



# Ross Township Zoning Report

March 18, 2021



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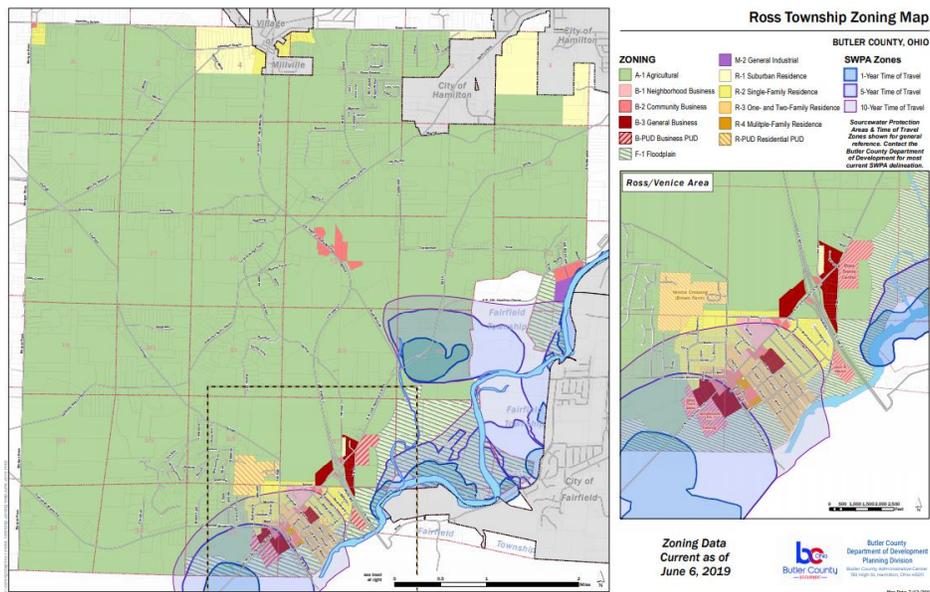
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## Introduction

Ross Township is embarking on a process to undertake township-level zoning where the township and its residents will have more control over future growth in the community. The township already has zoning, but that zoning is controlled at the county level where the Butler County Planning Commission, the Butler County Rural Zoning Commission, the Butler County Board of Zoning Appeals, and the Butler County Commission all make the final decisions on zoning for the township. As part of this process, which is branded as Envision Ross ([www.envisionross.com](http://www.envisionross.com)), the township is also updating its land use plan that will help guide future zoning decisions.

The process to adopt township zoning is somewhat lengthy and will ultimately require the township residents to approve the change through a ballot initiative at a forthcoming election, most likely in the 2022 primary or general election (to be determined). The township has already appointed the Ross Township Zoning Commission, which is the board that is responsible for assisting in the development of the zoning text that will ultimately be presented to the public for a final decision. That commission will be meeting regularly over the upcoming year to work on the creation of the land use plan update and zoning resolution.

The purpose of this report is to provide a primer on how the township will potentially shift from using the Butler County Zoning Resolution to its own township zoning resolution. At this point, the intent of this change is primarily so that the township will have control over zoning and development decisions but without significantly changing how anyone can currently use their property. For this reason, the township will be using the existing Butler County Zoning Resolution as a base for developing its own zoning resolution. This report outlines how that will work and where there might be some potential changes to improve the regulations. As the zoning commission and consultants work together to develop the documents, they will all be posted to the project website so that the public will have an opportunity to review documents as they are drafted but not yet adopted. There will also be public meetings and online surveys during the process to provide opportunities for public comment and to make sure that this document is explicitly crafted for Ross Township.



## ***Township Zoning 101***

Zoning is a tool that communities have to help regulate how land is used and developed in each community. It is also a way of protecting investments by establishing what uses are allowed where and development standards to mitigate potential impacts from a variety of land uses. There are many rural counties in Ohio where few, if any, communities have zoning, but in counties such as Hamilton, Butler, Warren, Clermont, and many counties in metropolitan regions, most communities are regulated by zoning in one form or another. In Ohio, municipalities, counties, and townships have the option to adopt and enforce their own zoning rules. Counties, such as Butler County, can choose to apply zoning across all unincorporated areas (townships are unincorporated areas) without significant input or a vote of residents in the individual townships, although most counties listen to input from the townships when making decisions. Townships can also opt to take control over their own zoning, but such action requires the vote and support of residents. While there are administrative costs to administering and enforcing township-level zoning, many townships have opted to adopt township zoning to give them the most control over their own futures. This is the direction Ross Township has proposed to take.

Many elements of township and county zoning in Ohio are dictated by state law through the regulations found in the Ohio Revised Code (ORC). For townships, these laws can be mainly found in Chapter 519, although rules from other parts of the ORC will also apply to township zoning. Some of the things that the ORC allows townships to do with zoning include:

- Setting up a township zoning commission and board of zoning appeals (the board responsible for appeals of decisions and facilitating hearings related to variances and conditional uses).
- Creating an architectural review board for the review of landscaping and architectural requirements. This board can be independent of the zoning commission, can be the zoning commission, or the zoning inspector can serve in the role. This is not a mandatory board, like the zoning commission and board of zoning appeals, but an optional one that some townships use.
- Setting up different zoning districts that are traditionally based on what uses are permitted in different parts of the township. This is illustrated on a zoning map, which can break the township down into residential, commercial, industrial districts, etc.
- Creating rules for developing and using land within each of these districts that can require various lot sizes, setbacks for buildings, limitation on uses, landscaping, parking requirements, sign requirements, and more.
- Adopting rules for Planned Unit Developments (PUDs), which are zoning rules for large developments, quite often with a mixture of uses or densities, that go through an approval process set up by the township.

There are, however, limitations on what a township can do with zoning and these limitations are also set out in the ORC as well as found in case law that comes from our state and federal court system. Some examples of what a township cannot do with zoning include:

- Townships do not have the authority to approve the actual subdivision of land. Subdivision authority lies strictly with municipalities and counties. Subdivisions are the legal process for dividing land up and installing public infrastructure such as roads and sewers. It is important to note that the county is only supposed to approve the subdivision of land when it complies with township zoning. This means that Butler County can't approve a subdivision in a residential

zoning district if it proposes to have 5,000 square foot lots where the township requires 12,000 square foot lots.

- There are requirements in state law regarding how communities have to allow specific uses such as cell towers, agriculture, residential facilities (group homes), mining and oil extraction, and other unique uses. Whether it be county zoning or township zoning, either zoning resolution will have to comply with these rules. Some of these limitations will be described in later sections of this report.
- Township have the ability to incorporate architectural standards for various uses, but state law limits that authority by preventing townships from regulating building materials. This means that townships can require certain size buildings, architectural features, and specific roof types but can't mandate whether a building is constructed of brick, vinyl, wood, or other materials.

As the zoning commission and consultants work on developing a draft Ross Township Zoning Resolution, some of this information will be highlighted in the documents as footnotes to let residents and stakeholders know why certain language has to be written in a particular manner.

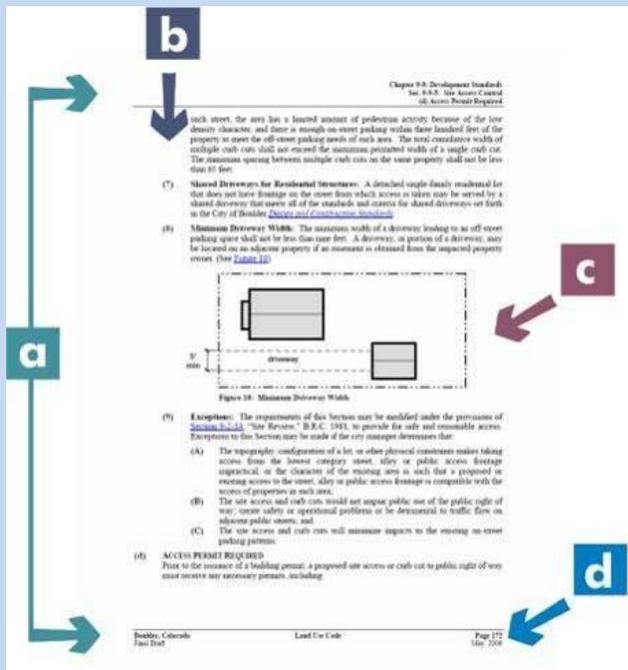
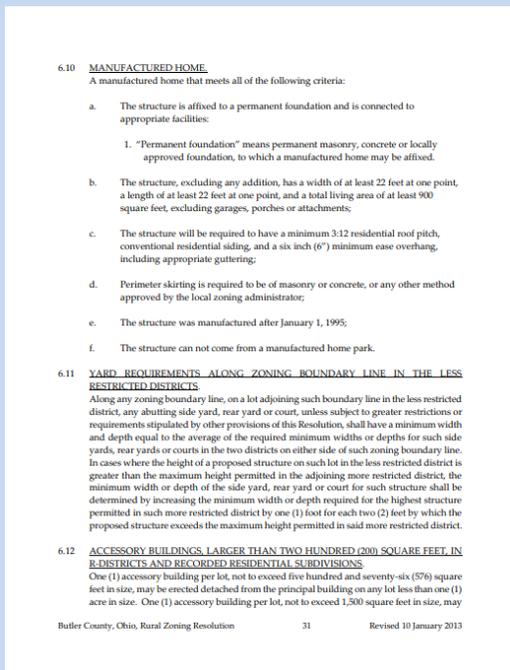
As noted in the introduction, Ross Township will be starting with the Butler County Zoning Resolution as a base for the development of a township zoning resolution. This will help make sure that there aren't going to be any substantial shifts in how the township regulates property as compared to current regulations. The existing Butler County Zoning Resolution and the existing zoning map that applies to Ross Township can be found on the Butler County website as well as on the Envision Ross project website at <https://www.envisionross.com/project-files>. The rest of this report will go through each of the major sections and highlight how each section will be incorporated into the draft Ross Township Zoning Resolution. It is important to note that while this report highlights how the language from each section will be addressed, the township zoning resolution will likely be reordered and restructured a bit in order to make it easier to read and understand what is allowed in the township.

# General Improvements

Beyond just simply going from a county zoning resolution to the township zoning resolution, using the same order and format, the new Ross Township Zoning Resolution will include some general improvements to help modernize the regulations and make the resolution easier to read and use. The following are some of the key areas of improvement.

## Improve Referencing

A detailed table of contents, page numbers, and enhanced use of headers and footers on each page will make for much easier navigation through the new resolution. The new resolution should include an expanded table of contents that breaks some of the articles down further so users can easily identify the locations of specific requirements such as zoning certificate or fencing requirements. The township should consider including a master table of contents at the beginning of the new code to make referencing topics simpler. In addition, an index by topics would be helpful in the back of the regulations for pinpointing the location of key topics within the text. The final step in the update process will be to review it for internal consistency and include hyperlinked cross-references among sections. Such hyperlinks should be active in any digital version of the ordinances so that users can easily click on the cross-reference and be taken to the appropriate section or graphic.



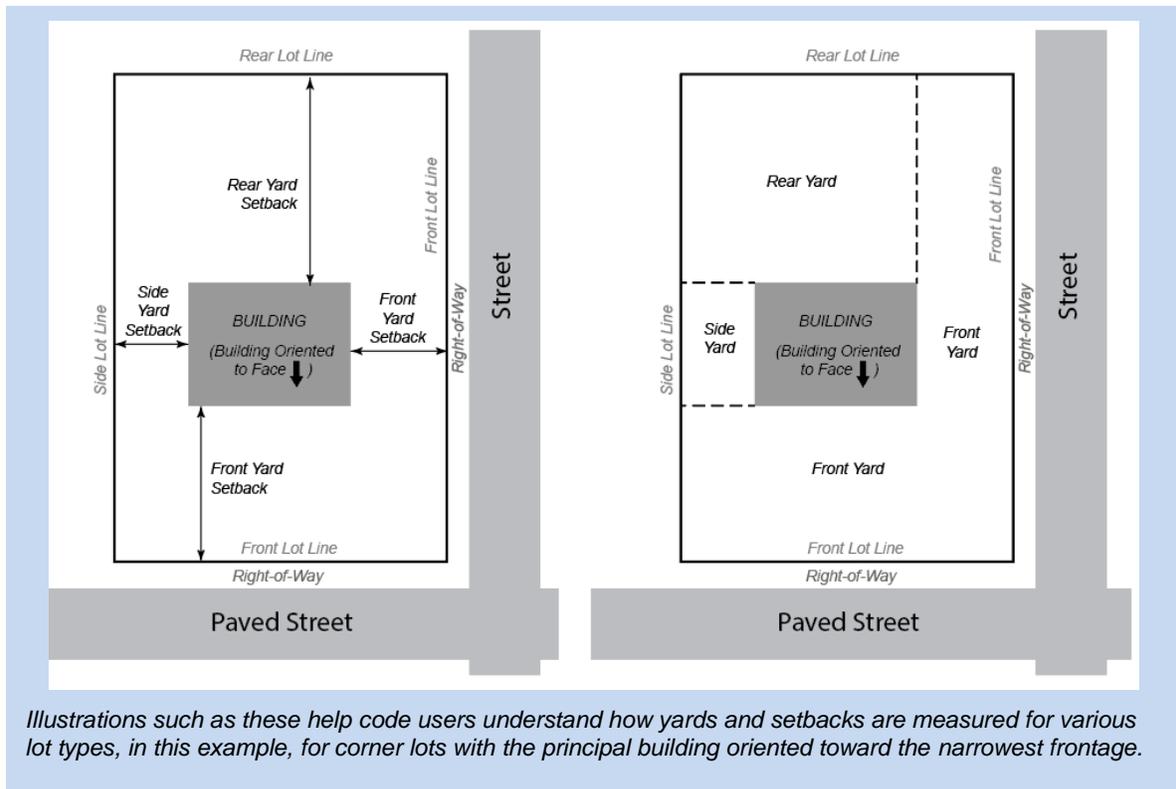
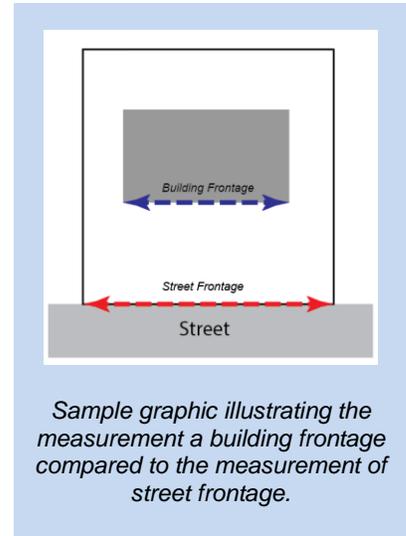
A typical page in the current Butler County Zoning Resolution is shown on the left. Today's modern resolutions and codes (example on the right) use a variety of techniques to orient the reader including (a) headers and footers, (b) legible text with headings and hierarchy, (c) illustrations, and (d) page numbers that combine for a user-friendly code that is easy to use and navigate.

**Illustrate Additional Key Concepts, Standards, and Processes**

Modern development regulations explain and summarize development standards, permitted uses, and procedures using tables, illustrations, and flow charts where possible. The current county resolution utilizes only tables in a number of sections but no other graphics. There are numerous standards, such as signage and parking, which would benefit from the inclusion of graphics for the purposes of clarity. Illustrations and photos can often describe the required or desired relationships among development standards, adjacent uses, or dimensions much more simply than words alone. Tables also can convey a wealth of information about uses and dimensional requirements in a few pages while vastly improving the readability of a zoning resolution.

The revised regulations should utilize illustrations, graphics, photographs, and tables to explain complex concepts and to summarize detailed lists of information. Where appropriate, we recommend inserting additional tables, graphics, illustrations, and examples to help readers understand preferred forms of development.

All graphics, illustrations, and photographs used will be chosen or designed to allow for the easy reproduction of the new code.



**Clearly Define and Organize Uses into Use Tables**

We recommend that the updated regulations include use tables to illustrate where and how uses are permitted within each zoning district. The county currently lists out each use and how it is allowed in the individual articles related to the applicable zoning district. Furthermore, use-specific standards, especially for those that are conditional uses, are located in an entirely different article. The approach the county currently uses makes it almost impossible to compare how and where a particular use is permitted in other zoning districts. Utilizing tables to illustrate allowed uses (See example below.) within each district is an effective method of presenting uses both in a single district and in district-to-district comparisons. Additionally, this approach helps ensure consistency in the name of uses. This approach should be used for both the list of principally permitted uses and those for accessory uses.

TABLE 1216-3: PRINCIPAL USES													
Land Uses P = Permitted Use PS = Permitted Use with Standards C = Conditional Use	R-1A	R-1B	R-1C	R-1D	R-2	R-3	B-1	B-2	B-3	I-1	I-2	P-1 <sup>21</sup>	Use-Specific Standards See Section:
<b>Agricultural Uses</b>													
Agricultural	C	C											1216.06(a)
<b>Residential Uses</b>													
Bed and Breakfast Establishments	C												1216.06(b)
Dwellings, Multi-Family <sup>22</sup>					P	P							
Dwelling, Single-Family	P	P	P	P									
Group Homes	PS	PS	PS	PS	C	C							1216.06(c)
Skilled Nursing or Personal Care Facilities					C	C	C	PS	C			PS	1216.06(d)
<b>Public, Institutional, and Recreational Uses</b>													
Active Recreational Facilities	C	C	C	C	C	C	C	C	C	C	C	PS	1216.06(e)
Cemeteries	C	C	C	C	C	C						P	
Cultural Facilities	C	C	C	C	C	C	P	P	P			P	
Educational Institutions (Higher Education)								P				P	
Educational Institutions (Preschool and K-12)	C	C	C	C	C	C				C		P	1216.06(f)
Essential Services	P	P	P	P	P	P	P	P	P	P	P	P	
Fraternal, Charitable, and Service Oriented Clubs							C	C	C			PS	1216.06(g)
Government Offices and Buildings (No Outdoor Activities)	C	C	C	C	C	C	P	P	P	P	P	P	
Hospitals							C	C					1216.06(h)

Above is an example of a permitted use table from another community that shows the list of permitted uses in the left-hand column and all of the zoning districts across the top row. The districts are color-coded to illustrate residential districts (yellow), business districts (red), industrial districts (purple), and public districts (blue).

***Incorporate More Design Standards***

As outlined in the rest of this report, the Butler County Zoning Resolution includes some common design standards found in many resolutions, including regulations for parking, loading, and signs. The township has the authority to expand regulations and incorporate some additional design standards, including those related to landscaping and buffering and those related to architectural design.

- **Landscaping and Buffering**

Many communities have some basic level of landscaping and buffering that, at a minimum, requires a landscaping buffer, wall, fence, or combination between residential uses and various nonresidential uses as a method of mitigating noise and lighting impacts from nonresidential uses. The township should consider including some of these standards along with some basic landscaping requirements for larger parking areas to prevent large expanses of paved areas and screening of dumpsters and major mechanical equipment.



*The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*

- **Architectural Standards**

Townships now have the authority to incorporate some architectural standards into their zoning resolutions. The county has the same authority but does not appear to have added any of these provisions. Most communities focus their regulations on multi-family and commercial developments, which tend to be highly visible along major corridors. Ross Township might want to consider incorporating some basic standards for such uses.



*Basic architectural standards can help create a little variety in larger scale uses, such as multi-family buildings (left image) over simple boxes that would be allowed with out suce standards (right image).*

## **Article-by-Article Recommendations**

The purpose of this section of the report is to go through the Butler County Zoning Resolution and outline how the language and information may change or be reorganized.

### **Article 1 – Purpose**

All zoning resolutions have a purpose, and for townships and counties, the purpose of setting is set out in the Ohio Revised Code. For this reason, we will include a purpose statement that will include a cross-reference to the appropriate ORC Section, so if the purpose statement was to change, the township would not be required to amend its resolution. The updated purpose statement will be carried forward into the general provisions section of the new resolution.

### **Article 2 – Title**

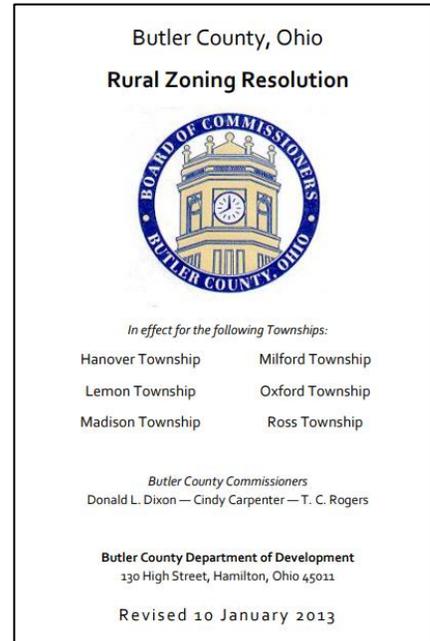
This is a basic statement on how the resolution can be cited or referred to that is found in most resolutions. This language will be carried forward with the change that it will be known as the Ross Township, Butler County, Ohio, Zoning Resolution. This language will be carried forward into the general provisions section of the new resolution.

### **Article 3 – Interpretation of Standards**

This is standard language found in all zoning regulations that states that if there is ever a conflict between two standards in the zoning resolution, the most restrictive provision shall apply. This language will be carried forward into the general provisions section of the new resolution.

### **Article 4 – Definitions**

Every zoning resolution has an extensive set of definitions that define key terms used throughout the resolution, including examples such as “accessory building,” “lot line,” “front yard setback,” and other terms that are important to establish as a point of showing how the township will interpret the meaning of specific terms. This entire article will be updated to make sure that terms relevant to the township are maintained but that any terms no longer used in the resolution can be eliminated. The entire article will be relocated to the last article of the township resolution to serve as a glossary of terms.



**Article 5 – Districts and Boundaries Thereof**

This article establishes the various zoning districts that are available within Butler County along with regulations that incorporate the zoning map as part of county zoning and provide guidance on any question of interpretation of zoning district boundaries. The general language from this article will be carried forward, but not all of the zoning districts will be required. The following table summarizes the recommended changes with additional information provided in later articles related to each district.

<b>Butler County Zoning Districts</b>	<b>Ross Township Zoning Districts</b>
A-1: Agricultural District	A-1: Agricultural District
A-2: Agricultural District	[1]
A-3: Agricultural District	[1]
A-5: Agricultural District	[1]
A-10: Agricultural District	[1]
A-20: Agricultural District	[1]
R-1: Suburban Residence District	R-1: Suburban Residence District
R-1A: Suburban Residence District	R-1A: Suburban Residence District [2]
R-2: Single-Family Residence District	R-2: Single-Family Residence District
R-3: One- and Two-Family Residence District	R-3: Two-Family Residence District [3]
R-4: Multi-Family Residence District	R-4: Multi-Family Residence District
PUD: Planned Unit Development District	PUD: Planned Unit Development District [4]
PCD: Planned Conservation Development District	[1]
SPD: Special Purpose Development District	[1]
R-MHP: Mobile Home Park District	[1]
B-1: Neighborhood Business District	B-1: Neighborhood Business District
B-2: Community Business District	B-2: Community Business District
B-3: General Business District	B-3: General Business District
B-4: Office District	B-4: Office District [2]
M-1: Light Industrial District	M-1: Light Industrial District [2]
M-2: General Industrial District	M-2: General Industrial District
MUO: Mixed Use Overlay District	[1]
F-1: Flood Plain District	F-1: Flood Plain District
Source Water Protection Overlay Districts	Source Water Protection Overlay Districts
---	VOD: Venice Overlay District [5]

**NOTES:**

- [1] The district does not exist on the Ross Township Zoning Map and does not appear to be needed for the long-term implementation of township development policies.
- [2] This district does not exist on the Ross Township Zoning Map, but the township should consider incorporating the district as part of the township zoning resolution as an option for future development.
- [3] This is a suggested name change, but the district will remain the same in permitted uses and general regulations.
- [4] The township zoning map illustrates two sub-categories of a PUD (R-PUD and B-PUD). This report recommends keeping the PUD process but incorporating all the sub-categories under one district.
- [5] The Venice Overlay District was a district initially drafted for the township several years ago to implement the Downtown Venice Redevelopment Plan, but the district was never adopted. The recommendation is to consider incorporating the overlay back into the township zoning resolution.

## **Article 6 – General Provisions**

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This article is a catch-all article in the county resolution that includes several key regulations that will need to be carried forward to the township zoning resolution. The following are some key sections to consider:

- **Section 6.01 (Conformance Required)** is the base requirement in any zoning resolution. It requires that all development and land uses comply with the zoning resolution and must be carried forward.
- **Section 6.08 (Non-Conforming Uses or Buildings)** provides the grandfathering provisions for the resolution. These are provisions that address uses constructed before zoning was in place that do not conform to zoning but are allowed to continue under a set of established circumstances. This language will be carried forward and extensively expanded to address the differences between a nonconforming use (i.e., the use is not permitted in the district), a nonconforming structure (i.e., the use is allowed, but the building does not meet certain standards), and nonconforming lots (a lot does not meet lot area or lot width requirements).
- **Section 6.12 (Accessory Buildings...)** spells out the number and size of accessory buildings permitted in residential districts. This entire section will be carried forward and updated to address accessory buildings and structures in all zoning districts.

All of the other sections will largely be carried forward but will be reorganized into different articles based on the specific elements they are regulating. For example, the last section on penal and correctional institutions is related to the principal uses allowed in certain districts and will be incorporated into the use table described earlier in this report.

## **Article 7 – A-1 Agricultural District**

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The A-1 District is how the vast majority of Ross Township is zoned, and as such, the district will be carried forward into the new resolution. As noted in the previous section on general improvements, instead of listing out all of the uses allowed in the district, the zoning districts and list of permitted uses will be consolidated into a use table. The following are some additional changes that will take place for this and other districts that already exist in Ross Township:

- There will be an article and table on principal uses (the primary use of a property) as well as a second article that will address accessory and temporary uses.
- The “required conditions” of the district, which are the building and site requirements such as minimum lot area and minimum setbacks, will be maintained in a simplified set of tables and also consolidated into one general section on the site and building requirements for uses.
- A significant amount of the permitted uses will be carried forward and allowed to remain the same for the district, but some minor adjustments may be required to address any legal issues. Examples may include:
  - Addressing changes to how agricultural uses are allowed because the ORC completely exempts agricultural uses located on properties of five acres or more and limits how much a township (or county) can regulate such uses on properties of one to five acres. This means that on large lots, the township cannot restrict the number of animals or types of agricultural buildings.

- Incorporating provisions related to residential facilities (group homes) and wireless telecommunication facilities (cell towers), as stated in the ORC.
- Potential changes to other uses based on the overall policy of the township. For example, nursing homes are permitted as conditional uses in the A-1 District, but most communities would prefer to see that intense of a use located in areas with infrastructure and better access, so the township may want to consider removing nursing homes as a conditionally permitted use in certain districts.

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***Article 7A – A-2 Agricultural District***

This district is not used in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district.

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***Article 7B – A-3 Agricultural District***

This district is not used in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district.

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***Article 7C – A-5 Agricultural District***

This district is not used in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district.

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***Article 7D – A-10 Agricultural District***

This district is not used in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district.

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***Article 7E – A-20 Agricultural District***

This district is not used in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district.

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***Article 8 – R-1 Suburban Residence District***

The R-1 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7). Butler County has set a requirement that 35 percent of any new subdivision must be set-aside as open space with some basic requirements for the design of the open space. There could be some issues with this requirement.

1. The existing residential subdivisions that are zoned R-1 are not part of a Planned Unit Development (PUD) and were not designed in such a manner, so those subdivisions are technically nonconforming.
2. While the intent is to preserve open space, which is good, the problem is that if the township maintained this provision, the township would not have a say in the open space design because the county is the one that would be reviewing the open space design as part of the subdivision process. With subdivisions, there is no preliminary review by the township unless it is a PUD.
3. The way the current county zoning is written appears to create a conflict between the allowed gross development densities in the purpose statement and the density that could be achieved

when the open space requirement is applied. For example, in the purpose statement for the R-1 District, under this article, it caps residential densities at 1.9 units per acre (gross density). Gross density is the total number of dwelling units you have divided by the total acreage, including any land used for rights-of-way or public dedications. The R-1 District requires a minimum lot size of 20,000 square feet. On an example 100-acre lot, it is likely you could build approximately 190 units, each on 20,000 square foot lots, assuming around 15% of the land will be required for streets and other rights-of-way. That equates to 1.9 units per acre of gross density. The problem comes in that the county resolution states that 35% of the entire site has to be preserved as open space with no provision of clustering or reducing of lot sizes to compensate so lots would still have to be 20,000 square feet. If this is correct, a property owner loses the use of 35% of their property and now, that same 100 acres only has 65 acres of buildable land. If you assume 15% is rights-of-way, now the property can only accommodate approximately 120 units or 1.2 units per acre of gross density. This approach could create conflict and loss of the use of a property.

We would recommend that the township take one of two options regarding this 35% dedication rule.

1. Eliminate the provision entirely and simply use the minimum lot size requirements already established in the district and reflective of what is on the ground; or
2. Allow a “conservation subdivision” as a conditionally permitted use. The township could allow that the gross density does not exceed the 1.9 acres already permitted in the R-1 District and require the 35% open space. The difference would be that at least the Township Board of Zoning Appeals (BZA) would have a chance to review the development before subdivision. The township could also set out rules that would allow the development to reduce the minimum lot sizes in the subdivision to compensate for the preservation of open space (i.e., they still get the same number of units but on smaller lots that are clustered together to allow for open space). The township could also set out more specific requirements for what counts as open space, whether some of the open space has to be usable, etc. This approach would accomplish the same goal of preserving open space but give property owners the density they are actually allowed by zoning.

### ***Article 9 – R-1A Suburban Residence District***

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The R-1A District does not exist on the township zoning map, but the township may want to consider carrying the district forward as a potential option for residential development. The R-1A District requires a minimum lot size of 15,000 square feet as compared to the R-1 District that requires 20,000 square feet, and the R-2 District that requires 9,000 square feet.

### ***Article 10 – R-2 Single Family Residence District***

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The R-2 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7) and the R-1 District (Article 8).

### ***Article 11 – R-3 One- and Two-Family Residence District***

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The R-3 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7) and the R-1 District (Article 8).

### ***Article 12 – R-4 Multi-Family Residence District***

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The R-4 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7) and the R-1 District (Article 8).

### ***Article 13 – Planned Unit Development District (PUD)***

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A PUD is a zoning tool that is allowed by the ORC. It provides for the comprehensive planning of a large-scale development that does not necessarily meet the provisions of any single zoning district that is already established in the zoning resolution. This is an effective tool when there is a mixture of uses and a mixture of housing types all within the same major development. The township already has some R-PUD and B-PUD zoning (See below.), and the PUD can be a useful tool for similar developments. The PUD procedure should be carried forward, but the standards should be expanded to give the township as much control over the uses allowed in individual developments as well as requirements for open space and general design. It is important to note that the ORC sets out that only a property owner, or their representative, can request a PUD district. The township cannot force someone to develop under a PUD. That being said, many developers will still seek a PUD because it provides more flexibility in design that is balanced with negotiating with the township on the ultimate design and use of the land. While the township cannot force a person to use a PUD process, the township can develop a review procedure specific to them that typically includes a zoning map amendment process with public hearings followed by a detailed site plan review.

### ***Article 13A – R-PUD Planned Unit Development District***

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The township already has an R-PUD District in place. Per the discussion under this report, the recommendation is to create a flexible PUD approach where there will no longer be a need to have separate PUD types on the zoning map, but a singular PUD District that could be used for an array of development provided it is approved by the township. As such, the language under this article could be consolidated under the PUD language in the township zoning resolution.

### ***Article 13B – B-PUD Planned Unit Development District***

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The township already has a B-PUD District in place. Per the discussion under this report, the recommendation is to create a flexible PUD approach where there will no longer be a need to have separate PUD types on the zoning map, but a singular PUD District that could be used for an array of development provided it is approved by the township. As such, the language under this article could be consolidated under the PUD language in the township zoning resolution.

### ***Article 13C – Planned Conservation Development District (PCD)***

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The PCD District is a form of a residential PUD, described in previous articles. The difference is that there is a minimum of 50% of the site preserved for open space as compared to 35% in other developments. This stand-alone planned district is not necessary as the PUD District and standards can be written in such a manner as to allow this type of development if the township wants to accommodate conservation subdivisions.

***Article 13D – Special Purpose Development District (SPD)***

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This district is not located in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district unless the township envisions the creation or expansion of landfills, transfer stations, or recycling facilities, which are the uses allowed in this district.

***Article 14 – R-MHP Manufactured Home Park District***

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This district is not located in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district. It is important to note that the ORC does provide that a community has to allow for permanently sited manufactured homes if located in the same manner as any other stick-built single-family home. This means they are on their own lot (e.g., just like a subdivision) and meet all the same requirements of single-family homes. Homeowners' association agreements can prohibit permanently sited manufactured homes, but the township itself cannot. This article is used in parts of the county where there are large lots with multiple manufactured homes on the same lot.

***Article 15 – B-1 Neighborhood Business District***

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The B-1 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7), including evaluating the types of uses allowed in the district.

***Article 16 – B-2 Community Business District***

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The B-2 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7), including evaluating the types of uses allowed in the district.

***Article 17 – B-3 General Business District***

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The B-3 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7), including evaluating the types of uses allowed in the district.

***Article 18 – B-4 Office District***

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The B-4 District is not located on the township zoning map, but the township may want to consider carrying the district forward as a potential option for non-retail-focused development in the future.

***Article 19 – M-1 Light Industrial District***

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The M-1 District does not exist on the township zoning map, but the township may want to consider carrying the district forward as a potential option for less intense industrial uses where operations tend to take place primarily indoors.

### ***Article 20 – M-2 General Industrial District***

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The M-2 District will be maintained as part of the Ross Township Zoning Resolution and will be updated in the same manner as suggested for the A-1 District (Article 7), including evaluating the types of uses allowed in the district.

### ***Article 20MU – MUO Mixed Use Overlay District***

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This district is not located in Ross Township, and the recommendation is to remove the district from the resolution as there is no long-term need for the district. Any mixed-use development could be accommodated through the PUD District approach or potentially through the allowance for mixed-use buildings in certain nonresidential districts.

### ***Article 21 – F-1 Flood Plain District***

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Ross Township has some F-1 zoning near the river that should be carried forward with the new resolution. The district allows for agricultural uses and other limited development that will protect significant flood channels.

### ***Article 22 – Source Water Protection Overlay District***

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The Source Water Protection Overlay District is a district that is a type of district that is found in many communities and is intended to protect our drinkable water sources by limiting the storage and use of regulated substances that pose a potential contamination hazard. The county's current regulations are pretty lengthy but fall in line with typical requirements. The regulations could be potentially streamlined a little to make for easier administration, but the general set of regulations should be carried forward.

### ***Article 23 – Special Provisions***

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This article includes a series of significant design standards that apply to all development. Because many of the sections are unrelated to one another, the following is an analysis of major sections under this article.

#### **Section 23.01 Parking and Loading Areas, Public Garages, Parking Lots, and Filling Stations**

This section includes a common set of standards for off-street parking and loading requirements that apply to all development. This type of regulation should be carried forward in its own article in the township zoning revision with some of the following suggested changes.

- The parking ratios found in Section 13.0124 should be updated to match the list of uses that the township allows but also updated to make sure that the township is not requiring excessive parking. The revised resolution should provide for options for shared parking as well as the potential for land banked parking where an applicant has to reserve a certain amount of area for all parking requirements but is not required to construct all the required parking upfront. Parking can be built later as the demand for parking increases.
- The current surfacing requirements are appropriate unless the township wants to provide for the option of an applicant installing pervious pavement or some other type of porous material. These types of pavements can be effective in addressing stormwater runoff but will require a maintenance plan to ensure such material remains pervious.

- The county has some general requirements for “stacking spaces” as they relate to drive-throughs, but there are minimal design standards for drive-through facilities. These types of modern standards establish basic requirements to prevent the potential for drive-through aisles from backing up and potentially blocking traffic flow on streets. The standards are also sometimes used to establish design requirements so that, as an example, drive-through facilities are located to the rear of the building instead of the front. We recommend incorporating some basic requirements in the updated resolution.
- The county appears to take a firm stance on the parking and storage of campers, trucks, trailers, or other vehicles in Section 23.0128 by essentially prohibiting them from being parked or stored anywhere except in an enclosed building. Many communities regulate such uses but often have provisions for the temporary parking in driveways while preparing or packing up a vehicle, while others allow for the storage of such vehicles provided it is on a hard surface and in the side or rear yard. The township should consider allowing for at least the parking or storage of vehicles in yards where they can be adequately screened.

### **Section 23.02 Signs**

The county has a reasonably simple set of sign regulations that will be incorporated into the township zoning resolution. This entire set of standards will have to be overhauled entirely to comply with recent federal case law that requires sign regulations to be content-neutral. This means that the township zoning inspector should not have to read the content or message of the sign in order to determine how to regulate the sign. A prime example of this is that the county currently has special provisions for “real estate signs,” but the only way to know if it is a real estate sign is to read the message of the sign. Instead, the updated regulations will focus on the type of signs allowed (e.g., ground signs, banner signs, wall signs, etc.) and the size, height, and location of the signs. We will work with the township’s legal counsel to determine the best approach to writing the sign regulations, so they comply with federal law.

*Note that Sections 23.03, 23.04, 23.05, and 23.06 are noted as having been deleted in 2009, and that is why they are not explicitly addressed in this section of the report.*

### **Section 23.07 Adult Entertainment Facilities**

The county currently regulates adult entertainment facilities, which are sometimes referred to as sexually-oriented businesses. Townships and counties cannot explicitly prohibit such uses as the court system has determined that they are a form of protected expression. Still, the township zoning resolution can carry forward the setback requirements and protections found in the county resolution. Additionally, we will evaluate the implication of the setback requirements to determine where in the township, if any place, such uses could be located.

### **Article 24 – Exceptions and Modifications**

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This article includes a number of sections related to yards, setbacks, and height regulations that provide for exceptions or modifications to those standards. These are pretty common in most resolutions and will be carried forward but consolidated with the section of regulations related to minimum site and height requirements. This article also includes the fence and wall provisions that will also be carried forward into the township zoning resolution.

### ***Article 25 – Enforcement***

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This article sets out the person(s) responsible for administering and enforcing the zoning resolution. The county has identified the person as the zoning administrator, but the township resolution will utilize the term zoning inspector as that is the person the ORC sets out as having the role of enforcing the zoning provisions. This section also sets out the requirements and procedure for zoning certificate review that will also be carried forward.

### ***Article 26 – Board of Zoning Appeals***

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The township will need to appoint a Board of Zoning Appeals (BZA), a board that is charged with holding hearings to review any appeal of an administrative decision, variances to standards in the resolution, and requests for conditional use approval. The roles and procedures for the board are set out in the ORC and will be carried forward into the township resolution. This article also includes a series of use-specific standards for specific conditional uses. As the township zoning commission reviews the list of permitted and conditional uses, they will be reviewing these standards to see if there is a need to update any requirements. Additionally, some changes may be required due to case law, such as requirements for wireless telecommunication towers, which the township has to allow in nonresidential districts and has to consider in residential zoning districts.

### ***Article 27 – District Changes and Resolution Amendments***

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This article sets out the process for changing zoning districts on the zoning map and amending the resolution. The procedural requirements for the county and for the township are largely set out in the ORC, so the procedure will largely be changed to incorporate the township boards.

### ***Article 28 – Validity and Repeal***

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This article includes basic language found in most codes that will be carried forward to the township zoning resolution. The first section on validity is also commonly referred to as a “severability” clause that notes that if any court finds a particular section of the resolution to be invalid or unconstitutional, it will not invalidate the rest of the resolution. The article includes language on how the resolution can be repealed, which is set out in the ORC.

### ***Article 29 – When Effective***

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This is a basic statement about when the Butler County Zoning Resolution became effective. The township zoning resolution will include similar language after it is approved by the voters.