

## ARTICLE 2

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### CHAPTER 4: OTHER USE SPECIFIC ZONES

#### SEC 2.401 MINERAL EXTRACTION ZONE (ME):

- 2.401.1 Purpose:** The ME Mineral Extraction Zone is for purposes of providing for mineral extraction operations and accessory related processing and finished aggregate products manufacturing and sales use activities in accordance with applicable requirements specified in this Chapter.
- 2.401.2 Applicability:**
- (A) The requirements specified in this Chapter and as otherwise noted elsewhere in this Code are applicable to the permitted and conditional uses of property in this Zone, in addition to, separate from and consistent with hereunder specified required applicable compliance with Chapter 1514 and Sections 303.141 and 1563.11 of the ORC (Ohio Revised Code).
  - (B) ME Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date January 20, 2012 of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence to, or as affected by, the use operation. Otherwise, any change in the site, facilities, or operation of a use which now may only be permitted in the ME Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or, be reactivated, as applicable.
- 2.401.3 Permitted Uses (Permitted by Site Plan Review with the BOCC):** The following uses are permitted in the ME Zone subject to site plan approval per Section 1.303 and meeting the applicable requirements specified by this Chapter. Any other use not listed below shall not be permitted.
- (A) Surface mining for extraction of sand, gravel, rock, stone, or other solid mineral resource other than coal, as defined in ORC Section 1514.01.
  - (B) Processing, inclusive of crushing, cutting, washing and sorting, of minerals extracted on the same site as permitted per (A) of this Section.
  - (C) Manufacturing and sale of finished aggregate products made from the minerals extracted and processed on the same site as permitted per (A) of this Section, including production of asphalt or Portland cement-based concrete sold and trucked off-site in uncured form for building and paving purposes.
- 2.401.4 Conditional Uses:** The following uses are conditional uses in the ME Zoning District:
- Manufacturing and sale of finished aggregate products which are made from base aggregates or recycled asphalt or concrete materials trucked in to such plant site, including for production of asphalt or Portland cement-based concrete to be sold and trucked off-site in uncured form for building and paving use purposes or as form-cured products for such.

- 2.401.5 Minimum Area:** The area of a site shall be as determined acceptable for site plan approval.
- 2.401.6 Minimum Frontage & Width:** The minimum frontage and width of a site shall be as determined acceptable for site plan approval.
- 2.401.7 Yard Requirements:** All buildings or other structures must be set back inward from the site property outermost boundary line to a distance not less than fifty (50) feet from a non-residential use property line or zone or two-hundred (200) feet from a residential use property line or zone, unless a lesser distance is otherwise found acceptable for site plan approval.
- 2.401.8 Parking and Loading Requirements:** On-site parking and loading shall be provided in accordance with Article 3, Chapter 3 requirements as specified for site plan approval.
- 2.401.9 Landscaping and Screening Requirements:** Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article 3, Chapter 4 requirements as specified for site plan approval.
- 2.401.10 Lighting Requirements:** Exterior lighting shall be provided in accordance with Article 3, Chapter 5 requirements as specified for site plan approval.
- 2.401.11 Signage Requirements:** Signs for site identification, direction, and safety purposes shall be provided in accordance with Article 3, Chapter 6 requirements as specified for site plan approval.
- 2.401.12 Use Standards and Operation Performance Requirement Standards:** The standards and performance requirements for the permitted uses of this Zone are specified in Article 3, Chapter 2 (Use Standards), as required in addition to the Zone and use location and installation requirements specified in this Chapter and requirements, if applicable, of Ohio Revised Code, Section 1514.02(A) and 1563.
- 2.401.13 Reclamation:** An area which has been surface mined shall be reclaimed in accordance with the requirements specified in Article 3, Chapter 2.
- 2.401.14 Other Required Compliance:**  
Written certification of compliance with the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) or other requirements applicable to the use(s) permitted by this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approved and zoning permit issued for a use of this Zone.
- 2.401.15 Application Requirements:**
- (A) **Map Amendment Application Requirements:** In addition to the requirements specified in Section 1.304 (Zoning Amendment Application), the application to change the zoning on land to ME shall also include the following supplemental information:
- (1) **Hydrologic Study:** A hydrologic study giving a detailed description of ground and surface water conditions on and in the vicinity of the proposed land to be rezoned shall be provided, with the area of and content of the study found

acceptable and sufficient by recognized authorities and agencies involved in evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including but not limited to the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD) and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location, ownership, yield and quality of water wells used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-development water quality and quantity to the satisfaction of the involved reviewing and permitting authorities.

- (2) **Dewatering Statement:** A statement indicating whether or not dewatering will be used in the mining operation and indication of how such will be accomplished if involved.
- (3) **Access Map and Traffic Impact Study (TIS):** A map indicating the proposed major roads that are to be utilized to provide access for the site and all involved use activities, with indication of all points of ingress and egress and a TIS approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable, in accordance with ORC Section 303.141.

(B) **Site Plan Application Requirements:** In addition to the requirements specified in Section 1.303.3 (Site Plan Application Requirements), the application for site plan approval by the Board of Warren County Commissioners that is required to be submitted to the Zoning Inspector must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

- (1) **Submittal Letter:** A letter indicating the following shall be submitted with the site plan:
  - (a) That a request for site plan approval is being made.
  - (b) The name(s) of the applicant-proposed operator seeking approval.
  - (c) Listing and locating on a map all sites within a ten (10) mile radius of the site proposed for approval in Warren County, indicating which, if at all, the applicant-proposed operator has extraction rights and/or involvement with those operations.
- (2) **Aerial Photography:** Aerial photo(s) showing the proposed site and surrounding properties within one-thousand (1,000) feet thereof, at the same scale as the plan, taken no longer than one (1) year before the plan submittal date.

- (3) **Access Map:** A map indicating the proposed major roads that are to be utilized to provide access for the extraction and processing site and all involved activities shall be submitted, with indication of all points of ingress and egress approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable.
  - (4) **Bond or Other Financial Guarantee:** A copy of the bond or other acceptable financial guarantee as required by the Ohio Revised Code, Section 1514.04 within thirty (30) days after filed with the Chief of the Ohio Division of Mineral Resources Management or as otherwise required by the Warren County BOCC for an extraction operation not subject to State permitting shall be provided to the Zoning Inspector.
  - (5) **Surface Mining Permit:** A copy of the surface mining permit required per Ohio Revised Code, Section 1514.02 for the area to be mined and all use operation activities involved shall be provided to the Zoning Inspector.
  - (6) **Permit for Mining Near Public Roads:** If applicable, a copy of the permit required per ORC Section 1563.11 for mining near public roads shall be provided to the Zoning Inspector.
  - (7) **Groundwater Testing:** A copy of the groundwater information resulting from predevelopment testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.
- (C) **Zoning Permit Application Requirements:** In addition to the requirements specified in Section 1.302 (Zoning Permit Application), the application for zoning permit approval required before commencing or reactivating a use in this zone must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:
- (1) **Approved Site Plan:** A copy of the site plan approved by the Warren County Commissioners for development and operation of the use(s), including any information item specified in above subsection (B), shall be provided to the Zoning Inspector.
  - (2) **Proof Of Other Required Permits Issued:** Written proof in certification that other necessary required permits and/or licenses from the other applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) to commence operation.

**2.401.16 Requirements Following Permit Issuance:**

- (A) After a zoning permit has been issued, the following must be provided as part of maintaining the permit valid:
- (1) **Proof Of Other Required Permits Maintained Current:** Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from other applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation. The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.
  - (2) **Reports Required:** A copy of the annual report required per ORC Section 1514.03 and any other regular, emergency, incident, clean-up or monitoring report required by other applicable involved permitting authorities regarding operation of the permitted use shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.

**SEC 2.402     SOLID WASTE DISPOSAL ZONE REGULATIONS (SD):**

**2.402.1     Purpose:** The SD Solid Waste Disposal Zone is for the purpose of recognizing the need, and providing for the allowance of, use facilities, operations, and activities of or relating to the processing and disposal of solid waste and construction and demolition debris at approved locations in Warren County in accordance with the requirements specified in this Chapter.

**2.402.2     Applicability:**

- (A) The regulations in this Chapter and the definitions established in Section 4.103 of this Code for terms used herein shall apply to newly proposed facilities and expansion of existing facilities for the permitted uses specified in Sec. 2.402.3 for this Zone that are for the purpose of operations and/or activities involving or related to the handling, transfer, processing, recovery, recycling, and/or disposal of solid and other wastes defined for regulation by this Zoning Code.
- (B) The requirements specified in this Chapter and as otherwise referred to elsewhere in this Code are applicable to the permitted uses of property in this Zone, in addition to, separate from, and consistent with hereunder specified required applicable compliance with provisions and requirements of Chapters 3714 (Construction and Demolition Debris) and 3734 (Solid and Hazardous Wastes) of the ORC (Ohio Revised Code) and corresponding applicable sections of the OAC (Ohio Administrative Code), as amended, in order for a zoning permit to be issued for a use permitted in this Zone. Except for certain definitions otherwise defined specific for use in this Zoning Code, all noted applicable statutes of the ORC and OAC, as may be amended, are hereby incorporated into, and made part of, this Zoning Code, and as applicable shall be complied with before a permitted use regulated by this Chapter shall be permitted to commence or continue thereafter.
- (C) SD Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date January 20, 2012 of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence to, or affected by, the use operation or facility. Otherwise, any change to the site, facilities, or operation of a use which now may only be permitted in the SD Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or be reactivated, as applicable.
- (D) Notwithstanding the zone and use-specific location and installation requirements specified applicable in Sec. 2.402.5, an expanding existing or proposed new facility or use operation activity for purpose of solid waste disposal or processing shall only be subject to those requirements of the Ohio Administrative Code, the Ohio Revised Code and/or the Warren County Combined Health District, as applicable. All other requirements specified in this Code Chapter that are not addressed thereby shall prevail unless otherwise determined invalid and unenforceable by the court of appropriate jurisdiction. Any portion of this Chapter determined by a court of appropriate

jurisdiction to be invalid and unenforceable shall only affect such portion and shall not affect any other portion thereof.

**2.402.3 Permitted Uses (Permitted by Site Plan Review with the BOCC):** The following are uses, defined in this Code the same as or consistent with, applicable sections in the ORC and OAC, which are permitted in the SD Zone subject to site plan approval per Section 1.303 and meeting the applicable requirements specified by this Chapter. Any other use not listed below shall not be permitted.

- (A) Solid Waste Disposal Facility.
- (B) Construction and Demolition Debris Disposal Facility.
- (C) Central Processing Facility for solid waste transfer, material resource recovery and/or recycling.

**2.402.4 Prohibited Uses:** Any other use not listed in Section 2.402.3 shall not be permitted. Furthermore, for the purpose of this Zoning Code and in accordance with the following restrictions in Ohio Revised Code Section 3734.027:

- (A) No person shall commingle with any type of solid wastes, hazardous waste, or infectious wastes any low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of Section 3748.10 of the Ohio Revised Code; and,
- (B) No owner or operator of a solid waste facility, hazardous waste facility, or infectious waste treatment facility shall accept for transfer, storage, treatment, or disposal or shall transfer, store, treat, or dispose of, as applicable, any such radioactive waste.

**2.402.5 Zone and Use Location Requirements:**

- (A) Property shall not be zoned SD, nor shall installation of a new use or expansion of an existing use listed as a permitted use of this zone, be considered for approval unless it is determined that the property on which such is proposed is in accordance with the following location requirements, except as otherwise permitted for a Construction and Demolition Debris Disposal Facility:
  - (1) Not within regulatory floodplain or a wetland;
  - (2) Not within a sand and gravel pit or an area wherein sand and/or gravel soils exist;
  - (3) Not in a limestone or sandstone quarry or an area wherein limestone and sandstone exists;
  - (4) Not within a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area, or other similarly designated purpose area or formally designated candidate area for such purpose;
  - (5) Not within an area formally designated or considered for formal designation as an historic or archaeological site;

- (6) Not within an area where there are rare or endangered species of flora, fauna, or wildlife dependent on a special habitat therein for their continuing survival;
- (7) Not within an area that is geologically unstable, by at least one of the following being true:
  - (a) On-site soil and local soil conditions may result in significant differential settling;
  - (b) The downslope movement of soil, rock, or other earthen material under gravitational influence occurs; or,
  - (c) The lowering or collapse of the land surface occurs either locally or over a broad regional area within which the land is located.
- (8) Not located in the GP Groundwater Protection Overlay area of Warren County Zoning;
- (9) Not within two-hundred (200) feet of a fault that has exhibited evidence of displacement in Holocene Time, where:
  - (a) Fault means a fracture along which strata on one (1) side have been displaced with respect to those on the other side;
  - (b) Displacement means the relative movement of any two (2) sides of a fault measured in any direction; and,
  - (c) Holocene means the most recent epoch of the Quaternary Period extending from the end of the Pleistocene Era to the present.
- (10) Not within ten-thousand (10,000) feet of an airport serving turbine-powered aircraft or within five-thousand (5,000) feet of an airport serving piston engine-type aircraft.

(B) **Use Development Standards:** The applicable use standards specified in Article 3, Chapter 2 (Use Standards) shall apply to the rezoning of property to SD and/or to the development and operation of a use which is listed permitted or conditional in the SD or certain other zones, specific to the type of use that is proposed.

**2.402.6 Minimum Area:** The area of a site shall be as determined acceptable for site plan approval.

**2.402.7 Minimum Frontage & Width:** The minimum frontage and width of a site shall be as determined acceptable for site plan approval.

**2.402.8 Yard Requirements:** Setback distances for minimum front, side, and rear yards required for a use operation or facility inward from the outermost boundary line of a use site are specified in Article 3, Chapter 2, specific to the use that is proposed, unless lesser proposed distances are found acceptable for approval of the site plan.

**2.402.9 Parking And Loading Requirements:** On-site parking and loading shall be provided in accordance with Article 3, Chapter 3 requirements as specified for site plan approval.

**2.402.10 Landscaping Requirements:** Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article 3, Chapter 4



requirements as specified for site plan approval.

**2.402.11 Lighting Requirements:** Exterior lighting shall be provided in accordance with Article 3, Chapter 5 requirements as specified for site plan approval.

**2.402.12 Signage Requirements:** Signs for site identification, direction and safety purposes shall be provided in accordance with Article 3, Chapter 6 requirements as specified for site plan approval.

**2.402.13 Use Standards and Operation Performance Requirements:** The standards and performance requirements for the permitted uses of this Zone are specified in Article 3, Chapter 2 (Use Standards), as required in addition to the Zone and use location requirements specified in this Chapter.

**2.402.14 Other Required Compliance:**

Written certification of compliance with the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) or other requirements applicable to the use(s) permitted by this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approved and zoning permit issued for a use of this Zone.

**2.402.15 Application Requirements:**

(A) **Map Amendment Application Requirements:** In addition to the requirements specified in Section 1.304 (Zoning Amendment Application), an application to change the zoning on land to SD shall also include, but not be limited to, provision of the following supplemental information:

(1) **Hydrologic Study:** A hydrologic study giving a detailed description of ground and surface water conditions on and in the vicinity of the proposed land to be rezoned shall be provided, with the area of, and content of, the study found acceptable and sufficient by recognized authorities and agencies involved in evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including but not limited to the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD), and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location, ownership, yield, and quality of water wells on and surrounding the site used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-development water quality and quantity to the satisfaction of the involved reviewing and permitting authorities.

- (2) **Aerial Photography:** Aerial photo(s) showing the proposed rezoning site and surrounding properties within one-thousand (1,000) feet thereof, taken no longer than one (1) year before submitted.
  - (3) **Access Map and Traffic Impact Study (TIS):** A map indicating the proposed major roads that are to be utilized to provide access for the site and all involved use activities shall be submitted, with indication of all points of ingress and egress and a TIS approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable.
  - (4) **Airport Safety Letter:** If applicable, the rezoning application shall include a letter from the administrator of the airport if in the vicinity of the SD Zone proposed site, acknowledging that rezoning the property for the proposed solid waste disposal and/or central processing facility will not pose a bird attraction or emissions visibility hazard to aircraft.
- (B) **Site Plan Application Requirements:** In addition to the requirements specified in Section 1.303.3 (Site Plan Application Requirements ), the application for site plan approval required by the Board of Warren County Commissioners must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:
- (1) **Application Letter:** A letter indicating the following shall be submitted with the site plan:
    - (a) That a request for site plan approval is being made.
    - (b) The name(s) of the applicant-proposed operator seeking approval for a zoning permit.
  - (2) **Zone Certification:** Certification shall be provided that the required zoning is on the property submitted for site plan approval of the proposed use(s) permitted in the zone.
  - (3) **Aerial Photography:** Aerial photo(s) showing the site and surrounding properties within one-thousand (1,000) feet, at the same scale as the site plan, taken no longer than one (1) year before submitted.
  - (4) **Access Management:** The proposed plan or measures for managing vehicular access of the site use(s) to the approval satisfaction of the Warren County Engineer and/or the Ohio Department of Transportation (ODOT), as applicable, shall be provided.
  - (5) **Emergency Prevention & Management:** The proposed plan or measures for preventing fire, explosion, or spill containment emergencies and management of the same if such occur shall be provided to the approval satisfaction of the Fire/EMS/Rescue District of jurisdiction and the OEPA, Warren County Combined Health District, and/or Warren County Solid Waste Management District, as applicable.

- (6) **Groundwater Testing:** A copy of the groundwater information resulting from predevelopment testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR, and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.
- (7) **Air and Water Pollution Control:** Proposed control plans for measures approved by involved environmental review and permitting authorities for preventing or mitigating pollution of air and surface water and groundwater shall be provided.
- (8) **Proof Of Other Required Permits Filed:** Proof of applications having been filed for other required permits and/or licenses that are necessary for approval of the use(s) from the OEPA, Warren County Combined Health District and/or others, as applicable, shall be provided when the zoning required site plan for the use(s) is submitted to the Zoning Inspector for approval. Applicable Ohio Administrative Code (OAC) permit-to-install requirements by use type are as follows, as respectively applicably required per Ohio Revised Code (ORC) Sections 3734.02 and 3734.05 and OAC Section 3745-27-02 for solid waste facilities and ORC Sections 3714.05 and 3714.06 for construction and demolition debris disposal facilities:

<u>Disposal Facility Type:</u>	<u>Applicable OAC Section For PTI:</u>
Sanitary Landfill	3745-27-06 and 3745-27-07
Residuals Landfill	3745-30-05 and 3745-30-06
Solid Waste Composting Class I*	3745-27-42 and 3745-27-43
Solid Waste Incinerator	3745-27-50 and 3745-27-51
Solid Waste Transfer**	3745-27-21 and 3745-27-22
Construction and Demolition Debris	3745-400

\* Compliance with notification requirements per OAC Section 3745-27-41 is required for Class II, III, and IV facilities to be considered a “registered composting facility”.

\*\* The same information required in OAC 3745-27-21 for permitting a solid waste transfer facility shall also be required for zoning site plan approval and zoning permit applications for a materials resource recovery facility or a legitimate recycling facility. If any type of fuel-fired heat source is to be used to reduce or dispose of solid waste at a materials recovery facility, the additional information requirements for permitting listed in OAC 3745-27-50 and 51 shall also be required for the zoning permit.

- (9) **Use Development Standards Compliance:** The site plan proposed for approval of the use(s) must show compliance with the standards required for development and operation of the use(s), specified in Article 3, Chapter 2.

(C) **Zoning Permit Application Requirements:** In addition to the requirements specified in Section 1.302.2 (Zoning Permit Application), the application for the zoning permit required before commencing or reactivating a use in this Zone or that is subject to requirements of this Chapter which has received site plan approval must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

- (1) **Approved Site Plan:** A copy of the site plan approved by the Warren County Commissioners for development and operation of the use(s), including any information item specified in above subsection (B) if so required by the Zoning Inspector.
- (2) **Proof Of Other Required Permits Issued:** Written proof in certification that other necessary required permits and/or licenses from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) facility to be installed and commence operation.

**2.402.16 Requirements Following Permit Issuance:** After a zoning permit has been issued, the following must be provided as part of maintaining the permit valid:

- (A) **Proof Of Other Required Permits Maintained Current:** Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation. The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.
- (B) **Reports Required:** A copy of any regular, emergency, incident, clean-up, or monitoring report required by the Ohio Environmental Protection Agency (OEPA), Warren County Solid Waste Management District, Warren County Combined Health District, and/or other involved permitting authority regarding installation or operation of the permitted use facility shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.

**SEC 2.404 SALVAGE YARD ZONE (SY):**

**2.404.1 Purpose:** The SY Zone is for the purpose of providing for the need to permit junk yard use facilities, operations, and activities of, or relating to, the salvaging of metals and parts primarily from wrecked and discarded motor vehicles, but also including from discarded appliances, machinery, and solid non-toxic scrap metals in general discarded from other use purposes, in a manner and at locations that will be environmentally safe, non-disruptive to surrounding properties and uses, and not pose a nuisance, or hazard to public health or safety, or fire hazard.

**2.404.2 Applicability:**

- (A) The regulations in this Chapter and the definitions established in Section 4.103 of this Code for terms used herein shall apply to newly proposed facilities and expansion of existing facilities in this Zone for the permitted uses specified in Sec. 2.404.3 for this Zone that are for the purpose of salvage operations and/or activities involving or related to the handling, transfer, processing, recovery, and/or recycling of metals and parts from discarded motor vehicles, household appliances, industrial machinery, and solid non-toxic scrap metals in general discarded from other use purposes, as defined for regulation by this Zoning Code.
- (B) The requirements specified in this Chapter and as otherwise referred to elsewhere in this Code are applicable to the permitted uses of property in this Zone, in addition to, separate from, and consistent with hereunder specified required applicable compliance with provisions and requirements of Chapters 4737 (Secondhand Dealers; Junk Yards) and 4738 (Motor Vehicle Salvage) of the ORC (Ohio Revised Code) and any corresponding applicable sections of the OAC (Ohio Administrative Code), as amended, in order for a zoning permit to be issued for a use permitted in this Zone for those noted purposes. Except for certain definitions otherwise defined specific for use in this Zoning Code, all noted applicable statutes of the ORC and OAC, as may be amended, are hereby incorporated into and made part of this Zoning Code and, as applicable, shall be complied with before a permitted use regulated by this Chapter shall be permitted to commence or continue thereafter.
- (C) SY Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date January 20, 2012 of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence, to or affected by, the use operation or facility. Otherwise, any change to the site, facilities, or operation of a use which now may only be permitted in the SY Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or be reactivated, as applicable.
- (D) Notwithstanding the zone and use-specific location and installation requirements specified applicable in Sec. 2.404.7, an expanding existing or proposed new facility or use operation activity for the permitted use purposes of this Zone shall only be subject to those requirements of the Ohio Revised Code, Ohio Administrative Code, and/or the

Warren County Combined Health District and Ohio Environmental Protection Agency (OEPA), as applicable. All other requirements specified in this Code Chapter that are not addressed thereby shall prevail unless otherwise determined invalid and unenforceable by the court of appropriate jurisdiction. Any portion of this Chapter determined by a court of appropriate jurisdiction to be invalid and unenforceable shall only affect such portion and shall not affect any other portion thereof.

- 2.404.3 Permitted Uses (Permitted by Site Plan Review with the BOCC):** The following uses, defined in this Code the same as or consistent with applicable sections in the ORC, are permitted in the SY Zone subject to site plan approval per Section 1.303 and meeting the applicable requirements specified by this Chapter.
- (A) Motor Vehicle Salvage Yard Business Facility
  - (B) Junk Yard Business Facility
  - (C) Scrap Metal Salvage Business Facility
  - (D) Storage, dismantling, processing, and sale of materials common to the above noted use facilities, including, but not limited to, discarded appliances, machinery, metals from building construction and demolition, marine vehicles, aircraft, and non-motorized conveyances and apparatuses.
- 2.404.4 Conditional Uses:** The following are conditional uses in this Zone, meaning subject to Board of Zoning Appeals (BZA) approval in accordance with Section 1.306 and the use satisfying applicable requirements elsewhere specified in this Code and conditions which the BZA may require for issuance of a zoning permit:
- (A) Repossessed or impounded motor vehicle storage and retrieval facility.
  - (B) Salvage motor vehicle auction or pool facility at a location separate from a dealer salvage facility.
  - (C) Buildings and equipment used for the uses noted in (A) and (B) of this Section.
- 2.404.5 Accessory Uses and Structures:** The following are uses permitted in conjunction with, subordinate to, and in support of permitted and conditional uses of this Zone, subject to meeting requirements specified in Article 3, Chapter 2:
- (A) Single-family dwelling of the owner operator or caretaker of a permitted use facility.
  - (B) Above-ground tanks for containing fuel, oil, and other fluids from permitted salvage items.
  - (C) Buildings and equipment used for handling, moving, crushing, bailing, sorting, trucking, and selling permitted salvage facility use items.
- 2.404.6 Prohibited Uses:** Any other use not listed above in Sections 2.404.3, .4 or .5 and in the Section 2.205 Table of Permitted Uses shall not be permitted. Furthermore, no property in this Zone shall ever be used for a “Scrap Tire Collection Facility”, as defined in Ohio

**2.404.7 Zone and Use Location Requirements:**

- (A) Property shall not be zoned SY nor shall installation of a new facility or expansion of an existing for a permitted or conditional use of this Zone be considered for approval unless it is determined that the property on which such is proposed is in accordance with the following location requirements:
- (1) Not within regulatory floodplain or a wetland;
  - (2) Not within a sand and gravel pit or an area wherein sand and/or gravel soils exist;
  - (3) Not in a limestone or sandstone quarry or an area wherein limestone and sandstone exists;
  - (4) Not within a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area or other similarly designated purpose area or formally designated candidate area for such purpose;
  - (5) Not within an area formally designated or considered for formal designation as an historic or archaeological site;
  - (6) Not within an area where there are rare or endangered species of flora, fauna or wildlife dependent on a special habitat therein for their continuing survival;
  - (7) Not within an area that is geologically unstable, by at least one of the following being true:
    - (a) On-site soil and local soil conditions may result in significant differential settling;
    - (b) The downslope movement of soil, rock, or other earthen material under gravitational influence occurs; or,
    - (c) The lowering or collapse of the land surface occurs either locally or over a broad regional area within which the land is located.
  - (8) Not located in the GP Groundwater Protection Overlay area of Warren County Zoning;
  - (9) Not within two hundred (200) feet of a fault that has exhibited evidence of displacement in Holocene Time, where:
    - (a) Fault means a fracture along which strata on one (1) side have been displaced with respect to those on the other side;
    - (b) Displacement means the relative movement of any two (2) sides of a fault measured in any direction; and
    - (c) Holocene means the most recent epoch of the Quaternary Period extending from the end of the Pleistocene Era to the present.

- (B) **Use Development Standards:** The applicable use standards specified in Article 3, Chapter 2 (Use Standards) shall apply to the rezoning of property to SY and/or to the development and operation of a use permitted in this Zone, specific to the type of use that is proposed.
- 2.404.8 **Minimum Area:** The area of a site shall be as determined acceptable for site plan approval.
- 2.404.9 **Minimum Frontage & Width:** The minimum frontage and width of a site shall be as determined acceptable for site plan approval.
- 2.404.10 **Yard Requirements:** Setback distances for minimum front, side, and rear yards required for a use operation or facility inward from the outermost boundary line of the use site are specified in Article 3, Chapter 2, specific to the use that is proposed, unless lesser proposed distances are found acceptable for approval of the site plan.
- 2.404.11 **Parking And Loading Requirements:** On-site parking and loading shall be provided in accordance with Article 3, Chapter 3 requirements as specified for site plan approval.
- 2.404.12 **Landscaping Requirements:** Landscaping for buffering and screening the site from surrounding properties and roads and for other purposes shall be provided in accordance with Article 3, Chapter 4 requirements as specified for site plan approval.
- 2.404.13 **Lighting Requirements:** Exterior lighting shall be provided in accordance with Article 3, Chapter 5 requirements as specified for site plan approval.
- 2.404.14 **Signage Requirements:** Signage for site identification, direction and safety purposes shall be provided in accordance with Article 3, Chapter 6 requirements as specified for site plan approval.
- 2.404.15 **Use Operation Performance Requirements:**  
Permitted use facilities and operations in this zone must comply with operation standards and performance requirements in Article 3, Chapter 2 (Use Standards), in addition to the zone and use location requirements specified in this Chapter.
- 2.404.16 **Other Required Compliance:**  
Written certification of compliance with the Ohio Revised Code (ORC) and other requirements applicable to the use(s) permitted in this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approved and zoning permit issued for a use in this Zone. The zoning permit shall be revoked if this required compliance is not demonstrated and maintained by the use operation permitted.
- 2.404.17 **Application Requirements:**
- (A) **Map Amendment Application Requirements:** In addition to the requirements specified in Section 1.304 (Zoning Amendment Application), an application to change the zoning on land to SY shall also include, but not be limited to, provision of the following supplemental information, if so warranted as instructed by the Zoning Inspector:



- (1) **Hydrologic Study:** A hydrologic study giving a detailed description of ground and surface water conditions on and in the vicinity of the proposed land to be rezoned shall be provided, with the area of, and content of, the study found acceptable and sufficient by recognized authorities and agencies involved in evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including, but not limited to, the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD) and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location, ownership, yield, and quality of water wells on and surrounding the site used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-operation water quality and quantity to the satisfaction of the permitting authorities.
  
- (2) **Aerial Photography:** Aerial photo(s) showing the proposed rezoning site and surrounding properties within one-thousand (1,000) feet thereof, taken no longer than one (1) year before submitted.
  
- (3) **Access Map and Traffic Impact Study (TIS):** A map indicating the roads that are to be utilized to provide access for the site and all involved use activities shall be submitted, with indication of all points of ingress and egress approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable, and a TIS if so required.
  
- (B) **Site Plan Application Requirements:** In addition to the requirements specified in Section 1.303.3 (Site Plan Application Requirements), the application for site plan approval required by the Board of Warren County Commissioners must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:
  - (1) **Application Letter:** A letter indicating the following shall be submitted with the site plan:
    - (a) That a request for site plan approval is being made.
    - (b) The name(s) of the applicant owner/operator seeking approval for a zoning permit.
  
  - (1) **Zone Certification:** Certification shall be provided that the required zoning is on the property submitted for site plan approval of the proposed use(s) permitted in the zone.

- (2) **Aerial Photography:** Aerial photo(s) showing the site and surrounding properties within one-thousand (1,000) feet, at the same scale as the site plan, taken no longer than one (1) year before submitted.
- (3) **Access Management:** The proposed plan or measures for managing vehicular access of the site use(s) to the approval satisfaction of the Warren County Engineer and/or the Ohio Department of Transportation (ODOT), as applicable, shall be provided.
- (4) **Emergency Prevention & Management:** The proposed plan or measures for preventing fire, explosion, or spill containment emergencies and management of the same if such occur shall be provided to the approval satisfaction of the Fire/EMS/Rescue District of jurisdiction and the OEPA, Warren County Combined Health District, and/or Warren County Solid Waste Management District, as applicable.
- (5) **Groundwater Testing:** A copy of the groundwater information resulting from predevelopment testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.
- (6) **Air and Water Pollution Control:** Proposed control plans for measures approved by involved environmental review and permitting authorities for preventing or mitigating pollution of air and surface water and groundwater shall be provided.
- (7) **Proof Of Other Required Permits Filed:** Proof of applications having been filed for other required permits and/or licenses that are necessary for approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others, as applicable, shall be provided when the zoning required site plan for the use(s) is submitted to the Zoning Inspector for approval. Applicable Ohio Revised Code (ORC) licensing requirements by use type are as follows:

<b><u>Use Facility Type:</u></b>	<b><u>Applicable ORC Section For License:</u></b>
Secondhand Dealers; Junk Yards	4737
Motor Vehicle Salvage Dealer Facility	4738
Motor Vehicle Salvage Pool Facility	4737
Motor Vehicle Salvage Auction Facility	4738

- (8) **Use Development Standards Compliance:** The site plan proposed for approval of the use(s) must show compliance with the standards required for development and operation of the use(s), specified in this Chapter and applicable Chapters of Article 3.
- (C) **Zoning Permit Application Requirements:** In addition to the requirements specified in Section 1.302.2 (Zoning Permit Application), the application for the zoning permit required before commencing or reactivating a use in this Zone that has received site

plan approval must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

- (1) **Approved Site Plan:** A copy of the site plan approved by the Warren County Commissioners for development and operation of the use(s), including any information item specified in above subsection (B) if so required by the Zoning Inspector.
  
- (2) **Proof Of Other Required Permits and/or Licenses Issued:** Written proof in certification that other necessary required permits and/or licenses from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) facility to be installed and commence operation.

**2.404.18 Requirements Following Permit Issuance:**

(A) After a zoning permit has been issued, the following must be provided as part of maintaining the permit valid:

(1) **Proof Of Other Required Permits and/or Licenses Maintained Current:**

Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation. The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.

(2) **Reports Required:** A copy of any regular, emergency, incident, clean-up, or monitoring report required by the Ohio Environmental Protection Agency (OEPA), Warren County Solid Waste Management District, Warren County Combined Health District, and/or other involved permitting authority regarding installation or operation of the permitted use facility shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.

**SEC 2.405     AGRICULTURAL ZONE REGULATIONS (A1):**

**2.405.1     Purpose:** The purpose of the A1–Agricultural Zoning District is to protect the agricultural production resources of Warren County as seen today in viable agricultural operations, and the agricultural heritage. This district contains those areas of Warren County where it is necessary and desirable to preserve, promote, maintain and enhance the use of the land for agricultural purposes and to protect such lands from encroachment by nonagricultural uses or activities. In the A1–Agricultural Zoning District, agriculture shall be the primary land use, with a minimum of ten (10) acres of vacant land.

Within the District, any agricultural practice as determined by the Ohio Revised Code including, but not limited to: practices necessary for on-farm production, preparation and marketing of agricultural commodities, such as the operation of farm equipment; proper use of agricultural chemicals and other crop protection methods; direct sale to consumers of agricultural commodities or foods containing agricultural commodities produced on-farm; and construction and use of farm structures, shall not constitute a public nuisance.

**2.405.2     Allowable Uses:** The following uses, defined in this Code the same as or consistent with applicable sections in the ORC, are permitted in the A1 Zone subject to site plan approval per Section 1.303 and meeting the applicable requirements specified by this Chapter.

**(A)     Permitted Uses:**

1. Agriculture Uses
2. Roadside Stands
3. Single-family Residences
4. Farm worker residences

**(B)     Permitted Accessory Uses:**

1. Home occupations – Class 1
2. Family adult care
3. Family child care

**(C)     Conditional Uses:**

1. Telecommunications facilities
2. Commercial Stables
3. Campgrounds
4. Fire stations and public buildings
5. Hunting clubs

6. Home occupations – Class 2
7. Kennels
8. Public and private schools, nursery schools and institutions of higher education
9. Churches-Small

**2.405.3** **Maximum Density:** one dwelling per forty-one (41) acres and there shall be no more than one residence on any lot.

**2.405.4** **YARD AND HEIGHT REQUIREMENTS FOR NON-AGRICULTURAL DEVELOPMENT:**

- (A) Minimum front yard setback shall be seventy-five (75) feet.
- (B) Minimum side yard setbacks shall be thirty (30) feet.
- (C) Minimum rear setback shall be seventy-five (75) feet.
- (D) Maximum building height shall be thirty-five (35) feet.
- (E) Maximum lot coverage shall be five percent (5%) of the lot area.

**SEC 2.406 PUBLIC INSTITUTIONAL ZONE (PI):**

**2.406.1 Purpose:** The Public Institutional Zoning District is intended to:

- (A) Provide an area for activities relating to the purpose of state and local governmental entities and semi-public institutions providing necessary public services;
- (B) Provide for continued operation and facilitate growth of existing major institutions.

**2.406.2 Allowable Uses:** Specific types of permitted uses are those which provide a public service or fill a public need.

(A) **Permitted Uses (Permitted by Site Plan Review with the BOCC):**

- (1) Government buildings or offices such as fire stations, schools and colleges, hospitals, community meeting or recreation halls;
- (2) Libraries, museums, or similar cultural facilities;
- (3) Churches;
- (4) Public Utilities, such as electrical, sewer, water, natural gas, stormwater, telecom facilities, and other similar uses;
- (5) Residential uses as an incidental use to the permitted use, such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff, or faculty of colleges, and hospitals; and
- (6) Similar use as determined by the Zoning Inspector. The criteria for such finding of similarity shall include, but not be limited to, the following: the proposed use is appropriate in this area; the development standards for permitted uses can be met by the proposed use; and the public need is served by the proposed use.

(B) **Permitted Accessory Uses:**

- (1) Child day care centers;
- (2) Cafeterias, concession stands, and food service establishments;
- (3) Gift shops and book stores;
- (4) Storage of supplies and equipment associated with a primary use, and other activities incidental to the primary use such as storage yards, fleet parking; maintenance buildings and activities;
- (5) Residential uses as an incidental use to the permitted use, such as caretaker's quarters, or as an accessory use to institutional facilities such as housing for students, staff, or faculty of colleges, and hospitals.

**2.406.3 Building Setback:**

**(A) If adjacent properties are in the same or in a less restrictive zoning district:**

- (1) Side yard minimum fifteen (15) feet;
- (2) Rear yard minimum fifteen (15) feet.

**(B) If adjacent properties are in a residential district:**

- (1) Side yard minimum twenty-five (25) feet;
- (2) Rear yard minimum twenty-five (25) feet.

**(C) Front Yard Setbacks:**

- (1) If property fronts on a private drive: twenty-five (25) feet.
- (2) If property fronts on public road: thirty-five (35) feet.

**2.406.4 Height:** Forty-five 45 feet, except when adjoining a more restrictive use district, in which case any structure located within one-hundred (100) feet of the more restrictive zone shall have a maximum height as imposed by the more restrictive zoning district.

**2.406.5 Additional Development Standards:**

- (A) Minimum lot width at front lot line: two-hundred (200) feet.
- (B) Maximum lot coverage: twenty (20) percent.



**SEC 2.407 MIXED USE ZONE REGULATIONS (MXU):**

**2.407.1 Purpose:** The MXU zoning district is applied to, but not limited to, areas located along portions of Interstates 75 and 71 that are appropriate for a complementary mix of commercial, industrial, and residential activities. The intent and purpose of the MXU district is to provide quality development through unified planning and the establishment of innovative and high-quality site, landscape, and architectural design standards, while encouraging efficient land use.

The MXU zoning district provides for the development of mixed-use structures that vertically integrate residential dwelling units with office, restaurant, retail, and similar non-residential uses and mixed use sites that allows free-standing residential structures to the rear of commercial building frontage.

**2.407.2 Sub-Districts:** The MXU zoning district is divided and classified into sub-districts. The purposes of the individual mixed-use sub-districts and the manner in which they are applied are as follows:

(A) **MXU-C (Mixed-Use Center):** This sub-district is to provide for areas appropriate for the development of mixed-use structures that vertically integrate residential dwelling units. This sub-district allows freestanding residential uses to the rear of non-residential development. This sub-district is identified on the official zoning map.

(B) **MXU-N (Mixed-Use Neighborhood):** This sub-district, is located where smaller parcels of property exist, contains smaller-scale mixed-use and commercial buildings. These areas serve low-impact commercial and office functions. Upper-story residential and live/work units are allowed. This sub district is identified on the official zoning map.

**2.407.3 Allowable Uses:**

(A) **Mixed Use Center-General:** The following uses are allowable in the Mixed -Use Center unless expressly prohibited under Section 2.407.4 (A), Prohibited Uses.

The uses allowed within the B-5 (Warehouse Depot Business) zoning district within the following use categories:

- (1) The Commercial Business & Service Uses within the sub-categories of Entertainment and Recreation; Lodging; Service; Retail; and Professional Office.
- (2) Temporary;
- (3) Accessory;
- (4) Agricultural & Related; and,
- (5) Community Facility and Service

\*These uses are allowed subject to their use permission within the B-5 zoning district.

- (B) **Mixed Use Center-Gateway:** The following uses are allowable in the Mixed -Use Center-Gateway, unless expressly prohibited under Section 2.407.4 (B), Prohibited Uses-Gateway.

The uses allowed within the B-5 (Warehouse Depot Business) zoning district within the following use categories:

- (1) The Commercial Business & Service Uses within the sub-categories of Entertainment and Recreation; Lodging; Service; Retail; and Professional Office.
- (2) Temporary;
- (3) Accessory;
- (4) Agricultural & Related; and,
- (5) Community Facility and Service

\*These uses are allowed subject to their use permission within the B-5 zoning district.

In addition to the above uses Warehousing and Fulfillment Center are also permitted and shall be developed in accordance with the B-5 development standards and are exempt from the development standards of the Section 2.407.5 (Use Specific standards); 2.407.6 (Integrated Development); and 2.407.7 (Development Standards)

- (C) **Mixed Use Neighborhood:** The uses allowed within the B-1 (Neighborhood Commercial Business) zoning district within the following use categories, unless expressly prohibited under Section 2.407.4, Prohibited Uses.

- (1) The Commercial Business & Service Uses within the sub-categories of Entertainment and Recreation; Lodging; Service; Retail; and Professional Office.
- (2) Temporary;
- (3) Accessory;
- (4) Agricultural & Related; and,
- (5) Community Facility and Service

\*These uses are allowed subject to their use permission within the B-1 zoning district.

\*For additional uses see Section 2.205 Table of Uses by Zoning District.

#### **2.407.4 Prohibited Uses:**

- (A) **Mixed Use Center-General & Mixed Use-Neighborhood:** The following uses are prohibited in Mixed Use Center-General and Mixed Use -Neighborhood:

- (1) Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, manufactured homes, and other similar equipment for sale, rent or lease;
  - (2) Heavy equipment sales and service;
  - (3) Towing services, salvage yards, and Impound lots;
  - (4) Car wash;
  - (5) Mini-storage and self-storage facilities;
  - (6) Commercial laundries with dry-cleaning operation on-site;
  - (7) Warehousing and distribution facilities;
  - (8) Freight terminals; and,
  - (9) Industrial Heavy: Manufacturing, fabrication, processing, and assembly of materials in a raw form.
  - (10) 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, is subject to interpretation by the Zoning Inspector in order to determine whether such is compatible to the zoning district; and,
  - (11) Any use similar to one or more other uses already prohibited within the district.
- (B) **Mixed Use Center-Gateway:** The following uses are prohibited in Mixed Use Center-Gateway:
- (1) Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, manufactured homes, and other similar equipment for sale, rent or lease;
  - (2) Heavy equipment sales and service;
  - (3) Towing services, salvage yards, and Impound lots;
  - (4) Car wash;
  - (5) Mini-storage and self-storage facilities;
  - (6) Commercial laundries with dry-cleaning operation on-site; and
  - (7) Industrial Heavy: Manufacturing, fabrication, processing, and assembly of materials in a raw form.
  - (8) 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, is subject to interpretation by the Zoning

Inspector in order to determine whether such is compatible to the zoning district;  
and,

- (9) Day Care Center
- (10) Moving Truck and Trailer Rental
- (11) Tattoo & Body Piercing Parlor
- (12) Gunsmith & Firearm Dealer
- (13) Container/POD storage Facility
- (14) Mover Storage Facility
- (15) Any use similar to one or more other uses already prohibited within the district.  
An interpretation under paragraphs 8 and 9 above by the Zoning Inspector is  
subject to an administrative appeal as provided in Sec. 1.310.

(C) **Residential and Industrial Use Table:** In addition to the above uses, the following residential and industrial uses are allowed as indicated:


LAND USES*	SUB-DISTRICTS				DEFINITION/ USE SPECIFIC STANDARD
	MXU-C		MXU-N		
	ID	CD	ID	CD	
Single Family Dwellings <sup>1</sup>	S		S	S	A building designed for or occupied exclusively by one (1) family.
Two Family Dwelling Units	S		S		A building designed for or occupied exclusively by two (2) families.
Live/Work Units	S		S		A structure that is specifically built (or altered) to accommodate retail or office commercial uses on the ground. Floors above the ground level may be occupied by one or residential unit.
Boarding Houses	C		C		A dwelling that is kept, used, maintained, advertised or held out to the public to be a place where long term accommodations are provided for compensation.
Apartment Houses	S		S		Homes that have been reconfigured as apartments or small apartments designed to look like large, single-family units. This multi-family housing type is in the form of apartments of three to four units.
Townhouses	S		S		Dwelling units that are situated side by side generally having 2 or more floors and attached to other similar units via common walls.
Patio, Atrium and Lot Line	S		S		<b>Patio and Atrium:</b> Dwelling units that share a common wall <b>Lot Line:</b> Dwelling units that are constructed along a single property line.
Upper Story Residential	S		S		A dwelling unit within a mixed use structure that is situated above retail/commercial or other non-residential uses.
Retail Small Scale/Light Manufacturing	S		S		An accessory and associated light manufacturing use conducted in conjunction with the primary retail use. The manufacturing use is conducted within the building that the retail use is carried out, and the manufactured products are display and are available for sale on site.
Industrial – Light.	S				Manufacturing, fabrication, processing, and assembly of materials from parts that are already in processed form and that, in their maintenance, assembly, manufacture, or plant operation, do not create excessive amounts of smoke, gas, odor, dust, sound, or other objectionable influences that might be obnoxious to persons conducting business on-site or on an adjacent site.

**KEY**

**ID** Integrated Development

**CD** A Conventional Development project that does not include a mix of uses and does not satisfy the criteria for an Integrated Development. Single-family residential conventional developments shall adhere to the standards of the R1B district (regarding density, lot area, frontage, width-to-depth ratio, and all other district standards)

**S** A permitted use, subject to BOCC review of a Site Plan

 Prohibited Use

<sup>1</sup> Minor subdivisions are exempt from this provision and are permitted within all development types

**2.407.5 Use Specific Standards:**

- (A) **Live/Work Units:** Live/work units shall be residential in character and are limited to five thousand (5000) square feet.
- (B) **Free Standing Residential Uses in the MXU-C:** Within the MXU-C zoning district, free standing residential uses are limited to the interior or rear portions of a site and to the rear of non residential structures. The construction of free standing residential structures shall be phased to coincide with or after the development of the non residential portion of the site. A commercial/non-residential component is not required in the MXU-C district if one (1) or more of the following applies:
  - (1) The property involved is ten (10) acres or less, on or before the effective date of this provision.
  - (2) The property does not front on a collector or arterial roadway, per the Warren County Thoroughfare Plan.
- (C) **Ground Floor Uses:** Mixed use structures that front designated arterial and collector roads within the MXU-C sub-district are limited to commercial, office, civic, institutional, or other non-residential uses on the ground-level floor. Floors above the ground level may be occupied by office or residential uses.
- (D) **Retail Small Scale/Light Manufacturing:** As defined, is permitted subject to compliance with the following:
  - (1) Allowed when done in conjunction with a permitted retail or service use which is in the storefront location.
  - (2) Floor area devoted to Industry-Small Scale is limited to fifty percent (50%) of the gross floor area of any individual establishment.
  - (3) The operations shall be fully enclosed within a building.
- (E) **Commercial Business & Service Uses:** Commercial Business and service uses within the MXU-N shall provide access from an arterial or collector road. Access from a local road is permitted if the access point is not more than five hundred (500) feet, or one lot away from an arterial or collector road.

**2.407.6 Integrated Development:**

- (A) **Definition:** For purposes of this section, an integrated development is a mixed-use parcel or a group of two or more adjacent parcels or uses planned and/or developed in a joint manner which may include shared buildings, public spaces, landscape, and/or parking facilities. Whether integrated developments are under single or multiple ownership, the objective is to maximize development opportunities and minimize site constraints for a dynamic mix of uses (horizontally and/or vertically) with high-quality and compatible design.
- (B) **Review of Integrated Developments:** Site Plan Review is required for integrated developments primarily to ensure quality design, but also to allow flexibility in

development standards for vertical and/or horizontal integration of uses. Integrated developments may also require a Conditional Use Permit, depending upon the proposed uses as outlined in “Residential and Industrial Use Table” Section 2.407.3 (B) or the “Table of Uses” Section 2.205.

In reviewing integrated developments, the approving authority will analyze the combined development rights applicable to the individual subject parcels. The development rights of each parcel are available, on an aggregate basis, to the entire integrated development. For example, if an integrated development includes parcels zoned R-1B (Residential Single Family) and parcels zoned Mixed Use (MXU), the corresponding development rights are not constrained to each individual parcel, respectively. Rather, the integrated development may redistribute the development rights available in the MXU zone in some portion of the integrated development other than just the property(s) zoned MXU. The intent is to provide design flexibility and promote a better integration of uses than would otherwise be available for “nonintegrated” or “free standing” developments. The approving authority will also review the relationship of the uses and how the different pieces of the development are integrated (e.g. pedestrian circulation and spaces, parking, lighting, access).

To ensure an integrated development, a master plan shall be provided and approved at Site Plan Review stage, which shows planning and design themes that emphasize pedestrian and vehicular connectivity and site and building design that relates to and enhances its surroundings.

(1) **Connectivity:**

- (a) The adjacent street network, anticipated internal road network, and all existing and proposed access points shall be shown. The extension of neighboring street patterns to and through an integrated development (except where physical constraints exist) shall be required.
- (b) When an integrated development includes or is adjacent to publicly-owned open space, the development shall provide unimpeded pedestrian passage to the public space.
- (c) Rights-of-way adjacent to the integrated development perimeter shall have a pedestrian passageway, which shall provide a link to the internal development and its passageways. Within the internal development, a passageway shall be provided to allow the free flow of pedestrians between buildings, parking areas, and recreational areas.
- (d) Shared driveways and vehicular cross access easements shall be required whenever feasible.

(2) **Design Principles:** The developer or applicant shall work with county planning and zoning staff to develop design principles for the integrated development. The principles shall govern site and building design. Though not inclusive, the design principles should include the following considerations:

- (a) A transition should be provided between adjacent properties where there is a difference in intensity or density.
- (b) A mixture of uses both vertically and horizontally.
- (c) A mixture of residential unit types.
- (d) An emphasis on the pedestrian rather than the vehicle with regard to scale, accessibility, public space.

- (C) **Types of Integrated Developments:** Integrated developments can be achieved in a number of ways and may include a combination of developed and undeveloped parcels.
- (1) **Common Ownership of Multiple Parcels:** In instances where multiple parcels (either contiguous with shared property lines or located across the street from one another) are under the sole ownership of one party or ownership entity, an application may be submitted that involves all of the subject properties and as such will be considered together with respect to the design consideration and development rights.
  - (2) **Multiple Ownership of Multiple Parcels:** Multiple property owners may bring forward an application for an integrated development where subject parcels are contiguous or are located across the street from one another. As with common ownership, the application will be considered with respect to the zoning districts of the collective properties.
  - (3) **Single Parcel with Multiple Uses:** A property owner of a single parcel may submit an application for an integrated development which includes multiple uses in a single building or in multiple buildings on the site.
  - (4) **Single Parcel with Single Supportive Use:** A property owner may submit an application for an integrated development for a single parcel that includes a use(s) that would normally be supportive within the zone but is not proposed in conjunction with other uses. In such instances, the approval authority will determine if the proposed use can function as an integrated use with surrounding uses. In approving the proposed use, the designated approving authority shall make the following findings:
    - (a) That the proposed use supports the activities of the surrounding uses;
    - (b) That the proposed use does not cause the character or overall development pattern of the area to change contrary to the development characteristics of the underlying zoning district; and
    - (c) That the intensity of the proposed use does not create a use that is predominant within the “integrated development” and, as such, would otherwise require a rezoning.
- (D) **Waiver of Development Standards:** The applicant may submit a proposal for waiver or reduction of the development standard for a proposed integrated project. The approval authority may approve a waiver of the general development requirements, for lighting, parking, signage, access, landscaping and buffer, height, lot size and development, or additional development requirements only upon finding that:
- (1) The proposed development represents an innovative use of site design, site access, circulation, building design, orientation, or building materials/landscaping which will enhance the area;
  - (2) The proposed development will not be injurious to the public health, safety, or general welfare of Warren County;
  - (3) The strict application of the general development requirements will result in a development which is undesirable when compared with the proposed development;



- (4) The proposed development is consistent with and compatible with other development located in the area; and
- (5) The proposed development is consistent with the suggestions of the Comprehensive Plan.

**2.407.7 Development Standards:** The following development standards are applicable to development within the MXU zoning districts. These standards shall apply, along with other development standards (e.g. landscaping, signs, parking) are listed in other sections of this Zoning Code. Where site development standards listed herein are in conflict with the site development standards in other chapters of this Code, this chapter prevails as it applies to the mixed-use zoning districts. The designated approving authority will review development applications against these standards to determine compliance with applicable zoning regulations.

**(A) Development Standards Table:**

*Table 2.407-1*

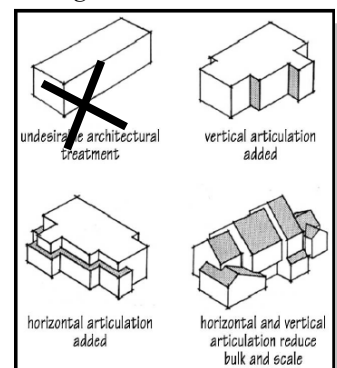
DEVELOPMENT STANDARD		MIXED USE SUB-DISTRICTS			
		MXU-C	MXU-N		
Density <sup>1 &amp; 2</sup> (Units per acre)	Free Standing Residential	8	Single Family	Two-Family & Apartment Houses	
			4	4.2	
	Upper Story Residential	Unlimited by the density standards			
Minimum House Size (Sq. Ft. of living space per unit)	Single Family	1,200	1,200		
	Two-Family or Apartment Houses	960	960		
Maximum Floor Area Ratio		0.3	0.2		
Minimum Yard <sup>3</sup> (feet)*	Front	Arterial	30	35	
		Collector & Local	20	35	
		On-Site Streets	0	35	
	Side	Non Residential Structure	Adjacent to off-site residential use or undeveloped site	30	30
			Adjacent to off-site non-residential use	0	0
		Residential Structure	15	15	
	Rear	Non Residential Structure	Adjacent to off-site residential use or undeveloped site	50	50
			Adjacent to off-site non-residential use	15	20
		Residential Structure	30	30	
	Maximum Height <sup>4</sup> (feet)*	Residential	35	35	
Non Residential & Mixed Use Structures		50	35		
Maximum Impervious Surface Ratio <sup>5</sup>		0.70	0.57		
Mixed Use Development Minimum Open Space <sup>6</sup> (percent of site)	Free Standing Residential Component	8	12		
	Non Residential Component	6	6		

1. **Density:** Compatibility with other zoning districts in the vicinity of the integrated development and the adequacy of public roads, public services and facilities, and utilities required to serve the development shall be used to determine the appropriate density.
2. **Maximum density:** The density for freestanding residential shall be calculated on the basis of the total area of the development site.
3. **Setbacks:** Front yard setbacks within the MXU-C sub-district may be reduced to zero (0) to provide shop fronts along street frontages to create a pedestrian orientation at the street. This reduction may also be applied to multistory multifamily residential developments, including row housing and live/work unit to establish a clear and functional design relationship with the street front.
4. **Height and Massing:**
  - (a) A greater height can be approved by the Approval Authority at the time of Site Plan review provided that the petitioner can demonstrate that there will be no detrimental impact to residential property.
  - (b) The maximum height may be increased by ten (10) feet, if structured parking is provided either underneath the building or within the first floor.
  - (c) Pitched roofs and accessible decks may extend above the height limit, provided that there is no enclosed, habitable space above the height limit.
  - (d) Transition requirements for adjacent single-family residential zones are as follows:
    1. Any building, or portion, thereof, located within sixty (60) feet of a RU, R1A, R1 or R1B zoning district shall be no higher than thirty (35) feet above grade.
    2. Beyond the limit described above, additional building height may be added at a ratio of 1 foot of additional building height for every three (3) feet of additional horizontal distance from the closest single-family residential zone, until the maximum building is achieved.
5. **Impervious Surface Ratio:** Those portions of the site solely dedicated to freestanding residential use are not included within the ISR calculations.
6. **Open Space.**
  - (a) Any new mixed use project, ten acres or greater, other than reuse of existing structures, shall provide the minimum open space.
  - (b) Percentages are cumulative and open space sites may be distributed throughout the development.
  - (c) Community rooms and/or common roof terraces may be credited towards the required open space.

- (B) **Maximum Size for Individual “Commercial Business & Service Uses” in the MXU-N Zoning District:** Five thousand (5,000) square feet in gross floor area in any single building.
- (C) **Use Parking Reductions:**
- (1) Parking reductions from the standards of Section 3.307 may be permitted during Site Plan Review and shall take into consideration the following factors:
    - (a) The combination of land uses that result in varying peak parking demands.
    - (b) Availability of on-street parking adjacent to the site or within walking distance.
    - (c) Proximity to off-site parking.
  - (2) The following parking reductions are permitted, by right (without a variance from the standards of Section 3.307):
    - (a) Each on-street parking space immediately adjacent to the site may be used toward satisfying commercial parking requirements.
    - (b) Visitor parking is not required for residential projects integrated with commercial or office projects.
- (D) **Building Scale Transition:** Transition using a variety of scale, pattern, and textures of building and landscaping elements is encouraged to create a more visually interesting and compatible project.

- (1) If a development is larger or smaller than its adjacent physical context, the design should provide transitional, scaled elements at the perimeter to integrate it with its surroundings.
- (2) The proposed building orientation should compliment the orientation of surrounding buildings and should relate to other buildings on the same site in regard to pedestrian circulation. The proposed building should also compliment the scale of those buildings located on adjacent properties and, where desirable, serve as an orderly transition to a different scale.
- (3) Buildings should be designed and located to complement and preserve existing natural landforms, trees, shrubs, and other natural vegetation, where appropriate.
- (4) Buildings should be articulated to create transitional scaled elements that relate to existing buildings.

Figure 2.407-1



## 2.407.8

### **Design Standards and Guidelines:**

- (A) **Site Design Standards:** A mixed-use development shall be designed to achieve the following:
- (1) Preliminary site plans shall indicate the ultimate development of the site, even where final development will be phased.
  - (2) The design shall provide for internal and architectural compatibility between the different uses and structures.
  - (3) Potential noise, odors, glare, pedestrian traffic, and other potentially significant impacts on residents shall be mitigated to allow a compatible mix of residential and non-residential uses on the same site and adjacent properties.
  - (4) The development design, including the arrangement of buildings and placement of site amenities, shall create a pedestrian-friendly development.
  - (5) Landscape areas should be combined to form plazas, open spaces, and other focal points within the development.
  - (6) Buildings in MXU-C shall relate to and be oriented toward the street or surrounding buildings. Buildings within a multi-building development should be arranged and grouped so that their primary orientation complements one another and adjacent, existing development. Buildings shall:
    - (a) Frame the corner of an adjacent street intersection or entry point to the development; and,
    - (b) Frame a “main street” pedestrian and/or vehicle access corridor within the development site or along the street frontage; and,
    - (c) Frame outdoor dining or gathering spaces for pedestrians between buildings.
  - (7) Multi-family development shall comply with the development standards of Section. 3.203.2, Multiple-Family.
  - (8) Mixed-use structures with the MXU-N zoning district shall be residential in character (height, mass, orientation, and design).
  - (9) Commercial loading areas shall be located as far as possible from residential units and shall be screened from view from the residential portion of the project to the extent feasible.
  - (10) The development design shall utilize the opportunities and reflect the constraints created by floodplains, slopes, soils, vegetation, stream side setbacks, and other physical features.
  - (11) Open storm drainage and retention areas visible to the public shall be incorporated into the design of the development as an attractive amenity or focal point.
  - (12) The circulation, utility, and storm drainage systems shall be designed and constructed so that when the site is fully developed the resulting systems are coordinated and effective.

(B) **Non-Residential & Mixed Use Building Design Within the MXU-C:**

The section applies to non-residential and mixed use buildings within the MXU-C zoning district. The intent of this subsection is to encourage pedestrian-scale and compatible development through creative and innovative building and architectural design.

- (1) Predominant exterior building materials should consist of building materials that include, but are not limited to, brick, sandstone, glass, metal, and/or other native stone and tinted/textured concrete masonry.
- (2) Buildings should not include long, uninterrupted walls or roof planes.
- (3) Buildings with frontages greater than fifty (50) linear feet shall vary the building line and/or create offsetting walls, awnings, arcades, modulated wall textures, climbing landscaping materials, and other features that visually reduce the scale of the wall.
- (4) The back of buildings, loading docks, overhead doors, and other service entries are prohibited on street-facing facades.
- (5) Facades must have a defined top that should be formed by a pitched roof or cornice, depending on the chosen style.
- (6) Multi-tenant buildings and shopping centers should have a comprehensive sign program. Provisions should be made for coordination of sign dimensions, materials, textures, colors, illumination, and method and location of mounting. These signs should be delineated in a uniform and consistent manner, as required in Section 3.615.
- (7) Buildings along the street frontage should, at a minimum, be 20 feet tall at the roofline or parapet, and appear to be at least one and one-half (1.5) stories tall.
- (8) If the roof is pitched, the pitch shall be 4:12 or greater.
- (9) Building entrances should be well-defined, using architectural elements appropriate to the chosen style. The entrance's location, orientation, proportion, and door style must also reflect the chosen style.
- (10) **Building Orientation:**
  - (a) Single-building developments shall be oriented so that the primary façade treatment faces the street from which the building derives its street address. For lots that face two streets, the primary façade shall face the street with the higher vehicle capacity.
  - (b) Larger multi-building developments should be configured in a manner that breaks the site into a series of smaller "blocks" defined by on-site streets, vehicle access ways, pedestrian walkways, or other circulation routes.
  - (c) Doors and other entrances may be on any side of the building and do not have to be located on the primary façade.
- (11) Windows and doors, including the number, location, proportion, and style of framing and lights, shall also be appropriate to the chosen style of architecture.
- (12) **Building transparency shall be provided in the following amounts:**

- (a) Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of forty percent (40%) of the length of the front façade, of each tenant space, to windows or transparent entrances.
  - (b) Buildings or tenant spaces that occupy forty thousand (40,000) square feet or more of gross floor area should dedicate a minimum of twenty-five percent (25%) of the length of the front façade to windows or transparent entrances.
  - (c) Outparcel structures should dedicate a minimum of thirty-five percent (35%) of the length of the front façade to windows or transparent entrances.
  - (d) Offices and other noncommercial structures should dedicate a minimum of twenty-five percent (25%) of the length of the front façade to windows or transparent entrances.
  - (e) The total area of ground-floor level transparency should not exceed more than seventy-five (75%).
- (13) **Buildings with multiple storefronts** shall exhibit a unified design theme and storefronts shall be integrated with the overall style, character, and proportion of the building.
- (14) Buildings shall have a foundation buffer or sidewalks adjacent to the structure.
- (15) Drive-through windows are permissible, provided they are integrated into the overall design of the building.
- (16) **Buildings over eighty thousand (80,000) square feet:**
- (a) No uninterrupted length of any façade or exterior wall shall exceed one hundred (100) horizontal feet.
  - (b) The building facades should also incorporate awnings, arcades, modulated wall textures, climbing landscaping materials and other features that visually reduce the scale of the wall.
  - (c) Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than fifty percent (50%) of their horizontal length.

(C) **Open Space Design:**

- (1) **MXU-C:** Generally, open space should satisfy the following criteria:
- (a) Be accessible to residents
  - (b) Provide a strong image and sense of place.
  - (c) Be designed, sized and located to ensure that it is useable.
  - (d) Create a pleasant pedestrian environment.
  - (e) Provide pedestrian linkage throughout the development and adjacent land uses.
  - (f) Provide an overall theme and visual connection between spaces and uses within the development.
  - (g) Provide areas that offer shelter from the elements.
- (2) **MXU-N:** Generally, open space should satisfy the following criteria:

- (a) The location of open space shall be planned as much as possible as a contiguous area located for the maximum benefit of the residents, preserving, and where possible, enhancing natural features.
- (b) Open space may either be located to preserve natural features, woodlands or farm, located to buffer adjacent farmland or public rights-of-way, or located to connect open spaces throughout the development.
- (c) Buildings, structures, and improvements permitted in the open space must be appropriate to the uses authorized within the open space and must conserve and enhance the amenities of the open space, having regard to its topography and unimproved condition.
- (d) Trails, boardwalks, observation platforms, or other similar structures that enhance passive enjoyment of the site's natural amenities are permitted within this space.
- (e) Any structure or building accessory to a recreation, conservation or agriculture shall not exceed, in the aggregate, one percent of the required open space area and must be shown on the approved site plan.
- (f) The open space shall be designed to include a 200 foot vegetated buffer to minimize the visual impact of homes from public rights-of-way.
- (g) The open space shall be designed to allow a minimum of fifty (50) foot wide undisturbed space from the edge of any stream, lake, wetland or water body.
- (h) Whenever possible, open space areas shall be interconnected with abutting parcels by open space corridors having a minimum width of 10 feet. Open space corridors may be credited towards the total open space required.
- (i) Open space areas shall have a minimum area of 5,000 square feet and a minimum width of 70 feet.
- (j) Further subdivision of open space land or its use for other than recreation, conservation or agricultural purposes, or easements for utilities and septic systems, shall be strictly prohibited.
- (k) Open space development shall comply with the applicable requirements of Section 2.302.3 (E) and (F).
- (l) Unqualified Areas.
- (m) **Land area that is commonly owned or devoted to the following shall not be included as meeting the open space requirement:**
  - 1. Public street rights-of-way, private roads, and parking areas;
  - 2. Required setbacks between buildings, parking areas and project boundaries and between buildings and public or private streets unless the required setback is contiguous to and part of a larger area of open space;
  - 3. Private yards within subdivided lots, except in accordance with Section 2.302.3 (F);
  - 4. A minimum of 15 feet between buildings and open space.

**SEC 2.408 PUBLIC RECREATION ZONING DISTRICT (PR):**

**2.408.1 Purpose:** The Recreation Zoning District is applied to existing public parks and may be applied to similar recreational areas to protect and perpetuate a system of parks and recreational areas for residents. This zone is intended for public purposes. It is not the intent of this zone to prevent private parks or recreation areas as provided for in other zoning districts.

**2.408.2 Permitted Uses (Permitted by Site Plan Review with the BOCC):** The following uses are permitted within the PR zoning district:

**(A) Recreational Uses, Low Impact:**

- (1) Bicycle, Walking, and Horse Trails
- (2) Gardens and Arboreta
- (3) Golf Courses
- (4) Marinas
- (5) Public Wildlife Management and Conservation Areas
- (6) Other low impact uses similar to the above listed.
- (7) Uses consistent with a master plan for a particular park

**(B) Associated Uses:**

- (1) Administrative Office
- (2) Campsites or Campground
- (3) Caretaker Residence
- (4) Civic, Community and Cultural Services

**2.408.3 Conditional Uses:** The following used are permitted as a Conditional Use within the Public Recreation Zoning District (PR):

**(A) Recreational Uses, High Impact:**

- (1) Amphitheatres
- (2) Festivals, Fairs, Parades and Expositions Facilities.
- (3) Indoor Recreation
- (4) Museums and Zoos
- (5) Outdoor Recreation
- (6) Stadiums, Arenas and Assembly Halls
- (7) Other high impact uses similar to the above listed.



(B) **Associated Uses:**

- (1) Banquet and Meeting Rental facilities
- (2) Community Centers
- (3) Lodging and Conference Facilities
- (4) Public Utility and Maintenance Facilities
- (5) Restaurants, and commercial retail uses, when such facilities support and complement recreation purposes.
- (6) Recreational Equipment Rental or Sales
- (7) Telecommunication Facilities

**2.408.4 Development Standards:**

- (A) **Location:** Buildings or structures shall be constructed and situated so as to minimize their effect on scenic views or vistas, prevent the threat of pollution or siltation of waterways and the filling of floodplains, and to complement the topography of the land by utilizing natural contours.
- (B) **Maximum Impervious Surface Ratio:** 20%. The Impervious Surface Ratio may be reduced at the time of approval because of stormwater requirements.
- (C) **Setbacks:**
- (1) Perimeter setback: 25 feet
  - (2) Major arterial setback: 35 feet
- (D) **Maximum Building Height:** Fifty (50) feet.
- (E) Associated uses may not be developed prior to a primary recreational use.

**SEC 2.403     SOLID WASTE TRANSITION ZONE (ST):**

**2.403.1     Purpose:** The ST Solid Waste Transition Zone is for the purpose of providing for the need to permit use facilities, operations, and activities of, or relating to, the processing of solid waste for transfer to a disposal facility and disposal of construction and demolition debris at approved locations in Warren County in accordance with the requirements specified in this Chapter. It is also for purposes of providing for other uses considered compatible and appropriate in conjunction with those uses or for redevelopment of a site following closure of such uses, so to provide for suitable transition to other surrounding uses and not adversely affect the environment or neighborhood in which located.

**2.403.2     Applicability:**

- (A) The regulations in this Chapter and the definitions established in Section 4.103 of this Code for terms used herein shall apply to newly proposed facilities and expansion of existing facilities for the permitted uses specified in Sec. 2.403.3 for this Zone that are for the purpose of operations and/or activities involving or related to the handling, transfer, processing, recovery, and/or recycling of solid wastes and disposal of construction/demolition debris, as defined for regulation by this Zoning Code.
- (B) The requirements specified in this Chapter and as otherwise referred to elsewhere in this Code are applicable to the permitted uses of property in this Zone, in addition to, separate from, and consistent with hereunder specified required applicable compliance with provisions and requirements of Chapters 3714 (Construction and Demolition Debris) and 3734 (Solid and Hazardous Wastes) of the ORC (Ohio Revised Code) and corresponding applicable sections of the OAC (Ohio Administrative Code), as amended, in order for a zoning permit to be issued for a use permitted in this Zone for those noted purposes. Except for certain definitions otherwise defined specific for use in this Zoning Code, all noted applicable statutes of the ORC and OAC, as may be amended, are hereby incorporated into, and made part of, this Zoning Code and, as applicable, shall be complied with before a permitted use regulated by this Chapter shall be permitted to commence or continue thereafter.
- (C) ST Zone uses which were begun before zoning approval became a requirement for operation or which already received zoning approval prior to the effective date January 20, 2012 of these regulations and which have continuously been in operation since then without having been abandoned or discontinued for more than two (2) years are grandfathered from having to comply with these regulations, except for having to adhere to requirements necessary for safeguarding and maintaining public health and safety in pertinence to, or affected by, the use operation or facility. Otherwise, any change to the site, facilities, or operation of a use which now may only be permitted in the ST Zone must be so zoned and meet the requirements of this Zone in order to receive a zoning permit to commence or be reactivated, as applicable.
- (D) Notwithstanding the zone and use-specific location and installation requirements specified applicable in Sec. 2.403.5, an expanding existing or proposed new facility or use operation activity for purpose of solid waste processing or construction/demolition debris disposal shall only be subject to those requirements of the Ohio Administrative Code, the Ohio Revised Code, and/or the Warren County Combined Health District, as

applicable. All other requirements specified in this Code Chapter that are not addressed thereby shall prevail unless otherwise determined invalid and unenforceable by the court of appropriate jurisdiction. Any portion of this Chapter determined by a court of appropriate jurisdiction to be invalid and unenforceable shall only affect such portion and shall not affect any other portion thereof.

**2.403.3 Permitted Uses (Permitted by Site Plan Review with the BOCC):** The following are uses, defined in this Code the same as, or consistent with, applicable sections in the ORC and OAC, which are permitted in the ST Zone subject to site plan approval per Section 1.303 and meeting the applicable requirements specified by this Chapter. Any other use not listed below shall not be permitted.

- (A) Construction and Demolition Debris Disposal Facility Central Processing Facility for solid waste transfer, material resource recovery, and/or recycling.
- (B) Class I, Class II, Class III, and Class IV Composting Facilities.  
Agriculture
- (C) Agriculture support and services directly related to agriculture uses, including, but not limited to agricultural processing, agricultural education, direct market business for sale of products produced on-site, farm based tourism, and pick-your-own (PYO) farms and operations.
- (D) Nursery, Landscape Production.
- (E) Wildlife Area.
- (F) Veterinary Animal Hospital and Clinics.
- (G) Kennels (non-exempt).
- (H) Stables, Equestrian Facilities, Pet Farms, and Aviaries.
- (I) Agricultural Research Facilities.
- (J) Farm Machinery Sales, Rental, Service, and Repair.
- (K) Day Camp, Boarding Camp, Campground, Conference Training Center, Rural Resort and Retreat.
- (L) Commercial recreation area and facilities including but not limited to golf courses, driving ranges, boat docks, fishing lakes, sale of bait, rental or leasing of recreational equipment.
- (M) Office/Warehouse (with a minimum of sixty percent (60%) of the gross floor area devoted to office use, no walk-in retail services, and no outdoor storage), Warehouse, Office, and Self-Storage Buildings.
- (N) Rural Outdoor Recreational Establishment and Outdoor Amphitheater.
- (O) Methane recovery facility associated with soil removal for capping of a closed sanitary

landfill.

**2.403.4 Prohibited Uses:** Any other use not listed in Section 2.403.3 shall not be permitted. Furthermore, for the purpose of this Zoning Code and in accordance with the following restrictions in Ohio Revised Code Section 3734.027:

- (A) No person shall commingle with any type of solid wastes, hazardous waste, infectious wastes, or any low-level radioactive waste whose treatment, recycling, storage, or disposal is governed under division (B) of Section 3748.10 of the Ohio Revised Code, and
- (B) No owner or operator of a solid waste facility, hazardous waste facility or infectious waste treatment facility shall accept for transfer, storage, treatment or disposal or shall transfer, store, treat, or dispose of, as applicable, any such radioactive waste.

**2.403.5 Zone and Use Location Requirements:**

- (A) Property shall not be zoned ST nor shall installation of a new use or expansion of an existing use listed as a permitted use of this zone be considered for approval unless it is determined that the property on which such is proposed is in accordance with the following location requirements, except as otherwise permitted per Section 3.209.1 use standards for a Construction and Demolition Debris Facility as a one-time limited occurrence solely for purpose of preparing the site location for development of another different end use:
  - (1) Not within regulatory floodplain or a wetland;
  - (2) Not within a sand and gravel pit or an area wherein sand and/or gravel soils exist;
  - (3) Not in a limestone or sandstone quarry or an area wherein limestone and sandstone exists;
  - (4) Not within a government owned or managed park, recreation area, nature preserve, wildlife area, scenic river area, or other similarly designated purpose area or formally designated candidate area for such purpose;
  - (5) Not within an area formally designated or considered for formal designation as an historic or archaeological site;
  - (6) Not within an area where there are rare or endangered species of flora, fauna, or wildlife dependent on a special habitat therein for their continuing survival;
  - (7) Not within an area that is geologically unstable, by at least one of the following being true:
    - (a) On-site soil and local soil conditions may result in significant differential settling;
    - (b) The downslope movement of soil, rock or other earthen material under gravitational influence occurs; or,

- (c) The lowering or collapse of the land surface occurs either locally or over a broad regional area within which the land is located.
  - (8) Not located in the GP Groundwater Protection Overlay area of Warren County Zoning;
  - (9) Not within two hundred (200) feet of a fault that has exhibited evidence of displacement in Holocene Time, where:
    - (a) Fault means a fracture along which strata on one (1) side have been displaced with respect to those on the other side;
    - (b) Displacement means the relative movement of any two (2) sides of a fault measured in any direction; and,
    - (c) Holocene means the most recent epoch of the Quaternary Period extending from the end of the Pleistocene Era to the present.
  - (10) Not within ten thousand (10,000) feet of an airport serving turbine-powered aircraft or within five thousand (5,000) feet of an airport serving piston engine-type aircraft.
- (B) Use Development Standards: The applicable use standards specified in Article 3, Chapter 2 (Use Standards) shall apply to the rezoning of property to ST and/or to the development and operation of a use permitted in this Zone or certain other zones, specific to the type of use that is proposed.

**2.403.6 Minimum Area:** The area of a site shall be as determined acceptable for site plan approval.

**2.403.7 Minimum Frontage & Width:** The minimum frontage and width of a site shall be as determined acceptable for site plan approval.

**2.403.8 Yard Requirements:** Setback distances for minimum front, side, and rear yards required for a use operation or facility inward from the outermost boundary line of a use site are specified in Article 3, Chapter 2, specific to the use that is proposed, unless lesser proposed distances are found acceptable for approval of the site plan.

**2.403.9 Parking And Loading Requirements:** On-site parking and loading shall be provided in accordance with Article 3, Chapter 3 requirements as specified for site plan approval.

**2.403.10 Landscaping Requirements:** Landscaping for buffering the site from surrounding properties and other purposes shall be provided in accordance with Article 3, Chapter 4 requirements as specified for site plan approval.

**2.403.11 Lighting Requirements:** Exterior lighting shall be provided in accordance with Article 3, Chapter 5 requirements as specified for site plan approval.

**2.403.12 Signage Requirements:** Signs for site identification, direction, and safety purposes shall be provided in accordance with Article 3, Chapter 6 requirements as specified for site plan approval.

**2.403.13 Use Standards and Operation Performance Requirements:** The standards and performance requirements for the permitted uses of this Zone are specified in Article 3, Chapter 2 (Use Standards), as required in addition to the Zone and use location requirements specified in this Chapter.

**2.403.14 Other Required Compliance:**

Written certification of compliance with the Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) or other requirements applicable to the use(s) permitted by this Zone is hereby required to be provided to the Zoning Inspector before this Zone may be granted for a property and the required site plan approved and zoning permit issued for a use in this Zone.

**2.403.15 Application Requirements:**

(A) **Map Amendment Application Requirements:** In addition to the requirements specified in Section 1.303 (Zoning Amendment Application), an application to change the zoning on land to ST shall also include, but not be limited to, provision of the following supplemental information, if so warranted as instructed by the Zoning Inspector:

- (1) **Hydrologic Study:** A hydrologic study giving a detailed description of ground and surface water conditions on, and in the vicinity of, the proposed land to be rezoned shall be provided, with the area of and content of the study found acceptable and sufficient by recognized authorities and agencies involved in evaluation of the study information to determine that the use(s) permitted by the rezoning will not result in harmful or adverse impacts on surface or ground water, including, but not limited to, the Ohio Environmental Protection Agency (OEPA), Ohio Department of Natural Resources (ODNR), Warren County Engineer, Warren County Soil and Water Conservation District (SWCD) and the Warren County Combined Health District (WCCHD). Surface water information provided shall include identification and description of the location of all watercourses and bodies of water in the involved watershed drainage areas, the area and depth of existing and proposed ponds, the flow volumes and directions of surface water in all natural watercourses, the same flowing into and out of any ponds as well as coming onto and leaving the site area, and other related information on water quality as may be determined necessary. The groundwater information shall include depth to water table, direction of groundwater movement (flow), the location, ownership, yield and quality of water wells on and surrounding the site used for both domestic and agricultural purposes, and other information as may be determined necessary to establish pre-development water quality and quantity to the satisfaction of the permitting authorities.
- (2) **Aerial Photography:** Aerial photo(s) showing the proposed rezoning site and surrounding properties within one-thousand (1,000) feet thereof, taken no longer than one (1) year before submitted.
- (3) **Access Map and Traffic Impact Study (TIS):** A map indicating the proposed major roads that are to be utilized to provide access for the site and all involved

use activities shall be submitted, with indication of all points of ingress and egress and a TIS approved by the Warren County Engineer or the Ohio Department of Transportation, as applicable.

- (4) **Airport Safety Letter:** If applicable, the rezoning application shall include a letter from the administrator of the airport if in the vicinity potentially affected by of the ST Zone proposed site, acknowledging that rezoning the property for the proposed solid waste disposal and/or central processing facility will not pose a bird attraction or emissions visibility hazard to aircraft.
- (B) **Site Plan Application Requirements:** In addition to the requirements specified in Section 1.303.3 (Site Plan Application Requirements), the application for site plan approval required by the Board of Warren County Commissioners must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:
- (1) **Application Letter:** A letter indicating the following shall be submitted with the site plan:
    - (a) That a request for site plan approval is being made.
    - (b) The name(s) of the applicant-proposed operator seeking approval for a zoning permit.
  - (2) **Zone Certification:** Certification shall be provided that the required zoning is on the property submitted for site plan approval of the proposed use(s) permitted in the zone.
  - (3) **Aerial Photography:** Aerial photo(s) showing the site and surrounding properties within one-thousand (1,000) feet, at the same scale as the site plan.
  - (4) **Access Management:** The proposed plan or measures for managing vehicular access of the site use(s) to the approval satisfaction of the Warren County Engineer and/or the Ohio Department of Transportation (ODOT), as applicable, shall be provided.
  - (5) **Emergency Prevention & Management:** The proposed plan or measures for preventing fire, explosion, or spill containment emergencies and management of the same if such occur shall be provided to the approval satisfaction of the Fire/EMS/Rescue District of jurisdiction and the OEPA, Warren County Combined Health District, and/or Warren County Solid Waste Management District, as applicable.
  - (6) **Groundwater Testing:** A copy of the groundwater information resulting from predevelopment testing and research performed on samples from wells on and around the proposed use site to the requirements and specifications of the OEPA, ODNR, and/or the Warren County Combined Health District shall be provided to the Zoning Inspector, as well as regularly required thereafter for monitoring purposes during operation of the use, if approved.
  - (7) **Air and Water Pollution Control:** Proposed control plans for measures

approved by involved environmental review and permitting authorities for preventing or mitigating pollution of air and surface water and groundwater shall be provided.

- (8) **Proof Of Other Required Permits Filed:** Proof of applications having been filed for other required permits and/or licenses that are necessary for approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others, as applicable, shall be provided when the zoning required site plan for the use(s) is submitted to the Zoning Inspector for approval. Applicable Ohio Administrative Code (OAC) permit-to-install requirements by use type are as follows, as respectively applicably required per Ohio Revised Code (ORC) Sections 3734.02 and 3734.05 and OAC Section 3745-27-02 for solid waste facilities and ORC Sections 3714.05 and 3714.06 for construction and demolition debris disposal facilities:

<u>Disposal Facility Type:</u>	<u>Applicable OAC Section For PTI:</u>
Solid Waste Composting Class I* Facility	3745-27-42 and 3745-27-43
Solid Waste Transfer Station Facility**	3745-27-21 and 3745-27-22
Solid Waste Facility Site Reuse	3745-27-13 and 3745-27-14
Construction and Demolition Debris Facility	3745-400

\* Compliance with notification requirements per OAC Section 3745-27-41 is required for Class II, III and IV facilities to be considered a “registered composting facility”.

\*\* The same information required in OAC 3745-27-21 for permitting a solid waste transfer facility shall also be required for zoning site plan approval and zoning permit applications for a materials resource recovery facility or a legitimate recycling facility. If any type of fuel-fired heat source is to be used to reduce or dispose of solid waste at a materials recovery facility, the additional information requirements for permitting listed in OAC 3745-27-50 and 51 shall also be required for the zoning permit.

- (9) **Use Development Standards Compliance:** The site plan proposed for approval of the use(s) must show compliance with the standards required for development and operation of the use(s), specified in applicable Chapters of Article 3.

- (C) **Zoning Permit Application Requirements:** In addition to the requirements specified in Section 1.301.2 (Zoning Permit Application), the application for the zoning permit required before commencing or reactivating a use in this Zone or that is subject to requirements of this Chapter which has received site plan approval must also include the following supplemental information, unless otherwise instructed by the Zoning Inspector:

- (1) **Approved Site Plan:** A copy of the site plan approved by the Warren County Commissioners for development and operation of the use(s), including any information item specified in above subsection (B), shall be provided to the Zoning Inspector.



- (2) **Proof Of Other Required Permits Issued:** Written proof in certification that other necessary required permits and/or licenses from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities have been issued in approval of the use(s) to be installed and operated shall be provided to the Zoning Inspector before the zoning permit will be issued to allow the use(s) facility to be installed and commence operation.

**2.403.16 Requirements Following Permit Issuance:**

(A) The following must be provided as part of maintaining the zoning permit valid after issued:

- (1) **Proof Of Other Required Permits Maintained Current:** Written proof in certification that other necessary required permits and/or licenses issued in approval of the use(s) from the OEPA, Warren County Combined Health District, and/or others as applicable involved permitting authorities are maintained current shall be provided to the Zoning Inspector for the zoning permit to likewise remain valid in allowance of the use(s) to continue operation. The Zoning Inspector shall revoke zoning permit approval if this requirement is not met.
- (2) **Reports Required:** A copy of any regular, emergency, incident, clean-up, or monitoring report required by the Ohio Environmental Protection Agency (OEPA), Warren County Solid Waste Management District, Warren County Combined Health District, and/or other involved permitting authority regarding installation or operation of the permitted use facility shall also be provided to the Zoning Inspector, no more than thirty (30) days after the date required.