

# ARTICLE 3 ZONING SUPPLEMENTAL PROVISIONS

## CHAPTER 1: GENERAL PROVISIONS

**SEC 3.101 AGRICULTURAL USE REGULATIONS IN SUBDIVISIONS:** ORC Section 303.21 exempts certain agricultural practices from local zoning authority as specified in Section 1.103.7. For the purposes of this Section, animal husbandry includes the raising or caring for any kind of animal, inclusive of pets. Non exempt agricultural uses shall comply with the following requirements:

- (A) The use shall not create a nuisance, disturb the peace, and result in a health or safety violation reported to or acted upon by the appropriate enforcement authority, and animals shall be contained on the site;
- (B) Agricultural structures shall comply with applicable requirements of Section 3.102;
- (C) No such structure shall be located in the front yard, nor in an area required for on-site sewage treatment, a well isolation radius or any easement for drainage or utilities;
- (D) Agricultural use structures shall not exceed eighteen (18) feet in height;
- (E) On a lot that is three (3) acres or less, agricultural use may consist of the growing of crops, fruits, vegetables, flowers and plants and only animal husbandry for not more than three (3) dogs and cats. If they are housed in an accessory structure, it shall be at least fifty (50) feet from a non-farm property line;
- (F) On a lot that is greater than three (3) acres, but not more than five (5) acres, the agricultural use shall comply with the following:
  - (1.) The number of animals shall not exceed 1 animal unit per fenced acre;
  - (2.) The number of birds shall not exceed 1 bird unit per acre; and
  - (3.) The accessory structure that houses an animal unit or the confinement areas for a swine and bird units shall be setback at least eight five (85) feet from a non-farm use.
  - (4.) All bird and animal units shall be confined.
  - (5.) One rooster is allowed per parcel.

ANIMAL UNITS ARE DEFINED AS:

1 head of cattle = 1 animal unit  
1 horse, mule, or donkey = 1 animal unit  
3 sheep = 1 animal unit  
2 swine = 1 animal unit (Maximum 5 swine per parcel)  
3 goats = 1 animal unit  
3 llamas = 1 animal unit  
3 alpacas = 1 animal unit  
2 ponies or burros = 1 animal unit  
mini animals are treated as ½ and animal unit  
20 chickens = 1 bird unit (maximum 60 chickens per parcel)  
12 ducks = 1 bird unit  
8 turkeys = 1 bird unit  
8 geese = 1 bird unit

Animals not described in Section 3.101 (F) may be considered by the Zoning Inspector based upon the impact of the animal. The keeping of any species not listed as a domestic animals requires the Zoning Inspector approval.

Calculations of the acreage required are rounded up to whole numbers.

**SEC 3.102 ACCESSORY USES, BUILDINGS AND STRUCTURE STANDARDS:**

**3.102.1 Accessory Use:** Accessory uses must:

- (A) Be customarily associated with and incidental, subordinate and secondary to a legally established principal permitted use and be in accordance with all requirements of this Code;
- (B) Be operated on the same lot as the principle use, unless otherwise provided.

**3.102.2 Residential Accessory Buildings:** Accessory buildings, including garages, shall be permitted as an accessory use to principal use buildings in any residential district in accordance with the following requirements:

- (A) The number of detached accessory buildings per lot, building height, and setbacks shall be permitted as follows:

*Table 3.102-1*

Lot Size	Number of Accessory Structures Greater Than 200 Sq. Ft.	Total Accessory Structures	Building Height (Feet)	Setback (Feet)
Less than or equal to 2 acres	1	2	18	10
Greater than 2 acres but less than 5 acres	2	3	25	The base setback for accessory structures (10 feet) is increases by 2 feet for each foot of height over 18 feet.
Greater than 5 acres	3	4	District Height	

- (B) Accessory buildings require a permit in compliance with Section 1.301. In addition to the requirements of that Section, the zoning permit application shall include the following:
  - (1) A plot plan of the lot, premises, or parcel that illustrates the location of the proposed accessory building and all other buildings and structures on the property.
  - (2) The approved or future site of the wastewater disposal system, if applicable.
- (C) **Special Height Exceptions:**
  - (1) Where unusual, problematic or special lot circumstances warrant flexibility, a waiver to the standard height requirements for accessory buildings and structures on parcels of two acres or greater is allowed by the Zoning Inspector upon consideration of the following factors:
    - (a) Elevation of the parcel;
    - (b) Adequate screening from the public right-of way;
    - (c) The beneficial effect of existing terrain and vegetation;

- (d) Uses of contiguous parcels;
  - (e) The impact on the privacy of adjacent sites;
  - (f) The aesthetics and compatibility of the accessory structure; and
  - (g) The height in relationship to the height and location of the primary building.
- (2) The Zoning Inspector's determination per subsection (1) above may be appealed in accordance with the Administrative Appeal process pursuant to Section 1.310.2.
- (D) Accessory buildings less than one-hundred fifty (150) feet away from the right of way shall be located in the rear or side yard.
- (E) An accessory structure is not permitted on a lot less than three (3) acres, prior to the establishment of a principal use structure, unless the following requirements have been met:
- (1) A building permit has been issued and the footer approved for the principal use structure;
  - (2) The location of an accessory building is found acceptable in relation to the future principal structure; and
  - (3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- (F) An accessory structure is permitted on lots greater than three (3) acres and less than five (5) acres prior to the establishment of the principal structure if the use is for storage of equipment, materials, supplies and vehicles which are necessary for maintaining the property, and complies with the following requirements:
- (1) One (1) accessory building with a maximum size twelve hundred (1200) square feet shall be permitted until the establishment of the principle structure shall occur.
  - (2) Minimum building setback is one hundred and fifty (150) feet from the right-of-way or required front yard setback for panhandle lots.
  - (3) The location of the accessory building does not interfere with the central sanitary sewer or the on-site wastewater disposal system as determined by the approving authority.
- (G) The total footprint of accessory buildings shall not exceed fifty percent (50%) of the footprint of the principal structure on a lot that is less than one (1) acre. On a lot greater than one (1) acre but less than two (2) acres, the total footprint of accessory buildings shall not be greater than the principal building foot print. On a lot that is greater than two (2) acres but less than five (5) acres, the total footprint of the accessory buildings shall not exceed two (2) times the footprint of the principal building.
- (H) All accessory buildings shall meet the following setback requirements:

- (1) Accessory buildings shall be set back a minimum of ten (10) feet from rear and side property lines.
- (2) Accessory buildings shall be set back a minimum of ten (10) feet from a principal building.
- (I) In platted subdivisions, any accessory building used for containing animals shall also be subject to the requirements specified in Section 3.101.
- (J) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.
- (K) A transportation vehicle without wheels shall not be used as an accessory structure.

**3.102.3 Non-Residential Accessory Structure:**

- (A) An accessory structure is not permitted prior to the establishment of a principal use structure, unless the following requirements have been met:
  - (1) A building permit has been issued and the footer approved for the principal use structure; and
  - (2) The location of an accessory building is found acceptable in relation to the future principal structure; and,
  - (3) The location of the accessory building does not interfere with the sanitary sewer or the on-site wastewater disposal system as determined by the appropriate authority.
- (B) The total area of accessory buildings shall be included in the floor area ratio allowance for the site.
- (C) Detached accessory buildings shall meet the minimum setbacks required by the district in which located.
- (D) Accessory buildings must be anchored per the building code or if less than two hundred (200) square feet, then must be anchored on all four (4) corners with screw-type or post-in concrete-type of anchor.

**3.102.4 Commercial and Recreational Vehicle Parking in Residential Districts:** Parking of commercial and recreational vehicles are limited to the side and rear yards in all residential districts. Such vehicles shall be located on a dust free driveway typical of the neighborhood and, shall comply with the requirements of Section 3.104. Commercial and Recreational Vehicles are subject to the following:

- (A) **Commercial Vehicles:**
  - (1) One (1) commercial vehicle not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross vehicle weight may be parked in an unenclosed area.

- (2) One (1) additional vehicle may be parked if placed in an enclosed building operated by a resident of the property and located on a site greater than five (5) acres.
- (3) One (1) commercial vehicle connected to a trailer not exceeding eight (8) tons (sixteen thousand/16,000 pounds) gross combined vehicle weight may be parked in any unenclosed area.

(B) **Recreational Vehicles:**

- (1) Recreational vehicles for the purpose of storage on a lot with a primary residential structure and not for purpose of habitation are subject to the following:
  - (a) Permitted in all residential districts
  - (b) A maximum of two (2) recreational vehicles are permitted in the rear and side yards. Any additional recreational vehicles must be stored in an enclosed building. Lots of five (5) acres or more are exempt from this standard provided the vehicles are not visible from the public right-of-way.
- (2) Recreational vehicles for the purpose of habitation are subject to the following:
  - (a) The use is prohibited in all residential districts, except for the purpose of providing temporary visits for a period lasting not more than seven (7) days and exceeding two (2) times in twelve (12) months.
  - (b) May be used in accordance with Section 3.204.2(B) (1-3) Construction Related Activities.
- (3) Parking or storage of recreational vehicles, boats, utility trailers or similar items is prohibited within the front yard, except for loading and unloading which does not exceed forty eight (48) hours.

**3.102.5 Drive-In or Drive-Thru Service Facilities:** A drive-in or drive-through service facility shall satisfy the following requirements:

(A) Development and Operation Requirements:

- (1) Vehicle stacking requirements specified in Section 3.312 and sufficient stacking shall be provided to prevent obstruction of any street, sidewalk or sight-distance;
- (2) Ingress and egress shall only be permitted from an internal private driveway serving the principal use of the site;
- (3) All access driveway intersection(s) of public streets shall only be permitted to the allowance, design and construction specifications of the Warren County Engineer or the Ohio Department of Transportation (ODOT), as applicable;
- (4) The location shall not impair or obstruct provision of emergency services of the site, as determined to the satisfaction of the Fire/EMS Department;

- (5) The turning radius of any curve in a driveway lane shall be sufficient to require only forward movement; i.e., no backing up to get through any curve in the drive-through lane.

(B) **Facility Support Requirements:**

- (1) **Signage:** Signage shall comply with requirements specified in Article 3, Chapter 6, except for the following menu board and clearance sign provisions:
  - (a) May have two-way audio communication broadcasting;
  - (b) Limited to forty-eight (48) square feet;
  - (c) Shall not exceed eight (8) feet in height with the exception of clearance signs and they may be determined by the height and width of the structure or opening to be protected; and,
  - (d) Shall not be visible or audible from any off-site residential use or district.
- (2) **Buffer:** A buffer shall be provided to prevent visual, noise and light impact, in addition to requirements specified in Article 3, Chapter 4.
- (3) **Clearance Signage:** The height and width of vehicles the facility can accommodate shall be posted.

**3.102.6 Fences, Walls, and Hedges in Residential Districts:**

- (A) Height shall not be greater than four (4) feet in a front yard.
- (B) Corner lots shall meet the clear sight-distance requirement of Section 3.103.1.

**3.102.7 Outdoor Trash Container Enclosure:** Trash and/or recycling container areas on non-residential and multi-family residential use sites shall be enclosed on at least three (3) sides by a solid wall, solid fence, or solid evergreen vegetation that is at least six (6) feet in height.

**3.102.8 Outdoor Private Accessory Recreation Facility:** Outdoor recreation facilities, including swimming pools, game courts, and play structures, are subject to the following:

- (A) The facility shall be located in the rear and/or side yard and shall be set back twenty (20) feet from any adjacent property line.
- (B) The use does not create a nuisance, disturb the peace, or result in a health or safety violation as reported to, or acted upon by, an enforcement authority.
- (C) The use does not interfere with the operation of an on-site sewage treatment system or drinking well, as determined by the Warren County Combined Health District.
- (D) Swimming pools shall comply with the requirements of Section 3.102.11

**3.102.9 Satellite Dish:** Satellite dishes shall be permitted as an accessory use in all residential zoning districts subject to the following requirements:

- (A) **Location:** Satellite dishes are permitted within the side or rear yard.

- (B) **Setbacks:** Ground-mounted satellite dishes shall comply with all required district setback standards.
- (C) **Height and Size:**
  - (1) Satellite dishes shall not exceed twelve (12) feet in diameter;
  - (2) The peak of a ground mounted satellite dish shall not exceed fifteen (15) feet above the finished grade; and,
  - (3) The maximum height of any wall or roof-mounted satellite dish shall not exceed the roof height by four (4) feet and its diameter shall not exceed three (3) feet.
- (D) **Maintenance:** The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions. A nonfunctioning satellite dish shall be removed within three months of becoming nonfunctional.
- (E) **Permits:** A ground-mounted satellite dish greater than eighteen (18) inches requires a zoning permit unless otherwise exempted by the Zoning Inspector.

**3.102.10 Solar Energy Equipment:**

- (A) Solar energy equipment shall meet setback and height requirements for the district.
- (B) Ground-mounted solar energy equipment shall be limited to a maximum height of fifteen (15) feet and shall be located in the rear yard or side yard and screened from the public right-of-way.
- (C) A ground-mounted solar energy system shall count toward the maximum number of accessory structures permitted on the property and shall require a zoning permit.
- (D) Non-functioning solar energy equipment shall be removed within three months of becoming nonfunctional.
- (E) The system's apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

**3.102.11 Swimming Pool Requirements:**

- (A) Swimming pools shall be surrounded by a wall or fence not less than four (4) feet in height for residential pools and not less than six (6) feet in height for community and public pools, with access gates that are lockable, self-closing, and self-latching and shall be maintained in good condition. The fencing requirement does not apply to residential swimming pools that:
  - (1) Are installed with a retractable rigid cover, tested per ASTM Standard F 1346, or,
  - (2) Are above ground pools with sides greater than four (4) feet in height and the ladder/access point is fenced with a lockable, self-closing, and self-latching gate.
- (B) Community and public pools and all related supportive installations, such as restrooms, changing rooms, food service, and eating areas must satisfy the construction and operation requirements of the Ohio Department of Health.

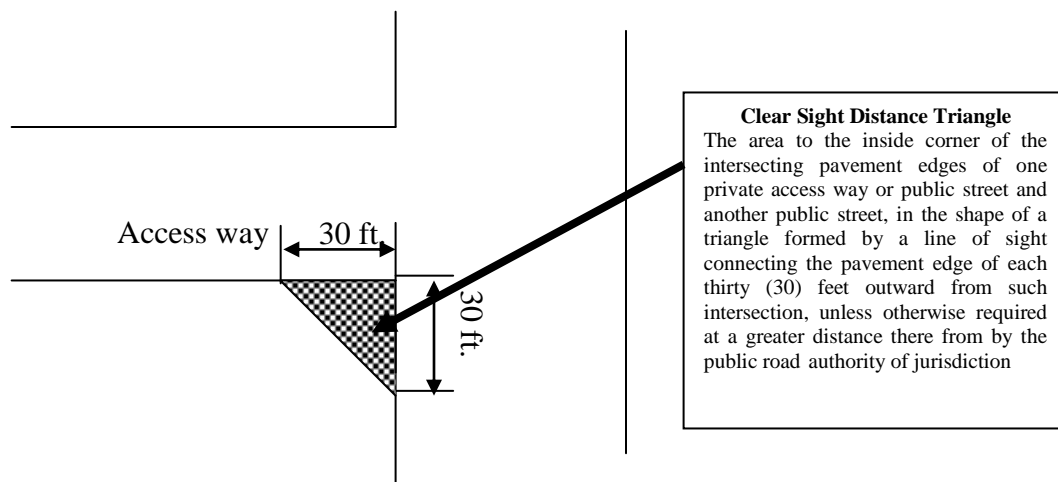
**3.102.12 Micro-Wind Energy Conservation System (WECS):** A micro-WECS is permitted as an accessory use structure in accordance with the following requirements:

- (A) Micro-WECS that are attached to a roof or structure are permitted provided that the measurement from the average grade to the tip of the blade of the system does not exceed the maximum height of buildings permitted in the applicable zoning district.
- (B) No more than two (2) wind turbines shall be permitted per lot
- (C) The height and location of a micro-WECS shall be such that, if the system were to collapse, it would fall within the boundaries of the subject lot.
- (D) **Stand-Alone Systems:**
  - (1) May be permitted on lots with a minimum lot area of one acre.
  - (2) The pole or supporting structure shall be set back a minimum distance equal to the height of the system.
  - (3) The minimum height from finished grade to the lowest portion of the blades is 12 feet.
  - (4) The maximum height shall be seventy five (75) feet measured from the average grade to the highest point on the blade.
  - (5) The system shall comply with district setback standards.

**SEC 3.103 DEVELOPMENT STANDARDS:**

**3.103.1 Clear Sight Distance Triangle:** No building, structure, sign, or vegetation shall obstruct the clear sight distance triangle.

**Figure 3.103-1 Clear Sight Distance Triangle**



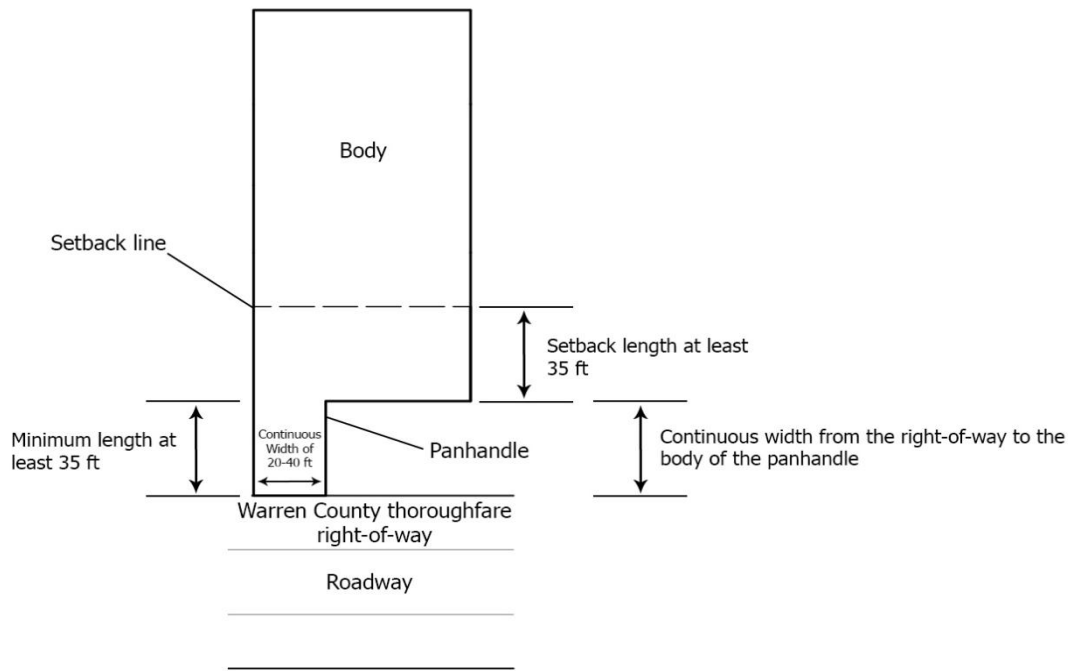
**3.103.2 Lot Requirements:**

(A) **Corner Lots:**



- (1) Frontage: The frontage of lots within zoning districts R-1B, R-2 and R-3 shall be increased by twenty (20) percent greater than the district standard (Section 2.302.1).
  - (2) Setbacks: The minimum front yard setback shall be provided from each street right-of-way or easement line.
  - (3) The side opposite where the address is located will be the rear yard.
- (B) **Double Frontage Lots:** On a lot bordered by two (2) streets other than at an intersection:
- (1) The required minimum front yard setback shall be provided on all lot lines that abut a street.
  - (2) The remaining lot lines not abutting a public road right-of-way shall be regulated as side yards.
  - (3) The side opposite where the address is located will be the rear yard.
- (C) **Panhandle Lots:**
- (1) There shall not be more than one panhandle lot behind a frontage lot.
  - (2) The panhandle area shall not be credited toward the minimum lot area as determined by the Warren County Health Department.
  - (3) The lot, exclusive of the panhandle area, shall meet the maximum depth to width ratio of this Code.
  - (4) The panhandle portion of the lot shall have a continuous width of a minimum of twenty feet and a maximum of forty feet, measured from the Warren County Thoroughfare Road Right-of-Way to the body of the panhandle lot. See figure 3.103.2-1.
  - (5) Buildings may be constructed only within the body of a panhandle lot.
  - (6) The body of a panhandle lot shall meet the minimum width requirements.
  - (7) The front yard setbacks shall be established from the front property line that parallels the roadway from which the panhandle lot has access.
  - (8) Minimum Front Yard Setback: Thirty Five (35) feet for all residential zoning districts. This supersedes the district standard.

*Figure 3.103.2-1*



**3.103.3 Height Regulation Exceptions:** Permitted height exceptions in all districts shall be as follows:

- (A) The height limitations of this Zoning Code shall not apply to chimneys, clocks or bell towers, spires, belfries, water tanks, public monuments, steeples, personal radio or TV antennae, flag poles, vent pipes, structures housing or screening fans, air conditioning units or elevator machinery, and other similar features provided that residential structures shall not exceed twice the district height.
- (B) Architectural features that include building and roof line elements (parapet walls, cornice) that are intended to add architectural interest and not for the purpose of adding signage to the building may be allowed to exceed the maximum height of the district by not more than ten (10) feet.

**3.103.4 Projections into Required Yards:** Concrete or paver patios shall be set back a minimum ten (10) feet from adjacent property lines and do not require a zoning permit.

**3.103.5 Reduction of Area or Space:** The lot size, setbacks, dedicated open space or required parking area shall not be reduced in area or dimension, thereby making said area or dimension less than the minimum required by this Zoning Code.

**3.103.6 Site Access and Circulation:** Lot access and circulation shall be approved by the Warren County Engineer in accordance with the Warren County Access Management Regulations and the Fire/EMS department of jurisdiction.

**SEC 3.104 JUNK, JUNK VEHICLES, AND OTHER SALVAGEABLE ITEMS RESTRICTIONS:**

- (A) No person, firm, or corporation shall accumulate, collect, deposit, dump, dispose, maintain, or store, or allow the same on any property under the person's control or responsibility, any junk, junk vehicle, or other types of salvageable solid waste, or construction/demolition debris, outside of an enclosed area or area not entirely screened from the visibility of surrounding properties, except in the zoning district where expressly permitted.
  - (1) Processed firewood for a property owner's personal use is not junk. Raw material that has not been processed even though it can be processed into firewood, including, but not limited to, logs, branches, limbs, pallets, untreated dimensional lumber, and other wood products that have not been painted, stained, chemically treated or coated, is not firewood and does constitute junk and is subject to Section 3.104 (A).
- (B) Violation of this section shall be subject to prosecution in a court of competent jurisdiction, unless one (1) or more person, firm, or corporation which is responsible for the violation permanently removes or causes permanent removal of the violating items within seven (7) days after receipt of notice of violation to another property or use location, whereon such items are permitted to be located outdoors for the purpose of a junkyard business, or are otherwise placed within a building.

**SEC 3.105 PERFORMANCE STANDARDS:**

- (A) Any use or development that creates a danger to public health or safety and/or a nuisance, including but not limited to environmental pollution; traffic; noise; vibration; odor; dust; or glare, are subject to review by the body vested with Approving Authority in order to determine whether such are compatible to the zoning district.
- (B) The County may require additional studies to be submitted by the applicant, and may place conditions of approval to mitigate potential impacts upon issuance of a zoning permit.

**SEC 3.106**     **MOBILE HOME USE:** A mobile home shall not be used as a single family dwelling or permanent residence in any district.

**SEC 3.107**     **SEWER SERVICE AREA REQUIREMENTS:**

- (A) Any use or development that requires central sanitary sewage system service connection may not be accepted prior to all of the following:
  - (1) The area has been approved by the Warren County Board of Commissioners (BOCC) for service by a central sanitary sewage system; and,
  - (2) The sewer service area boundary is recognized and accepted by either the Ohio-Kentucky-Indiana (OKI) Regional Council of Governments or the Miami Valley Regional Planning Commission (MVRPC).

**SEC 3.108**     **USES & DEVELOPMENT UNDERLYING AIRPORT AIRSPACE:**

- (A) Uses and development of buildings and other structures on any property located under airport airspace shall be required to certify compliance with applicable rules and regulations of: the Federal Aviation Administration (FAA), 14 C.F.R. Part 77, as amended; the Chapters 4561 and 4563 of the Ohio Revised Code; Ohio Administrative Code Section 5501:1-10-1, et seq.; and, the Warren County Airport Zoning Code.

**SEC 3.109**     **ADAPTIVE REUSE OF HISTORIC STRUCTURES INCLUDING BARNS:**

- (A) **Purpose:** To encourage the viability, reuse, restoration and rehabilitation of historic structures including barns which are no longer associated with an agricultural use, by allowing for specified uses not otherwise allowed in the district in which they are located, within the current dimensions of such structure.
- (B) **Applicability:** All adaptive reuse, and associated restoration and/or rehabilitation, of historic structures including barns shall be considered a conditional use subject to review by the BZA.
- (C) **Allowed Uses:** The following additional uses, if not otherwise allowed in the district, may be allowed, subject to conditional use review:
  - (1) Artist Studio/Gallery
  - (2) Community Center
  - (3) Cultural Facility
  - (4) Day Care Facility
  - (5) School
  - (6) Storage
  - (7) Ecotourism uses
  - (8) Antique/Gift Shops
  - (9) Restaurants
  - (10) A combination of the above-listed uses

(11) Uses approved by the BZA

(D) **Historic Evaluation:**

- (1) If the subject structure does not meet the definition of “Historic Structure” in Article 4.103, then the BZA may determine the structure to be historic if it is 50 years in age or older and any one of the following criteria is satisfied.
  - (a) Association with historical events or activities that made a significant contribution to our history.
  - (b) Association with the lives of significant individuals in our past.
  - (c) Possesses distinctive characteristics of a type, period, or method of construction.
  - (d) Represents the work of a master craftsman, architect or builder.
  - (e) Significant to the history of the county, state, or nation.
- (2) The applicant must provide documentation justifying the structures historic designation.

(E) **Special Requirements: All adaptive reuse, restoration, and rehabilitation of historic structures shall also meet the following requirements:**

- (1) The proposed adaptive reuse shall not significantly alter the footprint, essential character, or immediate surroundings. In reviewing proposals for adaptive reuse of historic structures, the BZA shall also consider the suggestions of the Comprehensive Plan and whether the historic character can be retained to a practical extent.
- (2) A zoning permit issued for an adaptive reuse shall clearly state that the use is allowed only as a permitted use of the existing structure, and shall not be re-established if the structure is substantially modified, except in accordance with the requirements of these regulations.
- (3) In the event that the structure is destroyed or demolished, the structure may be reconstructed and the use re-established with the approval of the BZA. In allowing such reconstruction and re-establishment, the BZA shall determine that, in addition to meeting conditional use standards, the replacement structure closely replicates the historic structure in architectural style, form, massing, scale, and building materials.