment displays shall be located within a required parking area setback or perimeter buffer.
- (2) The use shall not have more than a display pad for one vehicle for every seventy five (75) feet of street frontage. The vehicle display pad may be elevated up to two (2) feet above adjacent displays or grade level.
- (3) No vehicles shall be displayed on the top of a building.
- (4) All vehicles stored outside shall be parked on an asphalt or concrete surface.
- (5) It is permissible to temporarily park sales inventory on a dust-free pervious surface for a maximum of one (1) year.

(D) **Automotive Wrecker Service:**

- (1) The use shall be located at least five hundred (500) feet from any residential district, school, or day care center.
- (2) The number of vehicles stored on-site shall be limited to twelve (12) vehicles and the area shall be screened with Buffer Type D.
- (3) Vehicles shall not be stored for more than ninety (90) days. The Zoning Inspector may approve an additional ninety (90) day extension.

(E) **Automobile Washing Facility:**

- (1) Entrances and Exits: Sufficient space shall be provided on the lot so that vehicles do not enter or exit the wash building directly from an adjacent street or alley. All maneuvering areas, stacking spaces, and exit aprons shall be located within the vehicle wash property.
- (2) Layout.
- (3) Vacuum activities shall be located at least one hundred (100) feet from an adjoining residential use or district.
- (4) Minimum Lot Size: Twenty thousand (20,000) square feet.

**3.206.3 Automotive Fueling Station:**

(A) **All Sites:**

- (1) The lot shall have an area of at least fifteen thousand (15,000) square feet and a lot width of at least one hundred fifty (150) feet.

- (2) Fuel pumps shall be located a minimum of thirty (30) feet from any right-of-way line.
- (3) Canopies may be erected over service station pump islands provided that no canopy shall be closer than twenty (20) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than twenty-five (25) feet to the right-of-way. Such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level.
- (4) All lighting fixtures under the canopy shall be fully recessed into the canopy structure so as not to be visible from off-site properties.
- (5) The applicant shall submit an approved Pollution Incidence Protection Plan.

(B) **Corner Lots:**

- (1) The lot shall have an area of at least thirty thousand (30,000) square feet and a frontage of at least one hundred twenty five (125) feet on each street side.
- (2) Canopies must meet Section 3.103.1 Clear Sight Distance Triangle requirements. All setbacks are taken from the rights-of-way as shown on the Official Thoroughfare Plan for Warren County, Ohio.

**3.206.4 Bars, Brewpubs, Billiard Parlors, Night Clubs, and Taverns:**

- (A) **Minimum Setbacks:** Structures shall be set back one hundred (100) feet from residential uses or district.
- (B) **B-1 Zoning District:** The hours of outdoor operation may be restricted, during site plan review, if it is determined that the noise, glare or traffic might adversely impact any adjoining residential district.

**3.206.5 Bed and Breakfast:**

(A) **Building Requirements:**

- (1) There shall be a maximum of six guest rooms
- (2) The bed and breakfast is a reuse of an existing single-family building having a minimum floor area of two thousand (2,000) square feet or a historic structure.
- (3) Additions shall amount to no more than sixty percent (60%) of the total floor area, subject to the Floor Area Ratio provisions of Section 2.303.5.
- (4) The bed and breakfast shall be the permanent residence of the owner.

- (B) **Landscaping and Screening:** Parking lots and outdoor seating areas shall be considered commercial uses and shall be screened from adjacent residential uses and districts by a Buffer Type C in accordance with the provisions Table 3.405-2.

(C) **Parking:**

- (1) The use shall provide for all parking off-street, however, the Zoning Inspector may permit on-street parking to be substituted for off-street parking upon



determining that the street can accommodate the required parking and that off-street parking would be detrimental to the character of the area.

- (2) Additional parking shall not be allowed within the front yard.
- (D) **Service:** Meals or other services provided on the premises shall only be available to residents, employees, and overnight guests of the establishment.
- (E) **Length of Stay:** Maximum thirty (30) consecutive days.

### **3.206.6 Funeral Parlor, Crematories or Mortuaries:**

- (A) **Caretaker's Residence:** A caretaker's residence may be provided as an accessory use within the main building.
- (B) **Chemicals:** The operator shall provide the Fire Department of jurisdiction with a list of all chemicals used.
- (C) **Crematory:** Crematories must be in conformance with established Ohio Environmental Protection Agency standards.
- (D) **Landscaping Adjacent to Residential Areas:** Buffer type C.
- (E) **Minimum Lot Size:** One (1) acre.
- (F) **Minimum Lot Width:** One hundred and fifty (150) feet.
- (G) **Parking and Circulation:** An off-street assembly area shall be provided for funeral processions and activities. This area may be incorporated into the required off-street parking and maneuvering areas. Streets and alleys shall not be used for the assembly of funeral processions.
- (H) **All Residential Districts:** The use shall reflect the scale and character of the adjacent residential properties and the exterior building design shall be approved by the BZA.

### **3.206.7 Hotels and Motels:**

- (A) **Screening:**
  - (1) Parking areas shall be screened to the minimum standards of Buffer Type C.
  - (2) A Buffer Type D shall be provided between a hotel or motel and any land that is in a single-family residential zoning district or use. Side yards that front a road right-of-way that is directly across the street from a residential use shall be screened to the minimum standards of Buffer Type C.
- (B) **Frontage:**
  - (1) The site shall have its principal frontage, access, and orientation directly on an arterial street or collector road;
  - (2) When possible, all services associated with the development shall be located so as not to require access from an interior residential street.

- (C) **Residential District Signage:** Signage oriented towards a residential district shall not exceed four (4) feet in total height and sixteen (16) square feet.
- (D) **Accessory Use:** Up to twenty percent (20%) of the gross floor area of a hotel or motel may be devoted to eating establishments as an accessory use. The eating establishments(s) may have an entrance from outside the principal building.

**3.206.8 Country Inns:** Country Inns shall comply with the following standards:

- (A) The use is limited to eight (8) guest rooms.
- (B) Minimum Lot Size: Five (5) acres.
- (C) Individual guest rooms shall not contain cooking facilities.
- (D) The use may include facilities for catering, banquets, weddings, receptions, reunions, and similar events.
- (E) Additional parking shall not be allowed within the front yard setback or on the street.

**3.206.9 Commercial Use-Large-Scale Retail:** The exterior building design shall be approved by the BZA using the following guidelines.

- (A) **General:**
  - (1) Building architecture should be attractive, varied, and human-scaled.
  - (2) The development should be integrated with the surrounding environment through enhanced pedestrian connections.
  - (3) Building design should use materials, forms, and colors that provide visual interest.
- (B) **Blank Walls:** Monotonous or blank walls should be avoided by appropriately scaled doors, windows, awnings, and detailing or landscaping, particularly at the ground floor level.
- (C) **Entryways:** Entry features should be clearly defined, should give orientation, and should aesthetically pleasing character to the building. Entrances should combine different colors, textures, and the architectural elements required throughout this subsection to emphasize entrances and to break the monotony of large vertical surfaces.
- (D) **Facades:** Facades should be articulated to provide visual interest by incorporating color, texture, and material changes or through architectural, landscaping, or structural changes. Facades should incorporate recesses, off-sets, arches, colonnades, columns, pilasters, detailed trim, and contrasting courses of material, cornices, or porches to vary building facades.
- (E) **Landscaping:** Architectural and landscaping features should be used to mitigate the impacts of rear or sides of buildings visible from a public or private right-of-way, loading areas, storage areas, HVAC units, garbage receptacles, and other such features.

- (F) **Rooflines:** Variations in roof lines should be used to add interest to, and reduce the massive scale of, large buildings. Rooflines may be varied with cantilevers, gables, parapets, and/or cornice lines. The continuous plane of a roofline should not exceed one hundred (100) feet.

**3.206.10 Restaurants:** The hours of operation may be restricted, during site plan review, if it is determined that the noise, glare, or traffic might adversely impact any adjoining district.

- (A) **Outdoor Seating:** Restaurants with outdoor seating shall comply with the following standards:
- (1) **Pedestrian Circulation:**
    - (a) A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables, signs, planters, and other encumbrances.
    - (b) Planters, bollard, posts with ropes, or other enclosures shall be used to define the area occupied by the outdoor café.
  - (2) **Signage:** Portable sandwich board or A-Frame signage, not exceeding six (6) square feet per side, is permitted.
- (B) **Restaurants with Drive-Through Service:** A drive-through facility shall be designed and located to minimize visual, traffic, and noise impacts on neighboring development. In addition to the applicable provisions of this chapter, drive-through facilities shall comply with the following:
- (1) Shall be located a minimum of one hundred (100) feet from single-family dwellings or single-family residential zoning districts.
  - (2) Shall be designed so as not to obstruct the movement of pedestrians.

**3.206.11 Sexually Oriented Businesses:**

- (A) **Minimum Setback Standards:** Five hundred (500) feet from an Interstate Highway right-of-way.
- (B) **Separation:** Five thousand, two hundred and eighty (5,280) feet from another Sexually Oriented Business.
- (C) **Outdoor Uses:** The use shall not engage in the outdoor exhibition of "Specified Anatomical Areas" or "Specified Sexual Activities".
- (D) **Measurement of Distance:**
- (1) For the purposes of the regulation of Sexually Oriented Businesses, distance shall be measured in a straight, horizontal line without regard to intervening structures.
  - (2) The distance between any two (2) Sexually Oriented Businesses and the distance between any Sexually Oriented Business and any establishment where alcohol is served shall be measured from the closest exterior structural wall of each business. The distance between any Sexually Oriented Business and any

Protected Use, as defined, shall be measured from the closest exterior structural wall of the Sexually Oriented Business and the nearest property line of the Protected Use.

- (E) **Non-Conformity:** A sexually Oriented Business lawfully operating as a conforming use is not rendered non-conforming by the subsequent location of a Protected Use within five hundred (500) feet of the Sexually Oriented Business.
- (F) **Permit Required:**
- (1) No Sexually Oriented Business may operate without a valid Sexually Oriented Business Permit issued by the Warren County Zoning Inspector.
  - (2) The Zoning Inspector is responsible for granting, denying, revoking, renewing, suspending and/or canceling permits for existing or proposed Sexually Oriented Businesses. To be approved, applicants must comply with all applicable requirements of these regulations of the Zoning Code, Building Code, Warren County Sheriff, Local Fire Department, and the Warren County Combined Health District.
  - (3) The Warren County Sheriff is responsible for obtaining information on whether an applicant has been convicted of a Specified Criminal Act within the time period set forth.
  - (4) Applications must be made on a form provided by the Warren County Zoning Office. Applicants must provide one (1) original and all necessary copies of a sworn application which shall contain the following information and attached documentation:
    - (a) **If the applicant is:**
      1. An individual, the legal name, all aliases, and proof that applicant is at least eighteen (18) years of age.
      2. A partnership, the complete name, all partners' legal names and aliases, proof that each partner is at least eighteen (18) years of age, and a copy of any partnership agreement.
      3. A corporation, its complete name, date of incorporation, legal names of all officers, directors, and stockholders, proof that all officers, directors, and stockholders are at least eighteen (18) years of age, legal name and address of its registered agent, a copy of articles of incorporation, and evidence of good standing under Ohio Law.
    - (b) The proposed name of the Sexually Oriented Business as well as any registration documentation.
    - (c) Whether the applicant or any other individual listed in the application has been convicted of a Specified Criminal Act within either two (2) years for misdemeanor offenses or five (5) years for felony offenses or two (2) or more misdemeanor offenses immediately preceding the application date and, if so, the criminal act involved, date, and place of conviction(s).

- (d) Whether the applicant, a person with whom the applicant is residing, or any individual listed in the application, has had a Sexually Oriented Business Permit revoked, suspended, canceled, or denied, and, if so, the name of the business, the jurisdiction, and the date of revocation, suspension, cancellation, or denial.
  - (e) Whether the applicant, the spouse of the applicant, or any individual listed in the application, holds any other Sexually Oriented Business Permits, as well as the names and locations of all such other businesses and whether the aforementioned are overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to a Sexually Oriented Business.
  - (f) The proposed location of the business, including a legal description of the property, street address, and telephone numbers.
  - (g) The applicant's business and residential addresses and telephone numbers.
  - (h) The applicant's driver's license number, Social Security number, tax identification number, and recent photograph.
  - (i) A sketch or diagram showing the configuration and total floor space of the premises upon which the Sexually Oriented Business will be conducted. The sketch need not be professional, but must be drawn to scale and accurate to within six (6) inches, plus or minus.
  - (j) In addition to the requirements of Chapter 1.303 (Site Plan Approval Application) of the Zoning Code, a current certificate and straight line drawing, prepared within thirty (30) days prior to application by a registered land surveyor, depicting property lines, structures, and the property lines of any existing Protected Use and other Sexually Oriented Businesses within one thousand (1,000) feet of the proposed Sexually Oriented Business. A Protected Use shall be considered established if it is in existence at the time the application is submitted.
  - (k) The application must be signed:
    1. By the individual applicant if the applicant is an individual.
    2. By all partners if the applicant is a partnership.
    3. By an authorized officer and all shareholders if the applicant is a corporation; and
    4. In addition to (a), (b), and (c) above, all persons having any ownership interest in the Sexually Oriented Business.
- (5) Applicants are under a continuing duty to promptly update their application information. Failure to do so within thirty (30) days of the date of a change in application information shall be grounds for permit suspension.
- (6) If the Zoning Inspector determines that an applicant has provided incomplete or inaccurate information or improperly completed the permit application, the applicant shall be notified and allowed ten (10) days for corrections to be made. The time period for application review shall be stayed during the period in which the applicant is allowed an opportunity to properly complete the application.

- (7) A non-refundable application fee, as determined by the County Commissioners, is due at the time the applicant files an application. Applications will not be accepted without the required filing fee.
- (8) The applicant must be qualified according to all provisions of these regulations and the premises must be inspected and found to be in compliance with all applicable health, fire, zoning, and building codes and laws.
- (9) The possession of other types of permits, including a liquor license, does not exempt an applicant from the requirement of obtaining a Sexually Oriented Business Permit.
- (10) By making application for a Sexually Oriented Business Permit, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- (11) The applicant is required to provide the Zoning Inspector with the names (including aliases) of all employees required to be licensed under the Zoning Code before they commence employment. This obligation continues even after a permit is granted or renewed. Failure to comply with this requirement shall be grounds for permit suspension. No employee may work in a Sexually Oriented Business without a valid Sexually Oriented Business Employee License.

(G) **Application Investigation:**

- (1) Upon receipt of a completed application and the required non-refundable application fee, the Zoning Inspector (or designee) shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to any agencies responsible for the enforcement of health, zoning, fire, law enforcement and building codes or laws. Each agency shall promptly investigate the application in accordance with its responsibilities under law and as set forth within the Zoning Code. All investigations shall be completed within such time as to allow the Zoning Inspector to approve or deny a permit within forty-five (45) days of the Zoning Inspector's receipt of the completed application.
- (2) At the conclusion of its investigation, each agency shall indicate on the photocopy of the application its approval or disapproval of the application with date and signature and in the event of disapproval, and state the reasons therefore. An agency shall disapprove any application which reveals that the proposed Sexually Oriented Business will be in violation of any provision of any statute, code, regulation, or other law in effect in Warren County. After its indication of approval or disapproval, each agency shall immediately return the photocopy of the application to the Zoning Inspector.

(H) **Approval or Denial of Permit:**

- (1) A Sexually Oriented Business Permit shall be approved or denied by the Zoning Inspector within forty-five (45) days of the receipt of a complete application.
- (2) The permit, if granted, shall state on its face the name of the person(s) to whom it is granted, the name of the business, the address of the business, and the

permit expiration date. The permit shall be posted in a conspicuous interior location, at or near the entrance to the Sexually Oriented Business, such that it may be easily read at any time.

- (3) A permit application shall be approved unless one (1) or more of the following criteria is found to exist, in which case it shall be denied:
    - (a) An applicant, partner of a partnership applicant, or officer, director or shareholder of a corporate applicant is under eighteen (18) years of age.
    - (b) An applicant, or, if the applicant is an individual, an applicant's spouse, is overdue on the payment of taxes, fees, fines, or penalties assessed or imposed in relation to Sexually Oriented Business.
    - (c) An applicant, if the applicant is an individual, is residing with a person to whom a permit to operate a Sexually Oriented Business has been denied or revoked within the preceding twelve (12) months.
    - (d) An applicant, after the notice provided in Section 3.206.11(F), has failed to provide required information in the application, or has supplied false information.
    - (e) The premises to be used are not in compliance with applicable health, zoning, fire and building codes, as determined by the agencies responsible for determining such compliance.
    - (f) The non-refundable permit application fee has not been paid.
    - (g) An applicant is in violation of, or not in compliance with, any of the provisions of the Zoning Code.
    - (h) The issuance of the permit would violate a statute, resolution, or court order.
    - (i) The applicant held a Sexually Oriented Business Permit under the provisions of the Zoning Code which was subsequently revoked.
    - (j) The applicant has been convicted of a Specified Criminal Act within the time limits specified in Section 3.206.11(F) (4) (c) of the Zoning Code.
    - (k) An applicant knowingly employed an employee without a valid Sexually Oriented Business Employee License as required within the Zoning Code.
  - (4) No person may make application for a permit for a Sexually Oriented Business at a particular location if such person has had an application for a Sexually Oriented Business at the same location denied within twelve (12) months of the time application is made.
- (I) **Annual Permit Fee:** The annual fee for a Sexually Oriented Business Permit, as determined by the County Commissioners, shall be payable upon the date of first permit issuance and upon each anniversary thereof, assuming renewal is granted by the Zoning Inspector.
  - (J) **Inspection:** An applicant or permittee shall permit representatives of the Warren County Building and Zoning Department, Warren County Combined Health District, and the applicable fire department to inspect the premises of a Sexually Oriented Business for the purpose of ensuring compliance with their respective regulations at the time it is occupied or open for business.

(K) **Expiration and Renewal of Permit:** No Sexually Oriented Business shall operate without a valid Sexually Oriented Business Permit. Each Sexually Oriented Business Permit shall expire one (1) year from date of issuance and may be renewed prior to expiration subject to the following requirements: The permit holder shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to permit expiration, accompanied by a non-refundable fee as determined by the County Commissioners. Renewal shall be subject to a finding that the permit holder remains in conformance with all applicable permit requirements. Making application less than sixty (60) days before permit expiration shall not affect the current expiration date. An expired permit is not eligible for renewal; however, re-application may be made subject to all applicable requirements and division 3.206.11(M) below. Should the Zoning Inspector deny the renewal of a Sexually Oriented Business permit, the applicant shall not be issued such a permit for the same location.

(L) **Suspension of Permit:** A permit to operate a Sexually Oriented Business shall be suspended by the Zoning Inspector for thirty (30) days until the violation has been corrected. If it is determined that a Permittee or the employee of a Permittee has:

- (1) Violated or is not in compliance with any portion of the Zoning Code; or,
- (2) Been under the influence of alcoholic beverages or controlled substance while working on the Sexually Oriented Business premises; or,
- (3) Refused to allow an inspection of the premises as authorized by the Zoning Code; or,
- (4) Knowingly permitted gambling by any person on the premises; or,
- (5) Failed to correct a violation of a building, zoning, fire or health code within seven (7) days of the notification of such violation; or,
- (6) Engaged in permit transfer in violation of the applicable provisions of the Zoning code; or,
- (7) Knowingly employed a person without a valid license as required by the Zoning Code.

(M) **Revocation of Permit:**

- (1) A permit to operate a Sexually Oriented Business shall be revoked by the Zoning Inspector upon a determination that either a permit is to be suspended for a second time within a twelve (12) month period or that a Permittee or employee of a Permittee has:
  - (a) Given false or misleading information in material submitted during the application or renewal process that tended to enhance the opportunity for obtaining such permit or renewal; or,
  - (b) Knowingly allowed the possession, use or sale of controlled substances on the permit premises; or,
  - (c) Knowingly allowed prostitution on the premises; or,
  - (d) Knowingly operated the Sexually Oriented Business while under permit suspension; or,



- (e) Been convicted of a Specified Criminal Act for z which the time period specified in Section 3.206.11(F)(4)(c) of the Zoning Code has not elapsed; or,
  - (f) Been convicted of tax violations for taxes or fees related to a Sexually Oriented Business; or,
  - (g) Knowingly allowed any Specified Sexual Activities, as defined, between patrons or between patrons and employees to occur in or on the Permitted Premises or surrounding properties; or,
  - (h) Operate more than one (1) Sexually Oriented Business under a single roof.
- (2) Permit revocation is effective for one (1) year. The Permittee shall not be granted any other permits for any other Sexually Oriented Business during the effective revocation period.

(N) **Transfer of Permit:**

- (1) A Permittee shall not operate a Sexually Oriented Business at any location other than the address designated in the application for permit.
- (2) A Permittee shall not transfer a Sexually Oriented Business Permit unless and until such other person satisfies the following requirements:
  - (a) Obtains an amendment to the permit from the Zoning Inspector upon satisfactory completion of all permit application requirements.
  - (b) Pays a transfer fee of fifty percent (50%) of the annual permit fee.
- (3) A permit shall not be transferred in the event that the Permittee has been notified that suspension or revocation proceedings have been or are being brought against the Permittee.
- (4) A permit shall not be transferred to another location.
- (5) Any attempt to transfer a permit in violation of these provisions is void and the subject permit shall be revoked by the Zoning Inspector.

(O) **Sexually Oriented Business Employee License:**

- (1) All prospective employees of a Sexually Oriented Business shall obtain a Sexually Oriented Business Employee License. Each applicant shall pay a license fee, as determined by the County Commissioners, to cover reasonable administrative cost. No application shall be accepted without the required fee.
- (2) On a form provided by Warren County, the applicant must provide one (1) original and two (2) copies of a sworn application which shall contain the following information and attached documentation:
  - (a) Name, inclusive of stage names or aliases;
  - (b) Age, birth date, and birthplace;
  - (c) Height, weight, hair and eye color;
  - (d) Current residence and business addresses and phone numbers;
  - (e) State driver's license or state identification and Social Security numbers;

- (f) Acceptable written proof that the individual is at least eighteen (18) years of age;
  - (g) A color photograph of the applicant, clearly showing the applicant's face. The applicant's fingerprints on a form provided by the Warren County Sheriff. Any fees for photos and fingerprints are the responsibility of the applicant;
  - (h) A statement detailing the Sexually Oriented Business license or permit history of the applicant for the previous five (5) years, including information whether a permit for license had been denied, revoked, or suspended, the applicable reasons and dates for such actions, as well as the jurisdiction in which such actions occurred, as applicable;
  - (i) Information as to whether the applicant has been convicted of a Specified Criminal Act, as defined, as well as the date, place, jurisdiction, and nature of each conviction.
- (3) By making application for a Sexually Oriented Business Employee License, an applicant shall be deemed to have consented to the provisions of the Zoning Code and to the appropriate investigation of said application.
- (4) The Zoning Inspector shall refer a photocopy of the Sexually Oriented Business Employee License Application to the Warren County Sheriff for investigation. The Sheriff shall report findings of the investigation on the photocopy with date and signature, and immediately return the photocopy of the application to the Zoning Inspector.
- (5) The initial application review shall be completed within fourteen (14) days from the date a completed application is filed. A conditional license shall be issued upon the completion of the initial application review unless the investigation of the applicant finds one (1) or more of the following:
- (a) That the applicant knowingly made any false, misleading, or fraudulent statement of a material fact; or,
  - (b) That the applicant is under eighteen (18) years of age; or,
  - (c) That the license is to be used for employment in a business prohibited by these regulations or other local or State laws; or,
  - (d) The applicant has had such license revoked within two (2) years of the date of the current application.
  - (e) The conditional permit shall be valid for a period commencing on its issuance and ending on the date a final license is issued, or the date license application is denied, whichever first occurs. A final license shall be issued to the applicant within sixty (60) days of the application being filed unless it is found that the applicant has been convicted of a Specified Criminal Act for which the time period set forth in Section 10.65 (B.9) has not elapsed.
  - (f) Each Sexually Oriented Business Employee License shall expire one (1) year from date of issuance and may be renewed prior to expiration subject to the following requirements: The licensee shall request renewal in writing to the Zoning Inspector at least sixty (60) days prior to license expiration accompanied by a non-refundable license renewal fee, as determined by the County Commissioners. Renewal shall be subject to a finding that the licensee remains in conformance with all applicable

requirements. Failure to make application less than sixty (60) days before license expiration shall not affect expiration and no employee shall work in a Sexually Oriented Business without a valid license. An expired license is not eligible for renewal; however, re-application may be made subject to all applicable requirements.

(P) **Hearing, Revocation, License Denial, Suspension, Appeal:**

- (1) If the Zoning Inspector determines that probable grounds exist for denial, non-renewal, suspension, or revocation of a Sexually Oriented Business Permit or Sexually Oriented Business Employee License (hereinafter permit and license, respectively) under this Chapter, the Zoning Inspector shall notify the applicant or licensee (respondent) in writing of the intent to deny, non-renew, suspend, or revoke the permit or license, including the grounds therefore, by personal delivery or by certified mail. The notification shall be directed to, the most current business address on file with the Zoning Inspector. Within ten (10) working days of receipt of such notice, the respondent may provide to the Board of County Commissioners in writing a response which shall include a statement of reasons why the license or permit should not be denied, non-renewed, suspended, or revoked. Within ten (10) working days of the receipt of such written response, the Board of County Commissioners shall conduct a hearing at which respondent shall have the opportunity to present evidence and witnesses on his or her behalf. The Board of County Commissioners shall notify the respondent in writing of the hearing date within three (3) days of the receipt of such written response. If a response is not received by the Board of County Commissioners in the time stated, or, if after the hearing, the Board of County Commissioners finds that grounds exist for denial, non-renewal, suspension, or revocation, then such action shall become final and notice of such final action sent to the applicant or licensee. Such notice shall include a statement advising the applicant or licensee of the right to appeal such decision to a court of competent jurisdiction. If the Board of County Commissioners finds that no grounds exist for denial, non-renewal, suspension, or revocation of a permit or license, the Zoning Inspector shall withdraw the intent to deny, non-renew, suspend or revoke the permit or license and shall so notify the respondent in writing by delivery or by certified mail of such action.
- (2) When a decision to deny, non-renew, suspend, or revoke a permit or license becomes final, the applicant or licensee whose permit or license has been denied, non-renewed, suspended, or revoked shall have the right to appeal such action to a court of competent jurisdiction pursuant to Ohio Revised Code Section 2506. Any suspension, non-renewal, or revocation of a permit or license for a Sexually Oriented Business does not take effect until a final decision is rendered in an appeal taken pursuant to this section.
- (3) Upon the filing of an appeal pursuant to this section by an applicant for a permit or license, said applicant shall be granted a temporary permit or license to operate said Sexually Oriented Business or by an employee of such Sexually Oriented Business pending a final decision on said appeal. Such temporary permit or license shall be subject to all provisions of Section 3.206.11.

- (Q) **Regulation of Sexually Explicit Films or Videos:** A person that operates or causes to be operated a Sexually Oriented Business, other than a Sexually Oriented Business, other than a Sexually Oriented Hotel/Motel and regardless of whether or not a Sexually Oriented Business Permit has been issued to said business which exhibits on the premises in a viewing room computer software, compact discs, a film, video cassette, or other video reproduction which depicts Specified Sexual Activities or Specified Anatomical Areas, shall comply with the following requirements:
- (1) Upon application for a Sexually Oriented Business Permit, the application shall be accompanied by a sketch or diagram of the entire premises, with a plan thereof, specifying the location of manager's stations, if any, the location of all overhead lighting fixtures, and designating any portion of the premises, in which patrons will not be permitted access. A professionally prepared drawing is not necessary; however, each diagram shall be oriented to north and the closet street(s) and be drawn to scale with marked dimensions sufficient to show the internal features of all areas of the premises to an accuracy of, plus or minus, six (6) inches. The Zoning Inspector may waive the foregoing diagram during permit renewal if the applicant certifies that the configuration of the premises has not been altered since the previous diagram was prepared.
  - (2) No alteration in the configuration of the premises as set forth in the sketch or diagram of the premises may be made prior to the approval of the Zoning Inspector.
  - (3) It is the duty of the owners and operator of the premises to ensure that such number of employees is on duty and so situated that all patrons present inside the premises are subject to observation by an employee or employees.
  - (4) The interior of the premises shall be configured in such a manner that every area of the premises to which any patron is permitted access for any purpose (including the interior of individual viewing booths, excluding restrooms) is subject to an unobstructed view by the employer or employees on duty. Restrooms shall not be equipped with video display equipment.
  - (5) It is the duty of the owners, operator, and employees present on the premises to ensure that the aforementioned unobstructed view shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area designated for no access by patrons in the application or record.
  - (6) No viewing room may be occupied by more than one (1) person at any given time. No peep holes, viewing holes, or other holes which are, or may be used by, occupants of a viewing room for sexual gratification shall be permitted in the walls, floors, ceilings, or partitions separating each viewing room from an adjoining viewing room or restroom. Viewing rooms shall not be enclosed by doors, curtains, or a maze of wall structures. No signs, lights, or other communicative devices shall be employed to create an expectation of privacy on the part of any patron at any location of the premises.
  - (7) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an

illumination level of not less than two (2) foot candles as measured at floor level. Said level of illumination shall be maintained at all times any patron is present on the premises.

- (R) **Regulation of Adult Cabarets:** Performers in Adult Cabarets must be located on stages no less than eighteen (18) inches in height and at least six (6) feet from all patrons. There shall be absolutely no physical contact, tipping, or exchange of gratuities between patrons and performers.
- (S) **Advertising and Lighting Regulations:** No Sexually Oriented Business may be operated; and,
- (1) Advertise the presentation of any activity prohibited by the Zoning Code or other local or State regulation;
  - (2) Display or exhibit the materials and performances in advertising which is visible outside the premises except advertising the existence or, location of a Sexually Oriented Business; or,
  - (3) Allow any portion of the interior premises to be visible from outside the establishment; or,
  - (4) Fail to illuminate the entries and off-street parking areas of the premises from dusk until closing with a lighting system which provides an average maintained horizontal illumination of one (1) foot candle on the parking surface and walkways. Said level of illumination is established in order to provide sufficient lighting for the personal safety of patrons and employees to reduce potential vandalism and criminal conduct and shall be shown on required permit application documentation.
- (T) **Minors Prohibited:**
- (1) No person under eighteen (18) years of age may be admitted, remain in, or purchase goods at, a Sexually Oriented Business.
  - (2) No person under eighteen (18) years of age may be employed at a Sexually Oriented Business.
- (U) **Violation:**
- (1) It shall be unlawful, punishable per Section 1.309 of the Zoning Code, if:
    - (a) A Sexually Oriented Business is operated without a currently valid Sexually Oriented Business Permit; or the business operates in violation of the terms of its permit or this Chapter; or has a permit which is under suspension, has been revoked, or has expired; or,
    - (b) There is a failure to allow the inspection of a Sexually Oriented Business by the Warren County Building Department and the Zoning Inspector, Warren County Combined Health District, Warren County Sheriff's Department, or the applicable fire department; or,
    - (c) Any person having a duty under Section 3.206.11(Q), Regulation of Sexually Explicit films or videos, knowingly fails to fulfill said duty; or,

- (d) A person operates, or causes to be operated, a Sexually Oriented Business in violation of Section 3.206.11(S), Advertising and Lighting; or,
  - (e) A person operates or causes to be operated a Sexually Oriented Business regardless of whether or not a permit has been issued for said business and knowingly or with reasonable cause to know, permits, suffers, or allows the violation of Section 3.206.11(T), Minors Prohibited; or,
  - (f) Any person willfully falsifies any material fact on any required application or documentation attached thereto.
- (2) Nothing contained herein shall prevent or restrict Warren County from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any violation or non-compliance. Such other lawful actions shall include, but shall not be limited to, an equitable action for injunctive relief or an action at law for damages.
  - (3) All remedies and penalties provided for in this Chapter shall be cumulative and independently available to Warren County, which shall be authorized to pursue any and all remedies set forth to the full extent allowed by law.
- (V) **Exemptions:** It is a defense to prosecution for alleged violation or Sexually Oriented Business provisions of the Zoning Code that:
- (1) A person appearing in a state of nudity did so in a modeling class operated:
    - (a) By a college, junior college, or university supported in whole or part by taxation; or,
    - (b) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or,
  - (2) **In a structure:**
    - (a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and,
    - (b) Where in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and,
    - (c) Where no more than one (1) nude model is on the premises at any one (1) time.
  - (3) A person appearing in a state of nudity did so in a bona fide theatrical production.
  - (4) An employee of a Sexually Oriented Business exposed any specified anatomical area during the bonafide use of a restroom or dressing room accessible only to employees.
- (W) **Immunity from Prosecution:** All Warren County officers, agents, and employees charged of enforcement with State and local laws and codes shall be immune from

prosecution, civil or criminal, for reasonable, good faith trespass upon a Sexually Oriented Business while acting within the scope of authority conferred by this Chapter.

**SEC 3.207     PROFESSIONAL & PERSONAL SERVICE USES:**

**3.207.1     Recording Studios:** Music shall not be audible at a level that creates a nuisance.

**3.207.2     Personal Services:** Personal service establishments within the B-1 zoning district shall comply with the following standards:

- (A) An individual establishment shall have no more than two thousand five hundred (2,500) square feet of gross floor area.
- (B) The business activities of the establishment shall be conducted within an enclosed building, with no more than fifty percent (50%) of the gross floor area devoted to storage.

**3.207.3     Financial Institutions, with Drive-Through Service:** Financial institutions with drive-through service shall locate the drive-through in the side or rear yard.

**SEC 3.208     INDUSTRIAL, MANUFACTURING, RESEARCH, AND SUPPLY SERVICES:**

(A) **Outdoor storage:**

- (1) Open storage shall not be located within ten (10) feet of a property line directly abutting a residential zone.
- (2) Hazardous materials including petroleum shall be in accordance with all applicable federal, state, and local rules.
- (3) Outside storage shall be permitted only for materials which are associated with the principal use or manufacturing process on the lot and that meet the standards of this chapter.

(B) **Noise:** The noise emanating from premises shall be muffled so as to not become a nuisance.

(C) **Fire and Safety Hazards:** The storage and handling of flammable, hazardous, and combustible materials shall be subject to review by Fire/Emergency Services.

(D) **Vibration:** Uses shall not create continuous or intermittent vibrations beyond property lines.

(E) **Liquid, solid and hazardous wastes:** The use shall not discharge in a manner that would endanger public health, safety or welfare, the surrounding environment, or cause injury or damage to animals, vegetation, property, or surrounding businesses. The disposal of all industrial waste types shall be governed by the regulations and standards of applicable state and federal agencies.

(F) **Nuisances:** Dust, fumes, smoke, or odor shall not be detectable off-site.

**3.208.1     Batching Plants:**

(A) **Minimum Site Size:**

- (1) Sites not developed in conjunction with a Mineral Extraction use: Five (5) acres.



- (2) Sites involving the stockpiling of materials: Ten (10) acres.
- (3) Temporary Sites: No minimum requirements.
- (B) **Temporary Site:** A temporary batch plant is permitted within or along the right-of-way of a public road that is involved in an improvement project which the plant is to serve for the duration of the project, subject to renewal at twelve (12) month increments. Setback: The district standards shall apply to all outdoor uses.
- (C) **Height Limits:** The height of the batching house and materials containment structures shall require the approval of Fire/Emergency Services.
- (D) **Water Pollution Prevention and Monitoring:** Monitoring devices shall be provided by, and at the expense of, the facility owner, and a program for regular monitoring.
- (E) **Performance Standards:** The approving authority shall establish performance standards for air and water quality, noise, and visual impacts.

**3.208.2 Industrial Services:**

- (A) **Electrical Motor Repair; Machine Shop; Tool Repair:**
  - (1) Repair of all machines shall occur within an enclosed building
  - (2) Temporary outdoor storage may be allowed in an outdoor storage area that is no larger than twenty five percent (25%) of the buildable area of the lot, located behind or to the side of the principal structure, and screened in accordance with Buffer Type D.
  - (3) The height of materials and equipment stored shall not exceed the height of the screening fence or wall.
- (B) **Heavy Equipment Sales, Rental, Repair, or Storage:** Uses primarily involving the sales, rental, repair, or storage of heavy equipment shall comply with the following standards:
  - (1) The use shall be located at least five hundred (500) feet from any residential district, school, or day care center.
  - (2) No heavy equipment displays shall be located within a required setback or perimeter buffer.
  - (3) No heavy equipment shall be displayed on the top of a building.
  - (4) Repair uses shall be screened by Buffer Type D.

**3.208.3 Self-Storage Facility:** In addition to the applicable provisions of this chapter, self-service storage facilities within commercial districts shall comply with the following:

- (A) All items, except vehicles and water craft, shall be stored within a building.
- (B) Buildings shall not exceed one (1) story, with a maximum height of twenty two (22) feet.

- (C) Access to the facility shall be limited to one entrance and one exit per abutting street.

**3.208.4 Warehouse and Freight Movement:**

**(A) Outdoor Storage (as a Principal Use):**

- (1) Lots used for outdoor storage shall be fully enclosed with a fence or masonry wall no less than eight (8) feet high and landscaped in accordance with Buffer Type D
- (2) The height of materials and equipment stored shall not exceed the height of the screening fence or wall when adjacent to residential properties.

**(B) Parcel Services; Truck or Freight Terminal; Warehouse (Distribution or Storage):**  
Parcel services, truck or freight terminals, or warehouses (distribution or storage) shall comply with the following standards:

- (1) The use shall be located at least five hundred (500) feet from any residential district, school, or day care center.
- (2) The use shall not locate storage areas within a required yard or perimeter buffer;
- (3) The use shall locate outdoor storage areas to the rear of the principal structure and screen them with a wooden fence or masonry wall no less than eight (8) feet in height and when adjacent to residential properties, landscaped in accordance with Buffer Type D.
- (4) The use shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements.
- (5) The use shall have direct access onto an arterial or major collector street.

- SEC. 3.209 OTHER SPECIAL USES, STANDARDS, AND REQUIREMENTS:** Permitted uses within this sub-section shall comply with the performance standards of this code.
- 3.209.1 Construction and Demolition Debris Disposal Site:** Waste disposal facility and/or operational activities shall comply with the provisions of the Ohio Administrative Code Chapter 3745-400, applicable requirements of this Zoning Code, and the following requirements:
- (A) **Necessary Permits:** The use shall comply with the permit requirements of the Warren County Combined Health District and Warren County Soil and Water Conservation District;
  - (B) **Solid Waste Transition Zone:** Waste hauling and placement shall not be conducted within five hundred (500) feet of a dwelling unit; and
  - (C) **Temporary Facilities:** Temporary facilities are permitted in all zoning districts subject to the following:
    - (1) The use is not located within the floodway;
    - (2) Within the fringe of the regulatory floodplain, filling is allowable in accordance with the regulations of the Federal Emergency Management Agency as administered and enforced locally by the Warren County Building and Zoning Department.
- 3.209.2 Energy Recycling Plant; Hazardous Waste Collection Site; Incinerator; Waste Composting:** Energy recovery plants, hazardous waste collection sites, incinerators, and waste composting uses shall comply with the following standards:
- (A) The use shall be located at least one thousand (1,000) feet from any existing residential use, school, or day care use;
  - (B) The use shall be surrounded by a solid fence that is at least eight feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from any adjacent property. The property owner is responsible for maintaining the area between the fence and the property line.
- 3.209.3 Impounded or Repossessed Motor Vehicles Lot Located in I1 or I2:** Impound motor vehicle yards are subject to the following:
- (A) **Lot Depth:** The required setback shall be one hundred (100) feet in depth whenever contiguous to a residential district or use.
  - (B) **Buffer Area:** Landscaped in accordance with Buffer Type D.
  - (C) **Surface Improvement:** Areas used for impounded vehicles and employee and visitor parking shall have a hard surface such as asphalt or concrete.
  - (D) **Fence Adjacent to Residential District or Use:** Any yard contiguous to a residential district or residentially used property shall have a solid opaque fence six (6) feet in height placed at least twenty (20) feet inward from the outermost boundary of the site.

The property owner is responsible for maintaining the area between the fence and the property line.

- (E) **Fence General:** That portion of a lot used for the impound area shall be completely enclosed with a solid fence at least six (6) feet in height.
- (F) **Circulation and Storage:** Each storage space for an impounded vehicle shall be contiguous to a driving aisle. No storage space may contain more than one impound motor vehicle.
- (G) **Use Intensity:** Calculated based on a maximum three (3) acres.
- (H) **Vehicles Permitted:** Only operable vehicles shall be placed in such lot, except vehicles impounded by a law enforcement agency.
- (I) **Vehicle Dismantling:** Dismantling of vehicles as a wrecking or salvage yard facility or operation is not permitted.

**3.209.4 Mineral Extraction and Surface Mining:** In addition to the requirements stipulated in Ohio Revised Code, Section 1514.02, and the process outlined in Ohio Revised Code 303.141, the following regulations shall apply to all mineral extraction and processing facilities and activities:

- (A) **Setback:** All structures and activities, except parking, fencing, and offices, shall be set back one thousand (1,000) feet from a residential property line in existence, outside of the ME District, on the date the rezoning application was received by the Zoning Inspector.
- (B) **Water Pollution:**
  - (1) Mining shall be prohibited in the floodway.
  - (2) All excavations shall be graded or backfilled to assure that the excavated area will not collect and retain stagnant water.
  - (3) Where floodwater or flooding potential exists, soil banks shall be graded and bermed high enough to prevent the overflow of floodwater into the gravel pits.
  - (4) During mining and reclamation, drainage shall be controlled to prevent water pollution, flooding, landslides, erosion hazards, and off-site transport of soil sediments to adjoining lands.
  - (5) The flow and quality of stream water from the site shall not be degraded by the use.
- (C) **Noise:** Blasting and vibrations shall not exceed the levels permitted by applicable Federal and State laws, nor create a nuisance or hazard.
- (D) **Air Pollution:** Control measures shall be implemented to control dust. The BOCC may require the paving of travel surfaces, the upgrading of dust control devices, and other treatments to control dust as may be deemed necessary.

- (E) **Slope Stability and Setbacks:** The sides of excavation sites shall be set back a minimum of fifty (50) feet from the property line, with a sufficient slope of excavation to ensure the lateral support of surrounding property with the following provisions:
- (1) The reclaimed sides of excavation sites shall be set back a minimum of one hundred fifty (150) feet from the right-of-way of all public streets or roads.
  - (2) If the adjoining property is zoned ME, no setback of mining operations from the common property line shall be required if the owners of each site, by signed agreement, are mining their properties per the respectively approved plan for each.
  - (3) Final slopes shall be graded, contoured, or terraced sufficient to achieve soil stability and prevent landslides, erosion, and sedimentation. High walls will be permitted if compatible with the site plan approved future uses and measures are taken to ensure public safety. Where ponds or other resulting bodies of water are intended for recreational use, the banks and slopes around them shall be such to provide safe access, and if not for such use, appropriate safeguards provided to warn and control against unwanted intrusion, with only EMS access.
- (F) **Soil Erosion Sedimentation Control:**
- (1) The area of land affected, meaning the area of land which has been excavated, or upon which a spoil bank exists, or both, shall be recovered, wherever determined necessary per the approved reclamation plan, with topsoil or suitable subsoil, fertilizer, lime, or other soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.
  - (2) A diverse vegetative cover of trees, grasses, and legumes capable of self-regeneration and plant succession shall be provided wherever required by the approved site plan.
- (G) **Transportation:**
- (1) Points of ingress and egress shall be located as approved by the Warren County Engineer or the Ohio Department of Transportation, as appropriate.
  - (2) The applicant shall include a map indicating the proposed major access roads to be utilized for ingress and egress for the extraction operation, unless otherwise waived in accordance with procedures specified in Chapter 1514 of the ORC.
- (H) **Reclamation:** Mining and reclamation shall be carried out in the orderly sequence and timely manner required in accordance with the reclamation plan approved by the Ohio Division of Resources Management and/or as part of the zoning site plan approval. Reclamation shall be completed no later than three (3) years following termination of use. For a mineral extraction operation exempt from State permit requirements, a performance surety may be required.

(I) **Additional Requirements:**

- (1) Written certification of compliance with requirements of the Ohio Revised Code (ORC) and the requirements of applicable authorities. The zoning permit shall be revoked if this required compliance is not demonstrated and maintained.
- (2) Sites along the Little Miami River, the excavation area shall be set back a minimum of three hundred (300) feet from the ordinary high-water mark of the river, unless otherwise permitted by Federal and State permitting authorities.

**3.209.5 Recycling and Salvage Center:**

(A) A recycling and salvage center shall comply with the following standards:

- (1) **Access:** Access to the center shall be from a collector or arterial road.
- (2) **Buffer:** All recycling activities and storage areas shall be screened from view by Buffer Type D. Such screening shall be designed and installed to ensure that no part of recycling activities or a storage area can be seen from rights-of-way or adjacent lots. In no case shall the height of recyclable or recovered materials, or non-recyclable residue stored in outdoor areas, exceed twenty (20) feet.
- (3) **Hours of Operation:** If the center is located within five hundred (500) feet of property in a residential zoning district or developed for residential use, it shall not be in operation between the hours of 7:00 p.m. and 7:00 a.m. The facility shall be administered by on-site persons during the hours the facility is open.
- (4) **Minimum Setback:**
  - (a) Two hundred fifty (250) feet from any residential district, school, or day care. Except for a freestanding office, no part of the use shall be located within fifty (50) feet of any lot line.
  - (b) All outdoor storage areas shall be surrounded by a solid fence or wall that is at least eight (8) feet high, located no less than one hundred (100) feet from any public right-of-way, and located no less than fifty (50) feet from any adjacent property
- (5) **Salvage Uses Minimum Site Size:** Five (5) acres.

(B) **Additional Standards:**

- (1) Recyclable materials shall be contained within a leak-proof bin or trailer, and not stored on the ground.
- (2) There shall be no collection or storage of hazardous or biodegradable wastes on the site.
- (3) The site shall be maintained free of rodents, insects, odors, litter, rubbish, and any other non-recyclable materials. The site shall be cleaned of debris on a daily basis and shall be secured from unauthorized entry and removal of materials when attendants are not present.

(C) **Recycling Drop-Off Centers:** A recycling drop-off center shall comply with the following standards:

- (1) The bin and adjacent area shall be maintained in good appearance and free from trash. Containers shall be equipped with a lid.
- (2) There shall be no collection or storage of hazardous or biodegradable wastes on the site.
- (3) All operations shall be located at least one hundred (100) feet from any school, church, hospital, public office building, commercial or residential uses on adjoining lots.
- (4) All collection areas shall be provided instructional signage indicating how materials are to be separated and stating any limitations on the types of materials accepted for recycling. The signage shall note the name and telephone number of the operator of the facility and the hours of operation.
- (5) Access to the site shall be from a collector or arterial street.
- (6) A minimum of four (4) off-street parking spaces shall be provided adjacent to the collection area.
- (7) No burning, melting, or other reclamation shall be permitted.
- (8) No materials shall be stored or deposited on the premises in such form or manner that they may be transferred off the premises by natural causes or forces.
- (9) No storage of materials shall be allowed outside of the collection receptacles.

**3.209.6 Solid Waste Disposal:** In addition to the requirements and process stipulated in Ohio Revised Code, sanitary landfills and solid waste disposal uses shall comply with the following requirements, except as otherwise stated:

(A) **Solid Waste Minimum Setbacks:** In addition to property line to property line setbacks, the following setbacks shall be observed for all solid waste facility sites:

- (1) **Off-Site Water Supply/Spring:** One thousand (1,000) feet measured from the property line of the solid waste facility to the water supply/spring.
- (2) **Residential Dwelling:** One thousand (1,000) feet measured from the property line of the solid waste facility to the property line of the residential district or use.
- (3) **Site Boundary Buffer:** Three hundred (300) feet.
- (4) **Stream, Lake, or Natural Wetland:** Two hundred (200) feet measured from the property line of the solid waste facility to the stream, lake, and pond.

(B) **Hours of Operation:** Facilities within one thousand (1,000) feet of a dwelling unit are limited to sunrise to sunset.

- (C) **Noise Control:** Noise emanating from the site shall be muffled so as to not become objectionable.
- (D) **Litter Control:** Landscaping/fencing shall be installed for litter control.
- (E) **Traffic Impact Study:** A traffic impact study identifying the proposed impact of the permitted SD Zone use on the surrounding roadway network shall be prepared by the applicant or facility operator demonstrating improvement techniques proposed for implementation to mitigate anticipated traffic impacts. Such study and proposed improvements shall be approved by the Warren County Engineer or Ohio Department of Transportation, as applicable.
- (F) **Reclamation:** The site shall be reclaimed to site plan approval standards, within one (1) year(s) following the conclusion of the operation.
- (G) **Solid Waste Transfer Station:**
- (H) In addition to the requirements and process stipulated in Ohio Revised Code, the limits of a solid waste transfer station shall comply with the following minimum setbacks:
  - (1) **Surface Waters of the State:** Two hundred (200) feet;
  - (2) **Residential Dwelling:** Two hundred and fifty (250) feet;
  - (3) **Site Boundary:** Two hundred (200) feet;
  - (4) Government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area: Five hundred (500) feet; and,
  - (5) Stream, Lake, or Natural Wetland: Two hundred (200) feet.

**3.209.7 Wind Energy Conversion Systems:** Small wind energy conversion systems are wind turbines that are designed to generate less than five (5) megawatts. They are permitted as an accessory use pursuant to the standards of this Section. WECS-Large-Wind Farms are wind energy conversion systems that are designed to generate five (5) megawatts or greater.

- (A) **Small Wind Energy Conversion Systems:** Small wind energy conversion systems shall conform to the following standards:
  - (1) **Maximum Height:** One hundred twenty (120) feet to the top of the rotor blade at its highest point.
  - (2) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
  - (3) **Minimum Setbacks:** Equal to the height of the top of the rotor blade measured from all:
    - (a) Property lines; and
    - (b) Overhead utility lines (except those connecting to the principal building).
  - (4) **Access shall be limited by:**



- (a) A minimum six (6) foot high fence around the base of the tower; or by,
  - (b) A tower climbing apparatus twelve (12) feet or greater above the ground; or,
  - (c) A design that does not include climbing apparatus because the turbine is lowered for service.
- (5) **Additional Standards:** The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.
- (a) Noise levels from the generator shall not exceed forty (40) DBA at the property line.
  - (b) The system shall not be used for advertising.
  - (c) All access doors or panels to wind turbine towers and electrical equipment shall be lockable.
  - (d) Appropriate warning signage (e.g., electrical hazards) shall be placed on the system.
- (B) **Large, Wind Farms (WECS):** Wind farms shall comply with the following standards:
- (1) **Maximum Height:** No turbine shall be more than One hundred sixty (160) feet in height to the top of the rotor blade at its highest point.
  - (2) **Minimum Height of Exposed Rotors:** Thirty (30) feet.
  - (3) **Minimum Setbacks:**
    - (a) Buildings shall be set back as required by the district regulations.
    - (b) Electrical substations shall be set back not less than seventy (70) feet from all property lines that are not included within the project.
    - (c) All turbines shall be set back not less than one hundred ten percent (110%) of their height from the top of the rotor blade to all property lines.
    - (d) Appropriate warning signage (e.g., electrical hazards) shall be placed on the system.
  - (4) **Additional Standards:** The approving authority shall adopt standards governing the location, erection, construction, reconstruction, alteration, maintenance, removal, and use of the system and the impact on public infrastructure and services.