

**4.22 V**

4.2201 **Variance.** A modification of one or more requirements of this Resolution for a particular property approved by the Butler County Board of Zoning Appeals.

**4.23 W**

4.2301 **Warehouse.** A building used for the storage of goods for compensation or the storage of goods that will be sold elsewhere or subsequently transported to another location for sale.

4.2302 **Wireless and Cellular Alternative Tower Structure.** An alternative design of mounting structure that is used to camouflage or conceal the presence of antennas or towers, including man-made trees, clock towers, bell steeples or light poles.

4.2303 **Wireless and Cellular Antenna.** Any exterior apparatus designed for telephonic, radio, television, or other electronic communications, through the transmission, relay or receiving of electromagnetic waves.

4.2304 **Wireless and Cellular Co-Location.** The process of providing space for more than one user within a facility or on a tower, or the act of placing new or additional wireless and cellular equipment on existing antennas or towers.

4.2305 **Wireless and Cellular Equipment.** Any antenna, satellite dish communication device or equipment which is used for transmitting, relaying or receiving communication signals, except equipment preempted from regulations by the Telecommunications Act of 1996 (P.L. 104-104), as amended.

4.2306 **Wireless and Cellular Equipment Building.** Any structure located on a tower site which houses the electronic transmitting, receiving or relay equipment for a Wireless and Cellular Telecommunication Facility.

4.2307 **Wireless and Cellular Height.** The distance measured from the ground to the highest point on a tower, structure or antenna.

4.2308 **Wireless and Cellular Telecommunication Facilities.** Any cables, wires, lines, wave guides, antennas, equipment or structures associated with the transmission or reception of communications as authorized by the Federal Communications Commission (FCC) which an applicant seeks to locate, or has installed, upon a tower or existing structure.

4.2309 **Wireless and Cellular Tower.** Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, monopole towers, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, and alternative tower structures.

**4.24 X**

**4.25 Y**

4.2501 **Yard, Front.** An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.

4.25011 **Front Yard, Least Depth.** The shortest distance, measured horizontally, between any part of a building other than such parts hereinafter excepted, and the front lot line.

- 4.25012 **Front Yard, Least Depth, How Measured.** Such depth shall be measured from the right-of-way line of the existing street on which the lot fronts (the front lot line); provided however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required front yard least depth shall be measured from the right-of-way, line of such street as designated on said Thoroughfare Plan.
- 4.2502 **Yard, Rear** An open space extending the full width of the lot between a building and the rear lot line unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.25021 **Rear Yard, Least Depth.** The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the rear lot line.
- 4.2503 **Yard, Side.** An open space extending from the front yard to the rear yard between a building and nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.
- 4.25031 **Side Yard, Least Width.** The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.
- 4.25032 **Side Yard, Least Width, How Measured.** Such widths shall be measured from the nearest side lot line and, in case the nearest lot line is a side street lot line from the right of way line of the existing street; provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan differs from that of the existing street, then the required side yard least width shall be measured from the right-of-way of such street as designed on the Thoroughfare Plan.

## **4.26 Z**

- 4.2601 **Zoning Certificate.** A document issued by the Zoning Administrator authorizing buildings, structures, or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.
- 4.2602 **Zoning Administrator.** The Zoning Administrator or his authorized representative, appointed by the County Commissioners of Butler County, Ohio.
- 4.2603 **Zoning Map.** The Zoning Map or Maps of Butler County, Ohio, dated November 17th, 1956, together with all amendments subsequently adopted.
- 4.2604 **Zoning Plan.** The Zoning Resolution of Butler County, Ohio, dated November 17th, 1956, together with all amendments and updates subsequently adopted.

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## Districts and Boundaries Thereof

### 5.01 Zoning Districts

For the purposes of this Resolution the unincorporated territory of Butler County, Ohio, is hereby divided into the following categories of zoning districts:

#### Agricultural Districts

- A-1 Agricultural District
- A-2 Agricultural District
- A-3 Agricultural District
- A-5 Agricultural District
- A-10 Agricultural District
- A-20 Agricultural District

#### Residential Districts

- R-1 Suburban Residence District
- R-1A Suburban Residence District
- R-2 Single-Family Residence District
- R-3 One and Two Family Residence District
- R-4 Multi-Family Residence District
- R-MHP Mobile Home Park District

#### Planned Development Districts

- R-PUD Residential Planned Unit Development District
- B-PUD Business Planned Unit Development District
- R-PCD Residential Planned Conservation Development District

#### Business Districts

- B-1 Neighborhood Business District
- B-2 Community Business District
- B-3 General Business District
- B-4 Office District

#### Industrial Districts

- M-1 Light Industrial District
- M-2 General Industrial District

#### Special Districts

- F-1 Flood Plain District
- MUO Mixed Use Overlay District
- SPD Special Purpose Development District

**5.02 Zoning District Boundaries**

- 5.021 The boundaries of these districts are hereby established as shown on the Zoning Map or maps of the unincorporated territory of Butler County, Ohio, which map or maps are hereby made a part of this Resolution. The said Zoning Map or maps, and all notations and reference and other matters shown thereon, shall be and are hereby made part of this Resolution. Said Zoning Map or maps, properly attested, shall be and remain on file in the Office of the Zoning Administrator, County Commissioners, and Rural Zoning Commission, Butler County, Ohio.
- 5.022 Except where referenced on said map to a street line or other designated line by dimensions shown on said map or maps, the district boundary lines are intended to follow property lines, lot lines, or the center lines of streets or alleys as they existed at the time of the adoption of this Resolution; but where a district line obviously does not coincide with the property lines, lot lines, or such center lines, or where it is not designated by dimensions, it shall be deemed to be one hundred twenty (120) feet back from the nearest street line in case it is drawn parallel with a street line or its location shall be determined by scaling in other cases.
- 5.023 Where a single parcel of land is divided by two or more zoning districts, the requirements for the district in which the use occurs, or will occur, shall apply.
- 5.024 Questions concerning the exact location of a district boundary line shall be determined by the Board as provided in Subsection 26.7 and in accordance with rules and regulations which may be adopted by it.
- 5.025 Whenever any street or other public way is vacated by official action as provided by law, the zoning districts adjoining the side of such public way shall be automatically extended depending on the side or sides to which such lands revert, to include the right-of-way of the public way thus vacated, which shall thenceforth be subject to all resolutions of the extended district or districts.
- 5.026 In every case where territory has not been specifically included within a district, or where territory becomes a part of the unincorporated area of Butler County by the dis-incorporation of any village, town, city, or portion thereof, such territory shall automatically be classified as it was previously, until otherwise classified.

## General Provisions

### **6.01 Conformance Required**

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the District in which it is located.

### **6.02 Continuing Existing Uses**

Except as hereinafter specified, any use, building or structure, existing as the time of the enactment of this Resolution may be continued, even though such use, building or structure may not conform with the provisions of this Resolution for the District in which it is located.

### **6.03 Agriculture**

Nothing contained in this Resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no Zoning Certificate shall be required for any such use, building, or structure.

### **6.04 Retail Establishments and Places of Entertainment**

Nothing contained in this Resolution shall confer any power to prohibit the sale or use of alcoholic beverages in the areas where the establishment and operation of any retail business, hotel, lunchroom, or restaurant is permitted.

### **6.05 Public Sewer and Water Service**

All uses on lots less than one (1) acre shall be provided with public water and sewer service. Where lots are not serviced by public water and sewer service, they shall be serviced through private methods that are approved by the County Board of Health.

### **6.06 Outdoor Advertising**

Outdoor advertising shall be classified as a business use and shall be permitted in all districts zoned for industry and business, subject to the provisions of Section 23.2 and the applicable district regulations.

### **6.07 Flood Plain District**

Nothing herein provided shall be so construed as to prohibit the owner or lands within an F-1 District from lawfully filling, draining, constructing levees or otherwise improving his land, so as to eliminate or reduce the danger of flood or

erosion, in ways that are consistent with applicable FEMA Regulations. The Board shall determine the type and height of any material used.

### **6.08 Non-Conforming Uses or Buildings**

No existing building or premises devoted to a use not permitted by this Resolution in the district in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

6.081 **Substitution or Extensions.** When authorized by the Board, in accordance with the provisions of Subsection 26.5, the substitution for a non-conforming use may be made if the new or extended use is more consistent with the provisions of this Resolution for the district in which the use is located, as determined by the Board of Zoning Appeals pursuant to Section 26.41 of this code.

6.0811 Whenever a non-conforming use has been changed to a conforming use, such use shall not thereafter be changed to a non-conforming use.

6.0812 When authorized by the Board in accordance with the provisions of Subsection 26.5, a non-conforming use may be extended throughout those parts of a building premises which were manifestly designed or arranged for such use prior to the date when such use or building became non-conforming, if no structural alterations, except those required by law are made therein.

6.082 **Discontinuance.** No building, structure, or premises where a non-conforming use has ceased for two (2) years or more shall again be put to a non-conforming use.

6.083 **Replacing Damaged Buildings.** Any non-conforming building or structure damaged by fire, flood, explosion, wind, earthquake, war, riot, or other calamity or Act of God may be restored or reconstructed and used as before such happening, provided that it shall be done within twelve (12) months of such happening and the building size not increased.

6.084 **Repairs and Alterations.** Such repairs and maintenance work as required to keep it in a sound condition may be made to a non-conforming building, or structure, provided no structural alterations shall be made except such as are required by law or authorized by the Board.

### **6.09 Conversion of Dwellings**

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only where the resulting occupancy will comply with the requirements governing new construction in such district.

### **6.10 Manufactured Homes**

A manufactured home may be constructed and used as a single-family residence in the County, but shall meet all of the following criteria:

6.101 The manufactured home must be affixed to a permanent foundation and be connected to the appropriate utilities. "Permanent foundation" means permanent masonry, concrete, or locally approved foundation, to which a manufactured home may be affixed.