

Article 9: General Development Standards

9.01 EXTERIOR LIGHTING (NEW)⁴¹

(A) Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

(B) Applicability

- (1) All outdoor lighting fixtures shall be subject to review as part of this article except that single-family and two-family dwellings shall be exempt from all requirements except Section [9.01\(C\)](#) and Section [9.01\(D\)](#).
- (2) A photometric plan showing the following shall be submitted as part of a zoning certificate application, or for a conditional use application:
 - (a) The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;
 - (b) The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
 - (c) The locations of each of the proposed lighting fixtures (wall mounted and pole);
 - (d) The minimum, maximum, and average intensity/illumination for the site;
 - (e) Details of all proposed outdoor lighting fixtures indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e., low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
 - (f) The proposed height of the lighting fixtures;
 - (g) The hours of use of the lighting fixtures; and
 - (h) Any additional submittal requirements as may be determined by the Zoning Inspector.
- (3) **Exemptions**
 - (a) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
 - (b) Holiday lighting shall be exempt from the requirements of this section.
 - (c) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
 - (d) Street lights shall be exempt from the provisions of this section.
- (4) **Prohibited Lights**
 - (a) Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

⁴¹ This are some basic exterior lighting standards that are not currently found in the Butler County zoning resolution.

- (b) No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting.
- (c) The use of lighting strips (blinking or steady) shall be prohibited from use in windows or doors.

(C) General Provisions Applicable to All Districts and Development

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public rights-of-way, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

(D) Lighting for Residential Uses

Lighting for single-family and two-family dwellings shall be exempt from most provisions of this article with the exception that for light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of 12 feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture. The light bulb shall not produce more than 1,600 lumens.

(E) Exterior Lighting Requirements

(1) Type of Fixtures

- (a) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 9-A](#).
- (b) Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 9-A](#).

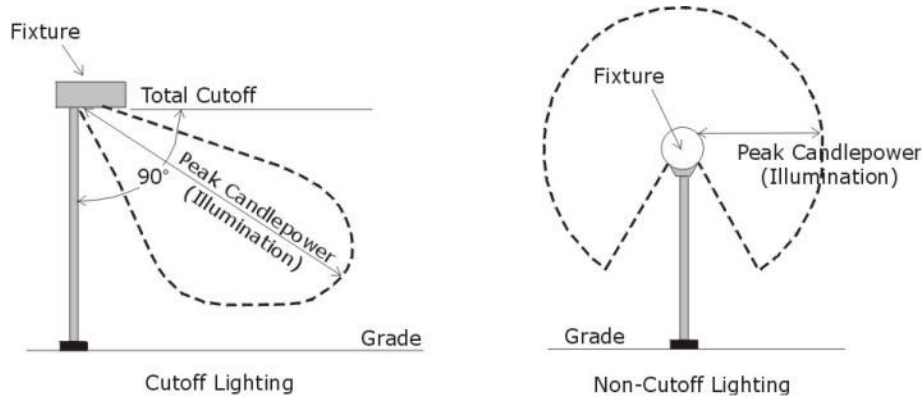


Figure 9-A: Illustration of cutoff lighting versus non-cutoff lighting

(2) Height of Fixtures

- (a) In all districts, the maximum height of any non-cutoff light fixture shall be 12 feet.
- (b) All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:

- (i) The maximum height of light fixtures for nonresidential uses in residential zoning districts shall be 15 feet.
- (ii) The maximum height of light fixtures in the B-1 District shall be 18 feet.
- (iii) The maximum height of light fixtures in the B-2, B-3, B-4, or M-1 Districts shall be 24 feet.
- (iv) The maximum height for residential uses or areas in a PUD District shall be 15 feet while the maximum height for nonresidential uses shall be 24 feet.
- (c) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- (d) Lighting located under canopies shall be flush mounted or recessed within the canopy.
- (e) Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

(3) Illumination

- (a) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
 - (i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0 foot-candles.
 - (ii) The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0 foot-candles.
 - (iii) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
 - (iv) In parking areas, the light intensity shall average a minimum of 0.5 foot candles, measured five feet above the surface.
 - (v) In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five feet above the surface.
 - (vi) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- (b) All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

(4) Modifications

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

9.02 HEIGHT LIMIT AT STREET CORNERS (TRAFFIC SAFETY VISIBILITY TRIANGLE)

Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- (A) A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See [Figure 9.02-A](#).

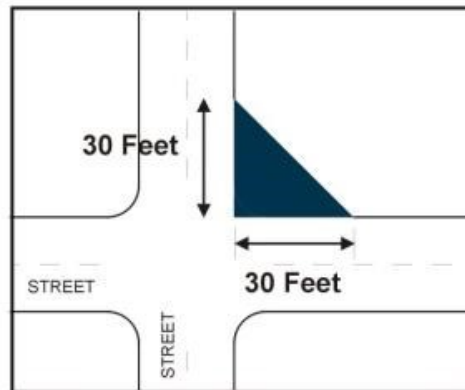


Figure 9.02-A: Traffic safety visibility triangle for intersecting streets.

- (B) For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See [Figure 9.02-B](#).
- (C) This requirement shall not apply to lots with single-family or two-family dwellings.

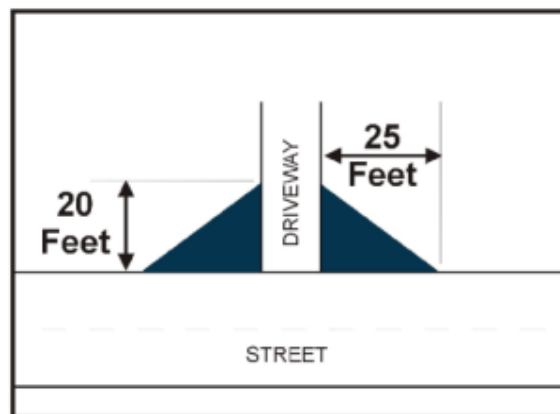


Figure 9.02-B: Traffic safety visibility triangle for driveway and street intersections.

- (D) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector.
- (E) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

9.03 DUMPSTER PADS AND APRONS REQUIRED

- (A) Wherever a dumpster is to be located, an applicant shall demonstrate in their plans that the dumpster will be located on a concrete pad with a concrete apron that is a minimum of eight feet by ten feet in dimensions.
- (B) The concrete pad shall have a minimum depth of six inches.
- (C) The dumpster shall be placed generally in the center of such pad.
- (D) Such dumpster pad and apron shall be required for each individual dumpster.

9.04 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES

(A) Applicability

- (1) Fences, walls, retaining walls, hedges and other similar structures may be permitted in all zoning districts in accordance with this section.
- (2) Fences, walls, and hedges related to an exempt agricultural use (See Section [3.02\(A\): Agricultural Use Exemption.](#)) shall also be exempt from these regulations.

(B) Zoning Certificate Required

- (1) The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning certificate.
- (2) The planting of hedges shall not require a zoning certificate but shall be done in a manner that will comply with the location and intersection visibility requirements of this section.

(C) Exemptions

- (1) Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.
- (2) Fencing installed by the Ohio Department of Transportation along state highway rights-of-way shall be exempt from this zoning resolution.

(D) Retaining Walls

- (1) An embankment to be retained on any lot that exceeds 48 inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the BZA determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches. See [Figure 9-C.](#)



Figure 9-C: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet.

- (2) Retaining walls over 48 inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional engineer licensed in Ohio. A copy of the signed construction drawing should be submitted with a zoning certificate application.
- (3) Retaining walls shall be constructed as a decorative landscape element with vegetated plantings that soften edges and create visual interest.
- (4) Retaining walls shall not be designed or constructed to obstruct the natural flow of water unless approved by any applicable agency having jurisdiction (e.g., Butler County Soil and Water Conservation District, Butler County Engineer, etc.).
- (5) A retaining wall shall not be constructed to a height that exceeds one foot above the highest finished grade.
- (6) In reviewing an application for a retaining wall, the Zoning Inspector may forward the application to the Butler County Engineer for review and comment.

(E) Location and Height Standards

- (1) No fencing, walls, or hedges shall be located in a utility easement or a right-of-way. Fences, walls, hedges, or other similar structure constructed in these areas may be subject to removal from the authority having jurisdiction.
- (2) The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall, hedge, or similar structure, upon the subject property.
- (3) Barbed wire fencing and razor fencing shall only be permitted on top of other fencing in the M-1 District for security purposes. Such fencing shall only be permitted in the side and rear yards.
- (4) Electric fencing is prohibited except as part of fencing for agricultural uses exempt from zoning.

(5) Front Yards

- (a) Fencing or walls in the front yard setback area shall not exceed four feet in height.
 - (i) For corner lots, the above maximum height shall apply to the front yard setback for each street frontage.
 - (ii) For through lots, the above maximum height shall apply to the street on which the front of the house faces.
- (b) Hedges and other plantings of any height may be planted in the front yard.
- (c) All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of Section [0](#).

(6) Side and Rear Yards

- (a) Fences and walls located in the side or rear yards shall not exceed a height of eight feet in all zoning districts.
- (b) Informal plantings, trees, and hedges may be taller than the above maximum height.

(F) Measurement

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See [Figure 9-D](#).

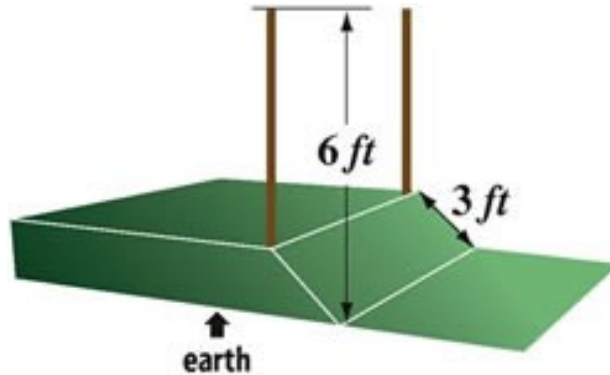


Figure 9-D: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 9-E](#).

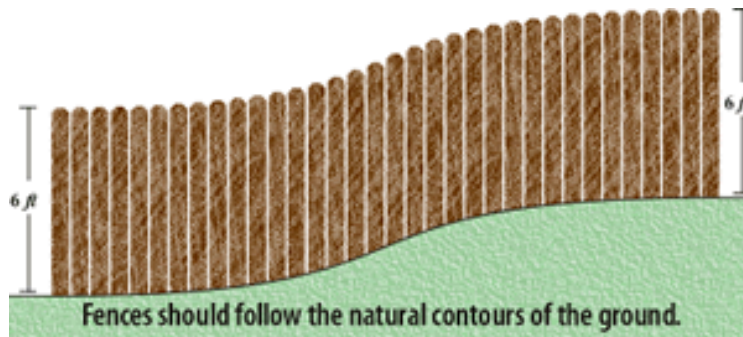


Figure 9-E: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall or retaining wall, shall not exceed the heights specified within this section for a fence, wall, or a retaining wall.

(G) Construction, Maintenance and Repair

- (1) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (2) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (3) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- (4) All fences, walls, and hedges shall be maintained in a neat and orderly manner.