

ARTICLE 38

GENERAL AND ACCESSORY PROVISIONS

SECTION 3801 PERMITTED ACCESSORY USES — RESIDENTIAL/OFFICE DISTRICTS

The following accessory uses are permitted on each zoning lot in Residential or Office Residential zoning districts, limited to locations in rear yards, provided total accessory use area does not exceed eighteen (18) percent of any rear yard:

- A. Two detached accessory buildings per single-family, detached, dwelling unit, providing for:
 - 1) One private garage per zoning lot with a rear yard less than 20,000 square feet in area, said garage allowed to be at least 432 square feet but not exceeding 864 square feet in floor area. For lots with rear yards greater than 20,000 square feet in size, garage size may exceed 864 square feet by five (5) percent of the rear yard area over 20,000 square feet, up to a maximum garage size of 1,600 square feet.
 - 2) Storage structures, incidental to a permitted use, not exceeding 150 (one hundred fifty) square feet in area.
- B. A swimming pool, hot tub, tennis court, or other recreational facility designed for, and limited to, the use of residents of the zoning lot where situated, provided no commercial use is made of such recreational facilities, and provided further:
 - 1. Such recreational amenities comply with side yard requirements of the zoning district in which located.
 - 2. Swimming pools, or an area completely enclosing same, are protected by a barrier wall or fence to prevent uncontrolled access, said barrier being at least five (5) feet in height, maintained in good condition, and provided with a locked entrance. A barrier wall or fence may be an extension of the side walls of the swimming pool.
 - 3. Minimum property line offsets shall be six feet for any actively utilized, hard-surfaced part of a recreational amenity.
- C. Children's playhouses and tree houses.
- D. Statuary, arbors, trellises, barbecue hearths, play equipment, non-mechanical laundry drying areas, all being less than ten feet in height.
- E. Birdhouses, flag poles, antennas and other energy receiving devices provided:
 - 1) support for same is located on the same premises as the principal use, 2) height does not exceed one and one-half times the maximum height specified for principal structures, and 3) antennas and other energy receiving or transmitting devices, and their support structures or guys, are no closer to a public right of way or private street than the nearest foundation line of the dwelling unit with which they are associated.
- F. Other structures or uses customarily found in conjunction with and/or required for full utilization and enjoyment of a principal use, provided such structures or uses meet the definition for accessory use provided in Section 201.01.

SECTION 3802 PERMITTED ACCESSORY USES — BUSINESS AND INDUSTRIAL DISTRICTS

- A. Within business and industrial zoning districts, any accessory use may be allowed which meets applicable standards of the zoning district in which located, provided such use is adjudged by the Zoning Inspector to be customarily found in conjunction with, and required for, full utilization and economic viability of a principal use on the same premises, and provided said accessory use meets the definition of same found in subsection 201.
- B. Temporary structures incidental to on-site construction activities during such period as construction is actively occurring.

3802.01 ACCESSORY USES NOT PERMITTED – AGRICULTURAL, RESIDENTIAL, OFFICE AND BUSINESS DISTRICTS

- A. Overnight parking or outdoor storage of trucks over nine thousand (9,000) GVW rated capacity, buses or mobile home.
- B. Outdoor storage, such as but not limited to: junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property, unless specifically permitted by the specific zoning district regulations shall not be permitted as an Accessory use in Agricultural, Residential, Office, or Business District.

SECTION 3803 ARCHITECTURAL STANDARDS FOR COMMUNITY GATEWAY CORRIDORS AND MAJOR STRUCTURES

- A. Vinyl or metal cladding is not allowed with the exception of minor trim, e.g., for soffits, vents or windows. The Zoning Administrator may allow minor redistributions of cladding material percentages when deemed both in the public interest and consistent with the intent of this zoning code section.
- B. Façade cladding within LC/S-2 or RC/S-1 zoning districts, for buildings less than 20,000 square feet in area and lying within a defined community gateway corridor, shall be composed of red or neutral color, non-glazed brick (being residential sized, jumbo, or utility) for at least forty (40) percent of the façade area. The bottom four (4) feet of cladding can utilize cut block, i.e., decorative masonry units. At least two different types of cladding material must be employed on any building façade commonly viewed off premises from either a public or private street. The remaining façade area may be clad in 1) horizontal wood siding, 2) stone facing material; or 3) EFIS or Dryvit, if above thirty-six (36) inches high on any elevation of the building.
- C. Façade cladding within LC/S-2 or RC/S-1 zoning districts, for all buildings greater than 20,000 square feet, shall be composed of red or neutral color, non-glazed brick (being residential sized, jumbo, or utility) for at least forty (40) percent of the front (entrance) façade area, with at least two different types of cladding material employed. No more than twenty (20) percent of cladding may be composed of smooth-faced, non-decorative concrete block.
- D. Buildings with street frontage exceeding eighty (80) feet shall be required to have a sidewalk, at least five (5) feet in width, separating the side(s) of the

building with a public entrance from vehicular use areas. Such sidewalk shall extend the full length of the building. Further, such buildings shall either: 1) maintain a landscaped area between the sidewalk and the adjoining building façade, including a continuous shrub hedge at least 30 inches high as well as one shade tree or two ornamental trees per thirty-five lineal feet; or 2) have front-plane offsets to interrupt appearance of a continuous wall. Such offsets must be projecting/recessed by at least eighteen (18) inches, and must differ in appearance from adjacent wall setbacks by use of one of a minimum of three different façade masonry materials. A landscaped area shall be placed along other facades of such buildings commonly viewed from public or private streets, such area to include a continuous shrub hedge at least 30 inches high as well as one shade tree or two ornamental trees per thirty-five lineal feet. This requirement shall exclude service areas and the rear of buildings.

- E. Entry doors utilized within an LC/S-2 zoning district shall be glazed for at least one third (1/3) their total area.
- F. Windows within an LC/S-2 zoning district shall not exceed seventy-five (75) percent of the total ground level facade area.
- G. Awnings may be utilized to effectively accent a building facade, provided such awnings:
 - 1) Are fabric, of a dyed color complementing the architectural style of the building;
 - 2) Are opaque, and are not lighted from beneath;
 - 3) Maintain a minimum distance above pavement or pedestrian use areas of seven (7) feet.

SECTION 3804 STANDARDS FOR PERMITTED ACCESSORY USES

The following minimum standards shall apply to accessory structures:

3804.01 Location – Accessory buildings shall be limited to locations in rear yards, outside easement areas. No free-standing accessory building encompassing a garage door may be located in a rear yard unless the driveway leading thereto passes through the principal structure side yard that is at least ten (10) feet wide.

3804.02 Property Line Offsets – Accessory buildings over one hundred fifty (150) square feet in size or more than eight (8) feet high shall be located at least six (6) feet from the nearest property line. Accessory buildings less than one hundred fifty-one (151) square feet in size or less than eight (8) feet high shall be located at least three (3) feet from the nearest property line.

SECTION 3805 RECREATION EQUIPMENT

Recreational vehicles, boats, trailers, trucks, automobiles and other vehicles are permitted on zoning lots allowing residential uses, subject to the following:

- A. Such equipment may not be connected to water, sewer, gas or electricity, nor shall such equipment be used for living or housekeeping purposes.

- B. Recreational equipment may be parked or stored no closer to a public right of way or private street than the nearest foundation line of the dwelling unit with which it is associated, or no closer than ten (10) feet in any case.
- C. Recreational equipment may be parked or stored no closer to any property line than three (3) feet.
- D. Notwithstanding the provisions of subsections B and C immediately above, recreational vehicles may be parked, for loading and unloading purposes, anywhere on the premises for a period not exceeding forty-eight (48) hours provided a period of at least twelve (12) hours transpires between events.

SECTION 3806 CASUAL SALES

Casual sales (including barn, basement, patio, garage, yard or block sales) are permitted on zoning lots legally occupied by residential or non-profit school or church uses, subject to the following:

- A. Sales shall extend for no more than three (3) consecutive days (or portion thereof).
- B. There are no more than two (2) such sales per zoning lot in any calendar year.
- C. No foods or beverages are offered for sale, but if foods or beverages are offered at no cost, an advance permit for such dispensing is obtained from the Board of Health.
- D. No fee shall be imposed on those attending.
- E. Off-premises signs are limited to two (2), such signs are not posted on existing structures within a public right of way, and all signs are removed within twenty-four (24) hours following conclusion of the sale.
- F. Balloons, streamers, special lighting, noise making devices, or other, similar displays shall not be used to call attention to the sale.
- G. Estate auctions and moving sales shall be limited to one (1) week, once per calendar year, provided there is a bona fide need for same to settle the estate of a former resident or because a current resident family is moving to other premises.

SECTION 3807 INDOOR BUSINESS ACTIVITIES

Business activities, including materials storage of any kind, shall be conducted wholly within a completely enclosed building unless otherwise sanctioned by the Board of Zoning Appeals.

SECTION 3808 EXTERIOR LIGHTING

Exterior lighting installed on private premises shall be shaded and directed as necessary to avoid casting direct light upon public streets, residential zoning districts or properties, or upon neighboring properties where such lighting might be considered a nuisance.

SECTION 3809 PAVING

Parking and drive areas, including pedestrian ways, shall be paved with asphalt or concrete. A drive area shall be deemed to exist where a building encompasses a garage door, even though such a building may not immediately be utilized to house a motor vehicle or recreation equipment. Established walking areas not a part of a parking lots shall be hard-surfaced and dust-free.

SECTION 3810 LANDSCAPING AND SCREENING, GENERALLY

- A. All lot areas not provided for buildings, vehicles, or pedestrians shall be landscaped, with at least seventy-five (75) percent of such landscaping consisting of live plant materials.
- B. Business premises shall plant and maintain, within the required front yard(s), one (1) shade tree per thirty-five (35) feet of lot frontage on a public street.
- C. Residential premises shall plant and maintain, within the required front yard(s), one (1) shade tree per forty (40) feet of lot frontage on a public street.
- D. The number of required trees shall be calculated by dividing lot frontage, in feet, by the required distance between trees (for example, 35), and rounding to the nearest whole number. Regardless of lot frontage, the minimum number of trees per zoning lot shall be two (2).
- E. Required street trees shall be on a current “preferred plant” list maintained by Butler Township, shall be of two and one-half inch (2½”) or greater caliber, at least twelve (12) feet high above grade, and shall be planted no closer than five (5) feet from a public right of way.
- F. In addition to required shade trees, all buildings fronting “community gateway corridors,” such as Miller Lane, shall include within their landscaping thirty (30) shrubs, at least three (3) feet tall, per 100 linear feet of property frontage along such corridor.
- G. Properties with frontages along “community gateway corridors,” such as Benchwood Road, shall landscape detention/retention basins with plantings that include a minimum thirty (30) perennial plants or grasses or three shade trees per one hundred (100) feet of perimeter, as measured at high water level. These plants shall be massed in naturalistic groupings.
- H. Residential properties of a density at or exceeding three (3) units per net acre, and all non-residential properties, shall screen above-ground utility service apparatus, exceeding one (1) square foot in area in a required front yard, with evergreens, at least five (5) feet tall, yielding an opacity of at least sixty (60) percent, or shall utilize other screening considered equivalent by the Zoning Inspector.
- I. A six (6) foot high wall or fence, exceeding eighty-five (85) percent opacity, shall be installed wherever a business zoning district abuts a residential zoning district.
- J. Trash and refuse shall be stored in and controlled by enclosed container systems located and or screened as to effectively prevent routine public viewing.

- K. Wire fencing is prohibited in required front yards, and “slats” or inserts in such fencing are prohibited everywhere.
- L. Concrete or concrete block walls are prohibited in required front yards in non-residential zoning districts.

SECTION 3811 LANDSCAPING AND SCREENING, PARKING

- A. All off-street parking areas shall be separated from public right of ways by landscaped areas at least ten (10) feet in width.
- B. All unenclosed off-street parking areas of over one thousand (1,000) square feet shall be screened from one and two-family residential dwellings on adjacent lots by a three (3) foot high wall or fence, exceeding eighty-five (85) percent opacity, for the depth of the required front yard of greatest dimension, and beyond the required front yard shall be screened by a six (6) foot high wall or fence, exceeding eighty-five (85) percent opacity.
- C. Within parking areas for ten (10) or more vehicles, four (4) percent of the paved parking and drive area shall be reserved for interior landscaping if the site is less than five (5) acres in size, and five (5) percent of said area shall be reserved for interior landscaping if the site is five acres or larger.
- D. Interior landscaping areas counted toward the required reservation referenced by subsection C are specified by Article 50.

SECTION 3812 MINIMUM PERFORMANCE STANDARDS

The following minimum standards shall apply to all premises:

- 3812.01 Fire & Explosive Hazards** – Storage, utilization, or manufacture of free-burning or intense-burning solid or liquid materials or products shall be prohibited in all zoning districts. This prohibition shall apply also to materials producing flammable or explosive vapors or gases.
- 3812.02 Fissionable or Radioactive Materials** – Storage, utilization, or manufacture of fissionable or radioactive materials or products shall be prohibited in all zoning districts if their use might result at any time in the release or emission of such materials into the atmosphere, the ground, or sewerage systems. All sources of ionizing radiation shall be registered or licensed by the State Department of Health or other authority having jurisdiction, and shall be operated in accordance with applicable regulations.
- 3812.03 Electrical Disturbances** – Activities emitting electrical disturbances affecting the operation of any equipment other than that of the creator of such disturbances shall be prohibited in all zoning districts.
- 3812.04 Air Pollution and Noxious Gases** – No solid, liquid or gaseous emission of air pollutants shall be permitted which violates the minimum requirements of the U.S. Environmental Protection Agency, as adopted by the requirements of the Regional Air Pollution Control Agency (RAPCA) or other agencies having authority. Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably

enclosed. The emission of such toxic gases or particulate matter shall be from a stack. No odor shall be emitted by any use permitted in a district in such quantities as to be readily detected without instruments by an average observer at any place along the lot line. Dust and other air-borne pollutants shall be minimized through the paving, wetting or landscaping of the lot area around any building.

3812.05 Glare, Heat and Exterior Light – Any operation producing intense light or heat, such as high temperature processes like combustion or welding, shall be performed within an enclosed building. The operation shall not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or right of ways.

3812.06 Liquid or Solid Wastes – No discharge, at any place, into any public sewer, private sewage disposal system, stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission of dangerous or offensive elements, shall be permitted except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as has jurisdiction.

3812.07 Noise – Noise levels shall not exceed the following A-weighted decibel (DbA) levels:

<u>District</u>	<u>Exterior</u>	<u>Interior</u>
Residential	60 DbA, 7:00 a.m.-10:00 p.m. 55 DbA, 10:00 p.m.-7:00 a.m.	45 DbA
Commercial	70 DbA	45 DbA
Industrial	70 DbA	
Public	65 DbA	

These noise levels shall not be exceeded for more than fifteen (15) minutes during any continuously monitored, typical, twenty-four hour period. Measurement shall be made from the edge of the zoning lot to the structure or noise source existing or proposed.

3812.08 Vibrations – No uses shall be located, and no equipment shall be installed, in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at the property lines of any premises.