

ZONING RESOLUTION
OF
OHIO TOWNSHIP



CLERMONT COUNTY, OHIO

OHIO TOWNSHIP ZONING RESOLUTION

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**OHIO TOWNSHIP
ZONING RESOLUTION**

A. RESOLUTION, for the purpose of promoting public health, safety, morals, comfort, and general welfare; to provide property for an orderly and systematic development of Ohio Township, to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the Comprehensive Plan; the Board of Trustees of this Township finds it necessary and advisable to regulate the location, size, and use of buildings and other structures; the percentages of lot areas which may be occupied, set-back building lines; size of yards, courts and other spaces; and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes; divides the unincorporated area of the Township into districts or zones.

**BE IT RESOVED BY THE BOARD OF TRUSTEES OF OHIO TOWNSHIP,
CLERMONT COUNTY, STATE OF OHIO:**

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ARTICLE I

PURPOSES

SECTION 1. For the purposes of promotion public health, safety, morals, comfort or general welfare; to provide for an orderly and systematic development of Ohio Township, to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate, but economical provisions of public improvements all in accordance with the provisions of Chapter 519, TOWNSHIP ZONING of the Revised Code of Ohio, it is hereby provided as follows:

1 **ARTICLE II**

2 **DISTRICT AND BOUNDARIES THEREOF**

3 **SECTION 1. Districts.** In order to classify, regulate, and restrict the location of
4 industries, residences, recreation, trades, and other land uses and the location of
5 buildings designed for specific uses, to regulate, limit, and restrict the height and
6 size of buildings, number of stories and other structures hereafter erected or
7 altered; to regulate and limit the percentages of lot area which may be occupied,
8 set-back building lines, sizes of yards, and other open spaces within and
9 surrounding such buildings, the density of population; the territory of Ohio
10 Township, Clermont County, Ohio, is hereby divided into (7) seven classes of
11 "Districts". All such regulations are uniform for each class of kind of building or
12 structure to use throughout each class of district and said Districts shall be known
13 as:

- 14 1. AGRICULTURE DISTRICT
- 15 2. CONSERVATION "C" DISTRICT
- 16 3. RESIDENCE "R1" DISTRICT
- 17 4. RESIDENCE "R2" DISTRICT
- 18 5. BUSINESS "B" DISTRICT
- 19 6. INDUSTRIAL DISTRICT
- 20 7. MOBILE HOME PARK and SUBDIVISION "M" DISTRICT

21
22 **SECTION 2. District Maps.** The boundaries of the DISTRICTS are indicated upon
23 the "District Map" and are applicable to the next adjacent lot line of such District
24 where boundaries do not fall on lot lines. This map is made a part of this
25 RESOLUTION. The said District Map of Ohio Township, Clermont County, Ohio,
26 and all the quotations, references, and the other matters shown thereon, shall be
27 as much a part of this RESOLUTION as if the notations, references, and other
28 matters set forth by said map were all fully described herein. The District Map is
29 properly attested and is on file in the Office of the Ohio Township Trustees.

30
31 **SECTION 3. District Boundaries.** The district boundary lines of said map are
32 intended to follow either streets or alley or lot lines, and where the districts

1 designated on the map are bounded approximately by such street, alley, or lot
2 lines, the street or alley or lot shall be construed to be the boundary of the
3 district, unless such boundary is otherwise indicated on the map. In the case of
4 unsubdivided property, the district boundary lines shall be determined by the use
5 of ht scale appearing on the Zoning District Map or by dimensions.

6

7 **SECTION 4. Vacation of Public Way.** Whenever any street, alley, or public way is
8 vacated by official action of the Board of Trustees of Ohio Township or the Board
9 of County Commissioners of Clermont County, the zoning district adjoining each
10 side of such street, alley, or public way shall be automatically extended to the
11 center of such vacation and all area included in the vacation shall then and
12 henceforth be subject to all appropriate regulations of the extended districts.

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1 **ARTICLE III**

2 **DEFINITIONS**

3 The words that are defined are those that have special or limited meanings as
4 used in the Zoning Resolution and might not otherwise be clear. Words whose
5 meaning is self-evident as used in this Zoning Resolution are not defined here.

- 6
- 7 1. Accessory Structure or Use: Any structure or use, other than the principal
8 structure or use, directly incidental to or required for the enjoyment of the
9 permitted use of any premises; also as specifically designated under the
10 zoning district regulations of this Zoning Regulation.
 - 11 2. Agriculture: The use of the land only – minus agricultural structures – for
12 the cultivation of crops, or the raising of animals, or preservation in its
13 natural state.
 - 14 3. Agricultural Structures: Any structure of building accessory to the principal
15 agricultural use of the land. Farm dwellings, however, are principal
16 buildings.
 - 17 4. Alteration: Any changes or addition to the supporting members or
18 foundation of a structure.
 - 19 5. Basement: A story having part but not more than one-half (1/2) its height
20 below grade. A basement is counted as a story for the purpose of height
21 regulations.
 - 22 6. Building: Any structure that fully encloses space for the occupancy by
23 persons or their activities.
 - 24 7. Cellar: A story having more than one-half (1/2) of its height below grade. A
25 cellar is counted as a story for the purpose of height regulation only if used
26 for dwelling purposes other than by a janitor employed on the premises.
 - 27 8. Commercial Floor Area: Floor area of buildings that is devoted to the
28 storage and display of merchandise, the performance of consumer services,
29 or the circulation and accommodation of customers.
 - 30 9. Consumer Services: Sale of any service to individual customers for their
31 personal benefit, enjoyment, or convenience, and for fulfillment of their
32 own personal services such as cleaning and barbering, the provision of

1 lodging, entertainment, specialized instruction, financial services,
2 automobile storage, transportation, and similar services.

3 10. Dwelling and Dwelling Unit: A dwelling is a building providing shelter,
4 sanitation, and the amenities of permanent habitation. It does not include
5 mobile homes, temporary lodging, or sleeping rooms. A dwelling unit
6 means the dwelling accommodations designed for one individual; or, family
7 unit maintaining separate and independent housekeeping.

8 11. Height of Structure: The vertical distance measured from the average
9 finished grade at the front building line to the highest point of the
10 structure.

11 12. Home Occupations:

12 A. Purpose: The purpose of the Home Occupation provision is to allow for
13 home occupations that are compatible with the neighborhood in which
14 they are located.

15 B. Definition: A home occupation is a lawful activity commonly carried on
16 within a dwelling by a member or members of the family who occupy
17 the dwelling where the occupation is secondary to the use of the
18 dwelling for living purposes and the residential character of the dwelling
19 is maintained.

20 C. In all residential and agricultural zones, home occupations in compliance
21 with the following regulations are permitted as accessory uses, and no
22 special use permit shall be required in order to establish and maintain
23 such uses.

24 1. A home occupation shall be conducted within a dwelling and shall be
25 clearly incidental to the use of the structure as a dwelling.

26 2. There shall be no storage of equipment, vehicles, or supplies
27 associated with the home occupation outside the dwelling.

28 3. There shall be no display of products visible in any manner from
29 outside the dwelling.

30 4. There shall be no change in the outside appearance of the dwelling
31 or premises or any visible evidence of the conduct of a home
32 occupation.

33 5. No advertising display signs shall be permitted.

34 6. No other than residents of the dwelling shall be employed in the
35 conduct of a home occupation.

- 1 7. The use shall not generate excessive additional pedestrian or
- 2 vehicular traffic.
- 3 8. The use shall not require additional off-street parking spaces for
- 4 clients or customers of the home occupation.
- 5 9. No home occupation shall cause an increase in the use of any one or
- 6 more public utilities (water, sewer, electricity, and garbage
- 7 collection) so that the combined total use for dwelling and home
- 8 occupation purposes exceeds the average for residences in the
- 9 neighborhood.
- 10 10. The home occupation shall not involve the use of commercial
- 11 vehicles for delivery of material to or from the premises, other than
- 12 one (1) vehicle not to exceed three-quarter (3/4) ton.
- 13 11. No motor power other than electrically-operated motors shall be
- 14 used in connection with a home occupation. Home occupations shall
- 15 not involve the use of electric motors of more than one (1) h.p
- 16 12. No equipment or process shall be used in a home occupation which
- 17 creates noise, vibration, glare, fumes, or odor detectable to the
- 18 normal senses of adjoining property owners
- 19 13. No equipment or process shall be used that creates visual or audible
- 20 electrical interferences in any radio or television received off the
- 21 premises or causes fluctuations in line voltage off the premises.
- 22 14. Use not more than twenty-five percent (25%) of the existing living
- 23 space within the dwelling.
- 24 15. Not involve the use or storage of tractor trailers, semi-trucks, or
- 25 heavy equipment such as construction equipment used in a business.
- 26 13. Industry, Heavy: Those industries whose processing of products results in
- 27 the emission of any atmospheric pollutant, light flashes, glare, odors, noise,
- 28 or other vibration that may be heard or felt off the premises, and those
- 29 industries whose processing of products results in none of the above
- 30 conditions.
- 31 14. Junk Yards and Auto Salvage Yards: When permitted by the Board of
- 32 Zoning Appeals, junk yards and auto salvage yards shall be located not less
- 33 than three hundred (300) feet from any road, street, residence district,
- 34 residence, school, hospital, or institution for human care. Junk yards and
- 35 auto salvage yards shall be enclosed on all sides by a metal fence or wall

1 not less than eight (8) feet high. Plans for such junk yards and auto salvage
2 yards shall be submitted to the Board of Zoning Appeals before any Zoning
3 Certificate is granted and shall be subject to its approval.

- 4 15. Lot: A parcel of land under one ownership devoted to a common use or
5 occupied by a single principal building plus accessory structures. Does not
6 include agricultural tract; however:

7 Corner Lot: A lot that abuts on two intersecting streets at their
8 intersection.

9 Double Frontage Lot: Any lot other than a corner lot that abuts on two
10 streets.

11 Lot Line: The boundary dividing a lot from a right-of-way, adjoining tract of
12 land. Front, rear, and side lot lines are self-explanatory.

13 Lot of Record: A lot that is recorded in the office of the County Recorder.

- 14 16. Mobile Home: Any vehicle or similar portable structure used or so
15 constructed as to permit its being used as a conveyance upon streets and as
16 a dwelling for one or more persons.

- 17 17. Non-Conforming Structure or Use: A structure or use of any premises that
18 does not comply with all provisions of this Zoning Resolution, but that
19 existed before its designation as non-conforming by the adoption or
20 amendment of the RESOLUTION.

- 21 18. Non-Retail Commercial: Commercial sales and service to customers who
22 intend resale of the products or merchandise sold or handled. For example,
23 non-retail commercial includes wholesaling, warehousing, trucking,
24 terminals, and similar commercial enterprises.

- 25 19. Outdoor: Refers to that which is not within a building,

- 26 20. Planned Development Project: A complex of structures and use planned as
27 an integral unit of development rather than as single structures on single
28 lots.

- 29 21. Premises: A lot or other tract of land under one ownership and all the
30 structures on it.

- 31 22. Processing: Manufacturing, packing, repairing, cleaning, and any other
32 similar original or restorative treatment applied to raw materials, products,

1 or personal property. Processing does not refer to the fabrication of
2 structures.

3 23. Public Service Building: Any Building necessary for the operation and
4 maintenance of a utility.

5 24. Retail Sales: Sale of any product or merchandise to customers for their
6 own personal consumption and use, not for resale.

7 25. Road: A traffic-carrying way. As used in this Zoning Resolution, a road may
8 be privately owned.

9 26. Sleeping Room: A single room rented for dwelling purposes, but without
10 the amenities for separate and independent housekeeping.

11 27. Special Use: A use that must receive special approval by the Board of
12 Zoning Appeals if delegated, in order to be permitted in a zoning district.

13 28. Street: Any highway or other public traffic-carrying way. An arterial street
14 in any numbered federal, state, or county highway unless otherwise
15 designated.

16 29. Structure: Any combination of materials fabricated to fulfill a function in a
17 fixed location on the land, includes buildings.

18 30. Mobile Home Park: A tract of land prepared and approved according to
19 the procedures of this zoning resolution to accommodate three or more
20 mobile homes.

21 31. Use: Use broadly refers to the activities that take place on any land or
22 premises and also refers to the structures located thereon and designated
23 for those activities.

24 32. Variance: A departure from the strict conformance with the dimension
25 and area regulations that may be approved by the Board of Zoning Appeals.

26 33. Yard: The open space surrounding the principal building on any lot,
27 unoccupied and unobstructed by any portion of the building from the
28 ground to the sky except where specifically permitted by this Zoning
29 Resolution. Yards are further defined as follows:

30 Front Yard: That portion of the yard extending the full width of the
31 lot and measured between the front lot line and a parallel line
32 tangent to the nearest part of the principal building, which line shall
33 be designated as the front yard line.

1 Rear Yard: That portion of the yard extending the full width of the lot
2 and measured between the rear lot line and a parallel line tangent to
3 the nearest part of the principal building.

4 Side Yard: Those portions of the yard extending from the front yard
5 to the rear yard and measured between the side lot lines and parallel
6 lines tangent to the nearest parts of the principal building.

7 34. Cellular or Wireless Telecommunication Towers: Any freestanding
8 structure used to support cellular, PCS, or wireless communication
9 antennas.

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ARTICLE IV

GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS

SECTION 1. Existing Buildings and Uses Not Affected. Any building, structure, or use existing at the time of the enactment of this RESOLUTION may be continued, even though such building, structure, or use does not conform with the provisions of this Resolution. If, however, any such nonconforming use is voluntarily discontinued for twelve (12) months or more, any future use of said land or structure shall be in conformity with the zoning regulations of the district in which the structure is located.

SECTION 2. Restoring Unsafe Buildings. Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or from complying with his/her lawful requirements.

SECTION 3. Approved Water Supply and Sewage Disposal Facilities. It shall be unlawful to locate, erect, or construct any building or structure on any lot or to use or permit the use of any lot without provision for approved water supply and sewage disposal facilities. Wherever an existing water and/or sewer main is accessible, connections shall be made with such mains. In every other case, individual water supply and sewage disposal facilities meeting fully the requirements of the county health officer shall be installed in accordance with the standards and specifications prescribed by him/her and under his/her supervision, and to his/her satisfaction. A certificate of approval of the proposed method of water supply and disposal of sanitary wastes shall be obtained from the county health officer prior to the filing of the application for a zoning permit or certificate of occupancy provided for herein, and such certificate shall accompany each such application.

1 **SECTION 4. Uses Not Provided For.** Any use specifically not mentioned in the
2 RESOLUTION shall be assumed prohibited unless otherwise stated by the Board of
3 Zoning Appeals.

4

5 **SECTION 5. Additional Structures Regulated** (Amended June 27, 2005). Only one
6 principal building shall hereinafter be erected on any lot. Only one primary (#1)
7 accessory building may be erected on the lot and only one secondary accessory
8 building (#2) not used as a private garage may be erected on any lot.

9 A primary #1 accessory building shall not exceed the following sizes:

10 Lot size one acre or less – 1000 square ft.

11 Lot size greater than one acre but less than two acres – 1300 square ft.

12 Lot size greater than two acres but less than three acres – 1600 square ft.

13 Lot size greater than three acres but less than five acres – 2000 square ft.

14 Lot size greater than 5 acres – 2250 square ft.

15 Setbacks – primary accessory building #1 shall be built in the rear yard and
16 not less than thirty five (35) feet from the rear and ten (10) feet from the
17 side lot

18 lines.

19 Maximum height of building shall be twenty five (25) feet.

20 A secondary accessory building #2 used other than as a private garage shall not
21 exceed the following sizes:

22 Lot size one acre of less – 200 square ft.

23 Lot size greater than one acre but less than two acres – 300 square ft.

24 Lot size greater than two acres but less than five acres – 500 square ft.

25 Lot size greater than five acres – 700 square ft.

1 Setbacks – secondary accessory building #2 shall be built in the rear yard
2 and not less than thirty five (35) feet from the rear and ten (10) feet from
3 the side lot lines.

4 Maximum height of building shall be fifteen (15) feet.

5 No lot split shall be allowed that will result in a parcel having an accessory
6 building too large for zoning regulations.

7
8 **SECTION 6. Off-Street Automobile Parking and Storage.**

9 **6.1.0** Permanent off-street automobile storage, parking, or standing space
10 shall be provided as set forth below at the time of the erection of any
11 building or structure, at the time any principal building or structure is
12 enlarged or increased in capacity by adding dwelling units, guest
13 rooms, or floor area, or before conversion from one zoning use or
14 occupancy to another. Such space shall be provided with vehicular
15 access to a street or alley. This space shall be deemed to be required
16 open space associated with the permitted use and shall not
17 thereafter be reduced or encroached upon in any manner. No
18 required front yard or portion thereof in any residential district shall
19 be utilized to provide parking space required in the RESOLUTION. At
20 least the following minimum parking space requirements for specific
21 uses shall be provided.

22 **6.1.1 Residences and Apartment Houses.**

23 One (1) parking space for each dwelling unit or apartment.

24 **6.1.2 Retail Business.**

25 Parking or storage space for all vehicles used directly in the conduct
26 of such business plus four (4) parking spaces for the first one
27 thousand (1,000) square feet of total floor area and one (1)
28 additional space for every additional one hundred and fifty (150)
29 square feet of floor area.

30 **6.1.3 Industrial Plants and Facilities.**

1 Parking or storage space for all vehicles used directly in the conduct
2 of such industrial use plus one (1) parking space for every three (3)
3 employees on the premises at maximum employment on a single
4 shift.

5 **6.1.4 Location of Camping Trailers and/or Boat.**

6 Regardless of size, only one camping trailer and only one boat may
7 be parked on any lot of record provided that no living quarters shall
8 be maintained or any business conducted while such trailer is parked.
9 The definition of a side yard is set out in Article III, Paragraph 33.

10 **6.1.5 Definition of a Camping Trailer.**

11 Any vehicle or structure designed and constructed in such a manner
12 that its primary purpose is for use as a temporary seasonal residence
13 at a different location on land or water, during vacation or recreation
14 periods, and is or may be reasonably mounted on wheels or a motor
15 vehicle.

16
17 **SECTION 7. Additional Parking Provisions.**

18 If the vehicle storage space or standing space required above cannot
19 be reasonably provided on the same lot on which the principal use is
20 conducted, the Board of Zoning Appeals may permit such space to be
21 provided on other off-street property, provided such space lies
22 within four hundred (400) feet of the main entrance to such principal
23 use. Such vehicle parking space shall be deemed to be required open
24 space associated with the permitted use and shall not thereafter be
25 reduced or encroached upon in any manner.

26 The required parking space for any number of separate uses may be
27 combined in one lot, but the required space assigned to one use may
28 not be assigned to another use at the same time, except that one-
29 half (1/2) of the parking space required for churches, theaters, or
30 assembly halls, whose peak attendance will be at night or on Sunday.

1 No commercial motor vehicle exceeding two (2) tons in rated
2 capacity may be parked in the open in a residential zone.

3 No abandoned, wrecked, dismantled, or totally disabled
4 automobiles, trucks, trailers, aircraft, or discarded furniture,
5 appliances or other miscellaneous materials shall be permitted to
6 remain exposed on the premises in any district for a period of more
7 than thirty (30) days.

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9 **SECTION 8. Obstruction to Vision at Street Intersection Prohibited:** Within the
10 triangular or other shaped area formed on a lot by a straight line connecting the
11 right-of-way lines of an intersecting street and a rail line or the right-of-way of
12 two intersecting streets at points twenty (20) feet from the intersection of such
13 right-of-way lines, there shall be no obstructions to vision between a height of
14 three and one-half (3 ½) feet and height of ten (10) feet above the average grade
15 of such street or railroad. This requirement applies to fences, walls, shrubbery,
16 signs, marquees, and other obstructions to vision, but it does not prohibit a
17 necessary retaining wall.

18
19 **SECTION 8A. Front Yard Requirements and Corner Lots:** Corner lots shall meet
20 the front yard requirements of the district or districts in which they are located on
21 both the street considered as the front street and the street considered as the
22 side street.

23
24 **SECTION 8B. Front Yard Requirements for Double Frontage Lots:** Double
25 frontage lots shall meet the front yard requirements of the district or districts in
26 which they are located on both the streets upon which they front.

27
28 **SECTION 8C. Required Yard Not to Be Used by Another Building:** No part of a
29 yard required about any building for the purpose of complying with the provisions
30 of this RESOLUTION shall be included as part of a yard required by this
31 RESOLUTION for another building.

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SECTION 9. Removal of Bulky Items: No abandoned, wrecked, dismantled, or totally disabled automobiles, trucks, not currently licensed for use on roads in this State, trailers, aircraft, or discarded furniture, appliances, or other miscellaneous materials shall be permitted to remain exposed on the premises in any but Industrial (“I” Districts) for a period of more than thirty (30) days, with the exception of farm implements used in agriculture.

SECTION 10. Swimming Pools

A. All regulations governing the installation of private in-ground swimming pools within Ohio Township shall be in accordance with the Environmental Sanitation Regulations adopted by the Clermont County Board of Health. No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or of a farm pond, shall be allowed in any residential district except as an accessory use, and shall comply with the following requirements.

- 1. The pool is intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- 2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line.
- 3. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock.

B. After a permit from the Clermont County District Board of Health is obtained for an in-ground swimming pool, a township Zoning Certificate must also be obtained.

C. A township zoning permit must be obtained for any above-ground swimming pool. Such a pool shall be located not less than fifteen (15) feet from any road right-of-way or property line, and shall be fenced

1 with a four (4) foot fence or otherwise equipped with suitable safety
2 devices designed to prevent entrance into the pool when not attended
3 by the owner or his/her representative.

4
5 **SECTION 11.** Nothing contained in this RESOLUTION shall prohibit the use of any
6 land for agricultural purposes or the construction or use of buildings or structures
7 incident to the use for agricultural purposes of the land on which such building or
8 structures are located, except as follows:

9 Dairying and animal and poultry husbandry are prohibited on lots less than five
10 (5) acres in platted subdivisions that have been approved pursuant to Ohio
11 Revised Code Section 711.05, 711.09, 711.10 and in areas consisting of fifteen
12 (15) or more lots approved pursuant to Ohio Revised Code Section 711.13
13 (711.13.1) that are contiguous to one another, or some of which are contiguous
14 to one another and adjacent to one side of a dedicated public road, and the
15 balance of which are contiguous to another and adjacent to the opposite side of
16 the same dedicated public road.

1 **ARTICLE V**

2 **ZONING DISTRICT REGULATIONS**

3
4 **SECTION 1. Agricultural “A” District**

5 **A. Uses Permitted:**

- 6 1. Agriculture, farming, stock raising, dairying, truck gardening, and
7 nurseries.
8 2. Public and semi-public owned or operated properties.
9 3. Single-family dwellings.
10 4. Roadside stands offering for sale only agricultural products. Such
11 stands shall be located at least twenty (20) feet from the edge of the
12 pavement.
13 5. Home occupations.
14 6. Accessory buildings and uses customarily incidental to any of the
15 above uses including bulletins boards and signs not exceeding thirty-
16 two (32) square feet in area appertaining to the lease, hire, or sale of
17 a building or premises or any material that is mined, manufactured,
18 grown, or treated on the property, provided, however, that such
19 signs shall be located upon or immediately adjacent to the articles
20 processed, stored, or sold.

21 **B. Uses Permitted as Special Exceptions: The following uses shall be**
22 **considered special exceptions and will require written approval of the**
23 **Board of Zoning Appeals.**

- 24 1. Cemeteries, Columbarium, Crematories.
25 2. Amusement Parks, Playgrounds, Pay Fishing Lakes, Golf Courses, and
26 Other Privately Owned Recreational Centers.
27 3. Riding Stables and Private Stables.
28 4. Radio and Television Transmitters and Antennas.
29 5. Drive-In Theaters Subject to the Following Conditions:
30 a) The applicant presents plans and specifications for the proposed
31 theater in a form suitable for making the determinations required
32 herein.

- b) There is approval of a plan of access to the highway from the agency responsible for the maintenance of such highway.
- c) The entrances and exits shall be located where possible so as to afford unobstructed sight distance for five hundred (500) feet in each direction along the highway.
- d) All buildings and structures (excluding fences) shall be a least one hundred (100) feet from any property line.
- e) The picture screen shall not face or be placed so as it may be viewed from any major highway and shall be screened from view by trees or fence from any adjacent road.
- f) Provisions shall be made to subdue speaker sounds when the theater abuts a residence or a residential lot or lots.

6. Sanitariums.

7. Private Airports and Landing Fields.

C. Uses Prohibited:

- 1. All establishments or enterprises operated publicly or privately for the disposal of garbage, rubbish, offal, or other waste or surplus material not originating the premises.
- 2. Junk Yards.
- 3. Mobile homes located on individual lots smaller than five (5) acres in area, except that one mobile home may be parked or stored in a rear yard and not less than ten (10) feet from a rear or side lot line, provided that no occupancy for human habitation be maintained or business conducted therein while such mobile home is so stored.
- 4. All other uses not specifically permitted by this Section.

D. Dimension and Area Regulations for lots and Structures: The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Regulations on page 34. The applicable regulations shall be observed in the Agricultural District.

SECTION 2. Conservation "C" District

A. Uses Permitted:

- 1 1. Any use or structure permitted and as regulated in the Agriculture “A”
2 District, except as hereinafter defined.
- 3 2. Public and private forests and wildlife reservations or similar
4 conservation projects, including the buildings for them.
- 5 3. The following uses are permitted in connection with streams, rivers,
6 lakes, or other bodies of water, providing that the development of all
7 permitted facilities in or adjacent to navigable waters shall be approved
8 by the Corps of Engineers, Department of Army, and such statements of
9 approval or denial shall be submitted to the Zoning Commission at the
10 time of submittal.
 - 11 a) Boat Harbors and Marinas. The following uses shall be permitted as
12 accessory uses in connection with any Boat Harbor or Marina and are
13 primarily intended to serve only persons using the Boat Harbor or
14 Marina. Advertising of any kind, including accessory uses, shall be
15 within the building and shall not be visible from the outside of the
16 building.
 - 17 (1) boat fueling, service, and repairs
 - 18 (2) sale of boat supplies
 - 19 (3) grocery store
 - 20 (4) restaurant
 - 21 (5) clubhouse and lockers
 - 22 (6) amphibious aircraft
 - 23 b) Public Boat Landing or Launching Facilities.
 - 24 c) Dockage Facilities.
 - 25 d) Off-street parking facilities and temporary parking of boat trailers,
26 including spaces large enough to accommodate automobiles pulling
27 boat trailers.
- 28 4. Flood-tolerant structures shall be erected in Flood Plain Areas as
29 delineated by the report and folder regarding Flood Plain Information on
30 the Ohio River compiled by the U.S. Army Corps of Engineers.

31 B. Uses Permitted as Special Exceptions: The following uses shall be
32 considered special exceptions and will require written approval of the
33 Board of Zoning Appeals.

- 34 1. Any special use permitted and as regulated in the Agricultural “C”
35 District.

- 1 C. Uses Prohibited: All establishments or enterprises operated publicly or
2 privately for the disposal of garbage, rubbish, offal, or other waste or
3 surplus material not originating on the premises.
- 4 D. Dimension and Area Regulations for Lots and Structures: The regulations
5 on the dimensions and area for lots and structures are set forth in the
6 Schedule of Dimensions and Area Regulations on page 34. The applicable
7 regulations shall be observed in the Conservation “C” District.

8

9 **SECTION 3. Residence “R1” District**

10 A. Uses Permitted:

- 11 1. Single-family dwellings.
- 12 2. Churches and other places of worship; Sunday School buildings and
13 parish houses.
- 14 3. Public and private elementary and high schools.
- 15 4. Publicly owned or operated properties including community buildings
16 and fire stations.
- 17 5. Cemeteries, including mausoleums, provided that mausoleums shall be
18 a least two hundred (200) feet from every street center line or any
19 adjoining lot line.
- 20 6. Roadside stands, offering for sale only agricultural products that are
21 produced upon the premises, including a sign advertising such products
22 not exceeding twelve (12) square feet in area, provided that both stand
23 and sign shall be removed during any season or period of time when
24 they are not in use.
- 25 7. Temporary buildings incidental to construction work, provided that such
26 temporary buildings shall be removed upon the completion or
27 abandonment of the construction work.
- 28 8. Accessory buildings and uses customarily incidental to any of the above
29 permitted use, including bulletin boards for public, charitable, or
30 religious institutions, and signs not exceeding twelve (12) square feet in
31 area appertaining to the lease, hire, or sale of a building or premises,
32 providing that such signs shall be removed as soon as the premises are
33 leased, hire, or sold.

1 9. Home occupations as defined in Article III, Paragraph 12 herein.

2 B. Uses Permitted as Special Exceptions: The following uses shall be
3 considered special exceptions and will require written approval of the
4 Board of Zoning Appeals.

5 1. Golf courses, except miniature courses and practice driving tees
6 operated for commercial purposes, including such buildings, structures,
7 and uses as are necessary for their operation; except those the chief
8 activity of which is a service customarily carried on as a business,

9 2. Hospitals and institutions of an educational, religious, charitable, or a
10 philanthropic nature, provided, however, that such buildings shall be
11 located upon sites containing no less than five (5) acres, occupy not over
12 ten (10) percent of the area of the lot, and that such buildings be set
13 back from all required yard lines a distance of not less than two (2) feet
14 for each foot of building height.

15 C. Uses Prohibited: All uses not specifically permitted by this Section are
16 prohibited in the Residence "R1" District.

17 D. Dimension and Area Regulation for Lots and Structures: The regulations on
18 the dimensions and areas for lots and structures are set forth in the
19 Schedule of Dimensions and Area Regulations on page 34. The applicable
20 regulations shall be observed in the RESIDENCE "R1" DISTRICT.

21 E. Minimum Floor Area: The minimum total floor area per family, for
22 Residence Districts, per unit may include attached enclosed garages, in
23 addition to the residential floor area; however, no reduction in minimum
24 residential floor area is permitted. Basement areas may be included in the
25 total floor area, provided such areas are finished as residential living areas.

<u>District</u>	<u>No. of Stories</u>	<u>Minimum Residential Floor Area Per Family</u>	<u>Minimum Total Floor Area Per Family</u>
Residence	Less than 2	1200 Square Feet	1400 Square Feet
R1	2 or more	1200 Square Feet	1400 Square Feet

1 **SECTION 4. Residence “R2” District**

2 A. Uses Permitted:

- 3 1. Any use or structure permitted and as regulated in the RESIDENCE “R1”
4 DISTRICT except as hereinafter modified.
- 5 2. Two-family, three-family, and multi-family.
- 6 3. Conversions of single-family dwellings into two-family dwellings
7 provided that the structure, when converted, conforms with the lot
8 area, frontage, and yard requirements prescribed for such two or three-
9 family dwellings in this Article and the Schedule of Dimensions and Area
10 Regulations.
- 11 4. Home occupations as defined in Article III, Paragraph 12 herein.
- 12 5. Accessory buildings and uses customarily incidental to any of the above
13 permitted uses and as regulated in the RESIDENCE “R1” DISTRICT, except
14 hereinafter modified.

15 B. Uses Permitted as Special Exceptions: The following uses shall be
16 considered special exceptions and will require written approval of the
17 Board of Zoning Appeals.

- 18 1. Any special use permitted as regulated in the RESIDENCE “R1” DISTRICT.
- 19 2. Nursery schools and Child Care Centers, provided that there is
20 established and maintained in connection therewith one or more
21 completely and secured fenced play lots, which if closer than fifty (50)
22 feet to any property line, shall be screened by a masonry wall or
23 compact evergreen hedge of not less than five (5) feet in height, and
24 located not less than twenty (20) feet from any property line and
25 maintained in good condition.

26 C. Uses Prohibited: All uses not specifically permitted by this Section are
27 prohibited in the Residence “R2” District.

28 D. Dimension and Area Regulation for Lots and Structure: The regulations on
29 the dimensions and areas for lots and structures are set forth in the
30 Schedule of Dimensions and Area Regulations on page 34. The applicable
31 regulations shall be observed in the RESIDENCE “R2” DISTRICT.

32

33 **SECTION 5. Business “B” District**

1 A. Uses Permitted:

- 2 1. Any use or structure permitted and as regulated in the RESIDENCE
3 DISTRICTS except as hereinafter modified.
- 4 2. Consumer services, as defined in Article III, Paragraph 9 of this
5 Resolution, but excluding bars, cocktail lounges, night clubs, billiard
6 parlors, pool halls, and roller rinks.
- 7 3. Retail stores or shops, repair shops, mercantile establishments, banks,
8 offices, or office buildings.
- 9 4. Restaurant, soda fountain, lunch room, but excluding drive-in eating and
10 drinking establishments.
- 11 5. Gasoline filling stations with underground storage tanks.
- 12 6. All billboards, outdoor advertisement signs, and structures shall be
13 limited to two (2) indirectly illuminated signs with a total area of not
14 over forty (40) square feet; no part of any building shall be outlined or
15 otherwise decorated with electric lights. Any enlargement or extension
16 to any existing motel or motor hotel shall require application for a
17 zoning certificate as if it were a new establishment. No enlargement or
18 extension to any motel or motor hotel shall be permitted unless the
19 existing one is made to conform substantially to all the requirements for
20 new construction for such an establishment.
- 21 7. Automobile, truck, trailer, and farm implement establishments for
22 display, hire, sale, and major repairs, including sales lots, provided all
23 operations other than display and sales shall be within a completely
24 enclosed building.
- 25 8. Bottling of soft drinks, creamery and dairy operations, ice cream and
26 candy manufacturing, ice plants, or distributing stations.
- 27 9. Building material sales and storage yard, retail lumber and storage yard,
28 including millwork and prefabrication.
- 29 10. Trucking, catering, express, or hauling terminal or transfer
30 establishment, including the storage of vehicles.
- 31 11. Animal hospital, veterinary clinic, or kennel.
- 32 12. Wholesale sales and warehouses.
- 33 13. Accessory buildings and uses customarily incidental to any of the above
34 permitted uses.
- 35

- 1 B. Uses Permitted as Special Exceptions: The following uses shall be
2 considered special exceptions and will require written approval of the
3 Board of Zoning Appeals.
- 4 1. Neighborhood shopping centers and other groupings of commercial
5 buildings where there is a development of five (5) or more retail or
6 establishments under single ownership.
 - 7 2. Drive-in theaters subject to the same conditions and restrictions as
8 outlined in Article V, Section 1, Subsection B, Paragraph 7 of this
9 Resolution.
 - 10 3. Commercial baseball fields, swimming pools, and similar open-air
11 recreation uses or structures and facilities if located at least one
12 hundred and fifty (150) feet from any Residence District.
 - 13 4. Contractors' equipment storage yard or plant, or storage and rental of
14 equipment commonly used by a contractor, provided that such storage
15 yard and plant shall be located at least two hundred (200) feet from any
16 Residence District and one hundred (100) feet from any adjoining
17 property line.
 - 18 5. Drive-in eating and drinking establishments, summer gardens, and
19 roadhouses including entertainment and dancing.
 - 20 6. Bar, cocktail lounge, nightclub, billiard parlor, pool hall, bowling alley,
21 dance hall, skating rink, and similar establishments.
- 22 C. Uses Prohibited:
- 23 1. Storage of flammable liquids, above ground, other than for use on the
24 premises.
 - 25 2. Junk yards.
 - 26 3. Any other use not specifically permitted by this Section.
- 27 D. Dimension and Area Regulation for Lots and Structures: The regulations on
28 the dimensions and areas for lots and structures are set forth in the
29 Schedule of Dimensions and Area Regulations on page 34. The applicable
30 regulations shall be observed in the BUSINESS "B" DISTRICT.

31

32 **SECTION 6. Industrial "I" District**

- 33 A. Uses Permitted:

- 1 1. Any use or structure permitted and as regulated in the BUSINESS “B”
2 DISTRICT except as hereinafter modified.
- 3 2. Any industrial or manufacturing activity that can be shown to not emit
4 noise, smoke, dust, vibration, heat, bright light, odor, or other
5 obnoxious effects beyond the limits of its lot.
- 6 3. The storage of inflammable liquid above ground in amounts less than six
7 hundred (600) gallons and for use on the premises.

8 B. Uses Permitted as Special Exceptions: The following uses shall be
9 considered special exceptions and will require written approval of the
10 Board of Zoning Appeals.

- 11 1. The storage of sand or gravel or another raw material; the storage of
12 equipment or vehicles of an earth-moving or construction nature,
13 finished products or components of finished products, outside of
14 completely enclosed buildings, on lots other than those on which the
15 manufacturing, assembly, or principal activity of the permitted use
16 occurs.
- 17 2. Bag cleaning plants; boiler and tank works; central mixing plants for
18 cement, mortar, plaster, or paving materials; junk yards; establishments
19 which cure, tan, or store raw hides and skins; distillation plants for
20 bones, coal, wood, or tar; fat-rendering plants; forge plants, foundries
21 for gasoline, oil and alcohol in excess of six hundred (600) gallons;
22 slaughter houses and stockyards; smelting plants; plants for the
23 manufacture of acetylene, acid, alcohol, alcoholic beverages, ammonia
24 bleaching powder, chemicals, brick, pottery, terra-cotta, tile, candles,
25 disinfectants, dye-stuffs, fertilizer, illuminating or heating as (or storage
26 of same) linseed oil, paint, oil, turpentine, varnish, soap, and tar
27 products; and establishments for the disposal of garbage, rubbish, offal
28 or other waste or surplus material not originating upon the premises, by
29 either landfill or incineration.
- 30 3. Any other industrial or manufacturing activity that in the opinion of the
31 Board of Zoning Appeals will emit detrimental or obnoxious noise,
32 vibration, smoke, odor, dust, heat, or light beyond the limits of the
33 INDUSTRIAL “I” DISTRICT in which it is located.

34 C. Uses Prohibited: Uses not specifically permitted by this Section are
35 prohibited in the INDUSTRIAL “I” DISTRICT.

1 D. Dimension and Area Regulation for Lots and Structures: The regulations on
2 the dimensions and areas for lots and structures are set forth in the
3 Schedule of Dimensions and Area Regulations on page 34. The applicable
4 regulations shall be observed in the INDUSTRIAL "I" DISTRICT.

5
6 **SECTION 7. Mobile Home, Modular Home, Manufactured Home Park, and**
7 **Subdivision "MHP" Districts.** The regulations set forth in this section, or set forth
8 elsewhere in this RESOLUTION, when referred to in this Section are the deistic
9 regulations in Mobile Home, Modular Home, Manufactured Home Park, and
10 Subdivision "MHP" District. It is the purpose of this district to provide site for
11 mobile homes, modular homes, and manufactured homes at appropriate
12 locations in relation to the existing and potential development of their
13 surroundings and in relation to other uses and community facilities to afford a
14 proper setting for such uses and proper relation to other land uses and the
15 comprehensive plan.

16 A. Uses Regulations: Land or premises within the Mobile Home, Modular
17 Home, Manufactured Home Park and Subdivision "MHP" District shall be
18 used only for mobile homes, modular homes, and manufactured homes
19 and accessory buildings and uses customarily incident thereto.

20 B. Procedure: The owner or owners of a tract of land comprising not less than
21 ten (10) acres may submit a plan for the use and development of the tract
22 of land for a mobile home, modular home, and manufactured home park as
23 provided herein. Such plan for development of the area shall be filed with
24 the Township Zoning Commission and shall be referred to the Regional
25 Planning Commission for study and report. The Regional Planning
26 Commission shall recommend the approval or denial of the plan or
27 approval of some modifications thereof and submit the plan, together with
28 a report stating its findings and recommendations of the Township Zoning
29 Commission for public hearing and recommendation thereon to the Board
30 of Township Trustees for final public hearing and determination. If the
31 report of the Regional Planning Commission recommends approval of the
32 plan, it shall state the reasons for approval and shall include specific

1 evidence and facts showing that the proposed mobile home, modular
2 home, and manufactured home park meets the following requirements.

3 C. General Requirements: Each mobile home, modular home, and
4 manufactured home park shall comply with the rules of the Ohio
5 Department of Health, Public Health Council, Mobile Homes Parks, Chapter
6 3701-27, inclusive, and with Section 3733.01 to 3733.20, inclusive, of the
7 Ohio Revised Code, and other requirements imposed by the Clermont
8 County Health Department, and any others required by law, in addition to
9 the provisions of Article V, Section 7 of this RESOLUTION.

10 D. Design Requirements:

11 1. The location and planning of the mobile home, modular home, and
12 manufactured home site and the amount, arrangement, and treatment
13 of open space shall be designed to ensure a satisfactory living
14 environment and shall be carried out in consideration of property
15 adjacent to the area included in the plan and ensure that such adjacent
16 property will not be adversely affected.

17
18 To this end there shall be established and maintained an open space
19 landscaped buffer within the mobile home, modular home, and
20 manufactured home park along its exterior boundaries. This buffer shall
21 not be less than forty (40) feet along any other line, except that where
22 topography or other physical features of the tract or its relation to
23 surrounding property may make complete compliance with the buffer
24 requirements as prescribed herein, unnecessary or undesirable, the
25 Township Zoning Commission may modify such requirements to the
26 extent warranted by such physical conditions, provided the surrounding
27 property and public welfare are adequately protected, and areas not
28 used for access parking, circulation, building, and service shall be
29 completely and permanently landscaped and the entire site maintained
30 in good condition. The buffer required herein shall be maintained as
31 open space and landscaping in its entirety, and no areas used for access,
32 parking, circulation, building, or service or other accessories of the
33 mobile home, modular home, and manufactured home park shall be
34 located within any part of such buffer. Recommendations of the

- 1 Regional Planning Commission are subject to the approval of the
2 Township Zoning Commission and the Township Trustees.
- 3 2. The number of mobile home, modular homes, and/or manufactured
4 homes shall not exceed seven (7) such units per net usable acre of the
5 site. The net usable acreage shall be deemed to be the total area of the
6 site, excluding any public street right-of-way and excluding the open
7 space buffer required in Paragraph D.1.
- 8 3. All mobile homes, modular homes, and manufactured homes and
9 accessory building and uses, including the recreation areas required
10 herein, shall be located within the area determined and defined as the
11 net usable area.
- 12 4. Permitted accessory buildings and uses shall include management
13 offices, laundry facilities, recreation areas, and, where specifically
14 approved as a part of the park plan, other recreation facilities and the
15 sale of convenience goods and services exclusively for and to occupants
16 of the mobile home, modular home, and manufactured home park.
- 17 5. Every mobile home, modular home, and manufactured home park shall
18 provide one or more recreation areas easily accessible to all residents of
19 the park. The aggregate size of such areas shall be not less than one
20 hundred (100) square feet for each lot, and no individual recreation
21 areas shall be less than three thousand (3,000) square feet. Such
22 recreation areas shall be graded and arranged and provided with
23 appropriate equipment for full recreational use of the area. No such
24 recreation area shall be located in any part of the buffer.
- 25 6. Each mobile home, modular home, and manufactured home park shall
26 abut and have access to a public street, and each mobile home, modular
27 home, and manufactured home park shall have direct access to the
28 private internal road system, either by directed frontage or by means of
29 a ten (10) foot, hard surfaced driveway. Such internal road system shall
30 be constructed to provide a permanent pavement of at least twenty six
31 (26) feet, including curbs and gutters. Off-street parking spaces shall be
32 provided in the ratio of two (2) spaces for each mobile home, modular
33 home, and manufactured home lot; such spaces shall be within two
34 hundred (200) feet from the mobile home, modular home, and

1 manufactured home or homes served. No parking space shall be located
2 within any part of the buffer.

- 3 7. A common walk system shall be provided and maintained between
4 locations where pedestrian traffic is concentrated, and all mobile home,
5 modular home, and manufactured home stands shall be connected by
6 walks to the common walk system, to the parking spaces, to the paved
7 streets, and to all service buildings.
- 8 8. Each mobile home, modular home, and manufactured home stand shall
9 be equipped with a concrete slab or with concrete ribbons of adequate
10 thickness and size to support the mobile home, modular home, and
11 manufactured home load during all seasons. Where concrete ribbons
12 are used, the area between such ribbons shall be filled with crushed
13 rock.
- 14 9. Each mobile home, modular home, and manufactured home park shall
15 be adequately lighted for safety at night; all such lights shall be so
16 located and shielded to prevent direct illumination of any area outside
17 the park.
- 18 10. Each mobile home, modular home, and manufactured home park shall
19 be provided with public water supply and a water distribution system
20 installed in accordance with Clermont County specifications. Where a
21 public sanitary sewer is reasonably accessible, the park shall be provided
22 with sanitary sewerage connected thereto, including a lateral
23 connection to each mobile home, modular home, and manufactured
24 home lot, subject to the review and approval of the Clermont County
25 Sewer District, the Clermont County Health Department, and the State
26 Department of Health. Where a public sanitary sewer is not available
27 and not reasonably accessible in the combined judgment of the Regional
28 Planning Commission and the Clermont County Sewer District, an
29 alternate means of sewage disposal, such as a community sewage
30 treatment plant, may be considered, subject to review and approval of
31 officials having jurisdiction. An individual sewage disposal system shall
32 not be permitted.

33

1 Each park shall be graded and drained to prevent the standing of storm
2 water and the method of drainage, including treatment of both paved
3 and unpaved areas.

4 E. Additional Requirement: In addition to the foregoing, The Township Zoning
5 Commission may impose such other conditions, requirements, or
6 limitations concerning the design, development, and operation of such
7 mobile home, modular home, and manufactured home park as it may
8 deem necessary for the protection of adjacent properties and the public
9 interest. The Township Zoning Commission may consider the
10 recommendation of the Regional Planning Commission.

11 F. Enlargement: Any enlargement or extension of an existing mobile home,
12 modular home, and manufactured home park shall be treated as if it were a
13 new establishment and shall be subject to the provisions of Paragraph B
14 and the other provisions of this Section. No enlargement or extension of a
15 mobile home, modular home, and manufactured home park shall be
16 permitted unless the existing park is made to conform substantially to all
17 the requirements for new construction of such establishment.

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SCHEDULE OF DIMENSIONS AND AREA REGULATIONS

Minimum	Maximum Height of Buildings	Minimum Lot Area When Served By Approved Sanitary Sewer	Minimum Lot Area When Not Served By Sanitary Sewer	Maximum Percentage of Lot Area Which May Be Covered By Buildings	Minimum Lot Width At Building Line	Minimum Front Yard Depth	Minimum Side Yard	Rear Yard
<u>Dist</u>	<u>Feet</u>	<u>Square Feet</u>	<u>Square Feet</u>	<u>Percent</u>	<u>Feet</u>	<u>Feet</u>	<u>Feet</u>	<u>Feet</u>
A	35	20,000	20,000	30%	100	50	20	35
C	35	43,560	43,560	30%	100	75	20	35
R-1	35	20,000	20,000	30%	75/100 (2)	50	10	35
R-2	35	20,000/20,000 (1)	20,000/20,000 (1)	30%	75/100	35	10	35
B	45	None	As required by County Health Board (x) 175,000 Plus any additional as required above. (x)	None (x) 50%	None (x) 300 (x)	60/35 (3) (x)	None/75 (4) (x)	15 (x) 75 (6) (x)
I	100	175,000 (x)	175,000 (x)	50%	300 (x)	100 (x)	50/200 (5) (x)	75 (6) (x)

FOOTNOTES

1. First number for single family units; second number must be added for each additional unit.
2. 75 foot lot frontage permitted when lot is served by an approved sanitary sewer.
3. Front yard of 60 feet depth shall be required for all lots fronting on Federal, State, or County highways; 35 feet minimum shall be required for all lots fronting on Township roads.
4. No side yard shall be required except when the Business lot abuts a residential zoned lot; in such cases a 75 foot minimum side lot is required.
5. 50 foot side yard shall be required except when the industrial lot abuts a residential zoned lot; in such a case a minimum side yard of 200 feet is required.
6. The rear yards required in Industrial Districts do not apply in cases where the rear lot line of the industrial lot abuts a railroad right-of-way.
7. Permitted residential uses in Business and Industrial Districts must meet the same yard, area, and lot dimensions as required in the "R-2" District. Permitted business uses in Industrial Districts must meet the same yard, area, and lot dimensions as required in the "B" District.

Note:

In the Mobile Home Park and Subdivision District, the dimensions and area requirements shall comply with at least the minimum standards of the Ohio State Health Department and the Clermont County Board of Health.

Mobile Home Subdivisions shall comply with the same dimensions and are requirements as would be required of a single-family residence in the "R-2" District.

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ARTICLE VI
SIGNS

SECTION 1. Purpose. The regulations set forth in this RESOLUTION pertaining to signs are intended to:

- a. Encourage the effective use of signs as a means of communication for businesses, organizations, and individuals in Ohio Township;
- b. Maintain and enhance the aesthetic environment and the Township’s ability to attract sources of economic development and growth;
- c. Provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- d. Provide for adequate business identification, advertising, and communication;
- e. Prohibit signs of such excessive size and number that they obscure one other to detriment of the economic and social well-being of the Township;
- f. Protect the health, safety, and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- g. Differentiate among those signs that, because of their location, may distract drivers on public streets from those signs that may provide information to them while they remain in their cars by out of active traffic;
- h. Minimize the possible adverse effects of signs on nearby public and private property;
- i. Prohibit most signs with commercial messages in residence zoning districts, while allowing those commercial messages that relate to commercial activities lawfully conducted on individual properties within such districts; and
- j. Provide broadly for the expression of individual opinions through the use of signs on property,

SECTION 2. Applicability

- 1 A. The regulations contained with this Article shall apply to signs and to all
- 2 zoning districts
- 3 B. Unless otherwise provided by the Article, all signs shall require a Zoning
- 4 Certificate and a payment of fees. No Zoning Certificate is required for the
- 5 maintenance of a sign or for a change of copy on painted, printed, or
- 6 changeable copy signs.

7

8 **SECTION 3. Compliance Required**

- 9 A. It shall hereafter be unlawful for any person to erect, place, or maintain a
- 10 sign in the Township except in accordance with the provisions of these
- 11 regulations.
- 12 B. All wiring, fittings, and material used in the construction, connection, and
- 13 operation of electrically illuminated signs shall be in accordance with the
- 14 provisions of the local electrical code in effect.
- 15 C. No sign of any classification shall be installed erected, or attached to a
- 16 structure in any form, shape, or manner that is in violation of Clermont
- 17 County’s or Ohio’s building or fire codes.

18

19 **SECTION 4. Computations.** The following principals shall control the

20 computation of sign area and sign height,

- 21 A. The area of a sign face, which is also the sign area of a wall sign or other
- 22 sign with only one face, shall be computed by means of the smallest
- 23 square, circle, rectangle, triangle, or combination thereof that shall
- 24 encompass the extreme limits of the writing, representation, emblem, or
- 25 other display, together with any material or color that is an integral part of
- 26 the background of the display or used to differentiate the sign from the
- 27 backdrop or structure against which it is placed. This does not include any
- 28 supporting framework, bracing, or decorative fence or wall when such
- 29 fence or wall otherwise meets Zoning RESOLUTION regulations and is
- 30 clearly incidental to the display itself.

- 1 B. The height of a sign shall be computed as the distance from the base of the
2 sign at normal grade to the top of the highest attached component of the
3 sign.
- 4 C. The area for a sign with more than one face (multi-faced signs) shall be
5 computed by adding together the area of all sign faces visible from any one
6 point. *See Figure 1.*
- 7 D. When two identical sign faces are placed back-to-back, so that both faces
8 cannot be viewed from any one point at the same time, and when such sign
9 faces are part of the same sign structure and are not more than 24 inches
10 apart, the sign area shall be computed by the measurement of one of the
11 faces. *See Figure 1.*
- 12 E. When calculating street frontage, only the street frontage that lies in the
13 unincorporated area of Ohio Township shall be used in the calculation.
14

15 **Figure 1. Examples of Measuring Sign Area**

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25 **SECTION 5. General Sign Standards.** This Article shall apply to any sign that is
26 visible from the public right-of-way or from property other than the property on
27 which the sign is located; signs located entirely within buildings or other
28 structures and/or otherwise not visible from the public right-of-way or from
29 property on which the sign is located are exempt from this Article.

- 1 A. No sign shall be erected or maintained at any location where by reason of
2 its position, working, illumination, shape, symbol, color, form, or may be
3 confused with any authorized traffic sign, signal, or device, or interfere
4 with, mislead, confuse, or disrupt traffic safety or flow.
- 5 B. No portion of a sign shall obscure
6 visibility between a height of
7 three and ten feet within a sight
8 triangle consisting of the area
9 bounded by the right-of-ways of
10 the adjacent intersecting streets
11 extending along those right-of-ways
12 centerlines 30 feet from the
13 point of right-of-way intersection,
14 and a straight line connecting said
15 latter points.
- 16 C. Signs incorporating any noisy mechanical device (whistles, horns, sirens, or
17 any other noisy audible devices) are expressly prohibited.
- 18 D. Any illuminated sign or lighting device shall employ only light emitting a
19 light of constant intensity. Flashing and moving signs are specifically
20 prohibited, except that changeable copy signs on which the message is
21 changed no more often than one time per minute shall not be considered
22 flashing or moving signs. All wiring, fittings, and materials used in the sign
23 shall be in accordance with the provisions of the electrical code in effect at
24 the time of installation, modification, or repair of sign.
- 25 E. No sign or part thereof shall contain or consist of banners, posters,
26 pennants, ribbons, streamers, spinners, or other similar moving devices.
27 Such devices, as well as strings of lights, shall not be used for the purpose
28 of advertising or attracting attention.
- 29 F. Should any sign be or become unsafe or be in danger of falling, the
30 property owner shall be responsible for putting the sign in a safe and
31 secure position or removing the sign.
- 32 G. Signs shall not be attached to trees, utility poles, rocks, fences, or
33 streetlights, nor shall signs be placed on any public property except in
34 accordance with this Article.

- 1 H. No person may, for the purpose of increasing or enhancing the visibility of
2 any sign, damage, trim, destroy, or remove any trees, shrubs, or other
3 vegetation within any right-of-way (unless express written authorization is
4 obtained from the agency having jurisdiction over the right-of-way) or on
5 any area where landscaping is required by Township regulations.
- 6 I. The light from any illuminated sign or from any light source shall be so
7 shaded, shielded, or directed that the light intensity or brightness shall not
8 adversely affect surroundings or facing residential districts, or adversely
9 affect the safe vision and operation of vehicles moving on public or private
10 roads, highways, or parking areas. Light shall not directly shine or reflect on
11 or into residential structures.
- 12 J. All buildings shall have a sign providing the numeric address for
13 identification purposes to assist fire and safety protection. Such signs shall
14 not require a Zoning Certificate, but shall otherwise conform to the
15 standards of this Article and shall be subject to the standards of Section 8 B.
- 16 K. Signs on Awnings, Canopies, Fascia, or Marquees
- 17 1. Awnings, canopies, fascia, or marquees shall be designated as
18 permanent parts of the building and shall meet all the requirements of
19 all applicable building and electrical codes.
- 20 2. Unless otherwise provided in this Article, the sign area of the awning,
21 canopy, fascia, or marquee shall be included as part of the wall sign area
22 calculation.
- 23 3. In cases where the awning, canopy, fascia, or marquee is constructed of
24 translucent material, is illuminated from within or behind structure, and
25 contains sign copy, the entire area of the structure shall be calculated in
26 determining the sign area.
- 27 4. Such signs shall be permitted to extend into the public right-of-way over
28 a sidewalk but shall be required to provide a clearance of eight feet
29 between the sidewalk and the sign. Such sign shall not extend above the
30 roof line.
- 31 L. Wall signs shall not project more than 18 inches as measured from the face
32 of the building to the front of the sign.
- 33 M. Signs in a Planned Unit Development (PUD)
- 34 Signs for residential uses in a PUD shall comply with the standards of
35 Section 9 of this Article, and signs for business uses in a PUD shall comply

1 with the standards of Section 10 of this Article, unless an alternate sign plan
2 is approved as part of the PUD review and approval process.

3
4 **SECTION 6: Prohibited Signs.** The following types of signs are prohibited in all
5 districts:

6 A. Signs in any public right-of-way, except:

- 7 1. Signs owned by the Township, Clermont County, State of Ohio, or the
8 federal government;
- 9 2. Freestanding signs as expressly permitted in the right-of-way permitted
10 in Sections 9 or 10;
- 11 3. Signs installed by public utilities in their rights-of-way or on their
12 facilities and bearing no commercial message other than such message
13 is necessary to identify the use;
- 14 4. Signs installed by a transit company with a franchise or other right to
15 operate in Clermont County, where such signs are installed along its
16 routes and relate to schedules or other information about the transit
17 route.

18 B. Abandoned On-Premises Signs

- 19 1. Any on-premises sign now or hereafter existing that no longer advertises
20 a bona fide business conducted on the premises or a product sold on the
21 premises for a period of six months shall be deemed abandoned.
- 22 2. Such a sign shall be taken down and removed by the owner, agent, or
23 person having the beneficial use of the building or structure upon which
24 the sign may be found within 30 days after notification to the owner
25 from the ZONING ADMINISTRATOR.
- 26 3. All signs shall be in conformance with Section 13 regarding the
27 maintenance of signs.

28 C. Any sign that contains or consists of banners, posters, pennants, ribbons,
29 streamers, spinners, or other similar moving devices for the purpose of
30 advertising or attracting attention;

31 D. Signs that consist of lights that revolve or flash are prohibited in all districts
32 with the exception of electronic information signs;

33 E. Air-activated graphics or balloons bearing a message except where
34 otherwise permitted in this Article;

- 1 F. Any sign that rotates, revolves, or otherwise moves unless otherwise
- 2 expressly permitted under this Article;
- 3 G. Signs placed on vehicles or trailers that are parked or located for the
- 4 primary purpose of displaying such signs. This does not apply to portable
- 5 signs or lettering on buses, taxis, or vehicles operating during the normal
- 6 course of business;
- 7 H. Signs imitating or resembling official traffic or governmental signs or
- 8 signals;
- 9 I. Portable signs or daisy signs provided that portable signs or daisy signs
- 10 placed on a site after the effective date of this Article shall be removed by
- 11 the owner, agent, or person having the beneficial use of the sign within 30
- 12 days after notification to the owner from the ZONING ADMINISTRATOR.
- 13 J. Snipe signs;
- 14 K. Graffiti; or
- 15 L. Roof signs.

16

17 **SECTION 7: Signs Partially Exempt from this Article**

18 A. Scope of Partial Exemption

- 19 1. Signs listed in this Section shall be exempt from the permit requirements
- 20 of this Article but shall, to the maximum extent allowed by law, be
- 21 subject to the other standards of this Article.
- 22 2. Where a sign is erected pursuant to a statute or a court order, the sign
- 23 may exceed the size standards of this Article or otherwise deviate from
- 24 the standards set forth in this Article to the extent that the statute or
- 25 court order expressly required the larger size or other deviation.
- 26 3. In all other respects, such signs shall conform to the standards of this
- 27 Article.

28 B. This Section shall apply to the following types of signs:

- 29 1. Signs bearing no commercial message and installed by employees or
- 30 officials of a state or federal agency in the course of their governmental
- 31 duties;
- 32 2. Signs required by a state or federal statute;
- 33 3. Signs required by an order of a court of competent jurisdiction;

- 1 4. Signs installed by public utilities in their rights-of-way or on their
2 facilities and bearing no commercial message other than such message
3 is necessary to identify the use;
- 4 5. Signs installed by a transit company with a franchise or other right to
5 operate in Clermont County, where such signs are installed along its
6 routes and relate to schedules or other information about the transit
7 route.

8

9 **SECTION 8: Signs or Changes Not Requiring a Zoning Certificate**

- 10 A. The following sign types shall be exempted from permit requirements but
11 shall be in conformance with all other requirements of this Article:
- 12 1. Commemorative plaques placed by recognized historical agencies; such
13 a sign shall bear no commercial message unless it meets all the
14 standards for a sign bearing a commercial message at that location;
 - 15 2. One wall sign, not to exceed two square feet in area, for each dwelling
16 unit. Such sign shall not contain any commercial message. If lighted,
17 such sign may be lit with indirect illumination only;
 - 18 3. One permanent freestanding sign on a lot that is used for agriculture,
19 which are exempt from Township Zoning Regulations pursuant to
20 Section 519.21 of the Ohio Revised Code. Such sign may bear a
21 commercial message related to products or services available on the
22 premises or a message other than a commercial message. It shall be set
23 back a minimum of fifteen (15) feet from all right-of-ways, shall not
24 exceed thirty-two (32) square feet in area, and shall not exceed six (6)
25 feet in height.
 - 26 4. Window signs not to exceed fifty percent (50%) of window surface. The
27 window signs shall be so located as to allow clear visibility into the
28 building for the purposes of fire and police protection.
 - 29 5. Routine maintenance of any sign, not involving structural changes to the
30 sign;
 - 31 6. Changes of message, either manually or electronically, on a message
32 board or reader board, subject to limitations in this Article on the
33 frequency of changes of message; and

- 1 7. Changes of sign panels or letters that do not involve structural changes
2 to the sign;
 - 3 8. Signs installed by County employees or officials of Ohio Township in the
4 course of their official duties and not falling under one of the broader
5 exemptions of Section 7; and
 - 6 9. Other signs conforming to the Manual of Uniform Traffic Control Devices
7 and bearing no commercial message.
- 8 B. The following signs shall be exempt from the certificate requirements of
9 this Article and shall not be considered in applying limitations on the
10 number of signs permitted on a wall or a lot, but such signs shall be subject
11 to the lighting, installation, height, setback, maintenance, and other
12 standards set forth in this Article;
- 13 1. Detached signs smaller than two (2) square feet in area and containing
14 no commercial message;
 - 15 2. Any sign not legible from a public way or from private property other
16 than the lot on which the sign is located; and
 - 17 3. Any sign not legible from a public way or from private property other
18 than the lot on which the sign is located; and
 - 19 4. Any window sign that is not separately lighted or electrified.

20
21 **SECTION 9: Permanent Signs Permitted in Residential Districts.** The following
22 permanent signs may be permitted in any residential zoning district and shall
23 require a zoning certificate:

- 24 A. Up to two (2) permanent freestanding signs for any subdivision or multi-
25 family dwelling in a residential zoning district, provided that the sign meets
26 the following requirements:
- 27 1. The signs may be permitted at each development entrance along a
28 township, county, or state road;
 - 29 2. The signs shall be ground mounted;
 - 30 3. The signs shall be setback fifteen (15) feet from the public right-of-way
31 and ten (10) feet from any adjacent property lines;
 - 32 4. Each sign may have a maximum sign area of twenty-four (24) square
33 feet, not including any fence or wall on which the sign is located;

1 5. No such sign or any portion of the structure shall exceed six (6) feet in
2 height;

3 6. No such sign shall bear a commercial message; and

4 7. The sign may only be illuminated through external lighting.

5 B. One permanent freestanding sign for any public or institutional use in a
6 residential zoning district, provided that the sign meets the following
7 requirements:

8 1. The sign shall be a ground-mounted sign;

9 2. The sign shall be set back ten (10) feet from the public right-of-way and
10 twenty (20) feet from any adjacent property lines;

11 3. The maximum sign area shall be forty-eight (48) square feet;

12 4. The sign may include a changeable copy sign, provided that it does not
13 comprise more than twenty percent (20%) of the total sign area;

14 5. No such sign or any portion of the structure shall exceed eight (8) feet in
15 height;

16 6. No such sign shall bear a commercial message; and

17 7. The sign may only be illuminated through external lighting.

18
19 **SECTION 10. Permanent Signs Permitted in Business and Industrial Districts.**

20 The following signs may be permitted in any business or industrial zoning district
21 provided that no such sign shall bear an off-premise commercial message, and
22 each such sign shall require a zoning certificate:

23 A. Pole signs or Ground-Mounted Signs

24 Each parcel, lot, or site in a business or industrial district shall be permitted
25 to have either one pole-mounted sign or up to two (2) ground-mounted
26 signs that comply with the following provisions:

27 1. One pole-mounted sign is permitted on each parcel or lot as follows:

28 a) The sign shall be set back ten (10) feet from the right-of-way;

29 b) The maximum sign height shall be twenty (20) feet;

30 c) The maximum permitted sign area shall be the equivalent to one (1)
31 square foot of sign area for each one hundred (100) square feet; and

1 d) Where a lot is a corner lot, double frontage lot, or is of another
2 configuration with multiple street frontages, the longest single street
3 frontage shall be used to calculate the maximum sign area.

4 2. A property owner, applicant, or his/her agent may choose to have up to
5 two (2) ground-mounted signs instead of a pole-mounted sign as
6 permitted in subsection (A) above Such ground-mounted sign(s) shall
7 meet the following provisions:

8 a) The sign shall be set back ten (10) feet from the right-of-way;

9 b) The maximum sign height shall be ten (10) feet;

10 c) The maximum permitted sign area shall be the equivalent to two (2)
11 square feet of sign area for each lineal foot of street frontage with a
12 maximum sign area of two hundred (200) square feet;

13 d) The maximum sign area permitted for each ground –mounted sign
14 shall be one hundred (100) square feet; and

15 e) Where a lot is a corner lot, double frontage lot, or is of another
16 configuration with multiple street frontages, the longest single street
17 frontage shall be used to calculate the maximum sign area.

18 B. Wall Signs

19 1. Each business or tenant within a business or industrial district shall be
20 permitted one (1) wall sign for each side of the building that faces a
21 public roadway.

22 2. The maximum sign area of the wall sign for any single business or tenant
23 shall be equivalent to 1.5 square feet per each lineal foot of building
24 width or width of the portion of the building of which the business or
25 tenant occupies.

26 3. Wall signs shall not be mounted in such a way as to exceed the height of
27 the structure.

28 C. Electronic Information Signs

29 1. Lighted electronic information signs whose only movement is the
30 periodic changing of information against a solid, colorless background
31 shall be considered a changeable copy sign for the purpose of this
32 Article.

33 2. Bulbs with automatic dimmers and glare screens shall illuminate all such
34 signs.

35 3. Any sign under this Section shall meet all other zoning requirements.

- 1 D. Permanent driveway signs shall be permitted under the following
2 provisions:
- 3 1. The sign shall be located within ten (10) feet of the intersection of a
4 public street and a private driveway;
 - 5 2. The sign shall not contain a commercial message;
 - 6 3. One (1) sign may be permitted per individual driveway;
 - 7 4. The sign may not exceed four (4) square feet in area; and
 - 8 5. The sign height shall not exceed three (3) feet.

9

10 **SECTION 11: Off-Premise Signs (Billboards)**

- 11 A. Off-premise signs, also called billboards, shall be classified as a business use
12 and be permitted in all districts zoned for industry, business, or trade, or
13 lands used which are exempt from Township Zoning Regulations pursuant
14 to Section 519.21 of the Ohio Revised Code.
- 15 B. No portion of any off-premise sign shall project over or encroach upon any
16 public property or public right-of-way.
- 17 C. As a business, billboards shall be considered a principal use and shall be
18 required to meet all setback and lot area requirements of the applicable
19 zoning district.
- 20 D. No billboard shall be located within 1,500 feet of any other billboard in any
21 direction.
- 22 E. Any illumination of an off-premise sign shall be of an indirect type and shall
23 not face toward any residential area nor direct lighting in any direction
24 other than toward the sign face itself.
- 25 F. The maximum sign area and minimum setback shall be as follows:
- 26 1. The maximum sign area for billboards on agricultural lands is thirty-two
27 (32) square feet, with a minimum setback of fifteen (15) feet from the
28 right-of-way.
 - 29 2. Billboards in a business or industrial zoning district shall not have a sign
30 area of more than one hundred (100) feet. Billboards in business and
31 industrial districts shall be setback a minimum of one hundred (100) feet
32 from all right-of-ways, except as required by the Ohio Department of
33 Transportation, which may require greater setback distances along

1 primary highways. The maximum sign area for billboards in business and
2 industrial zoning districts may be increased to a maximum area of three
3 hundred (300) square feet, provided that for every two (2) square feet
4 of sign area over one hundred (100) square feet, such sign shall be
5 setback an additional one (1) foot from any right-of-way.

6 G. No billboard shall exceed thirty (30) feet in height as measured from the
7 grade of the road adjacent to the billboard.

8 H. A billboard sign may contain two (2) signs oriented back-to-back, or V-type
9 with an angle not to exceed thirty-five (35) degrees, provided that the total
10 area of the sign faces oriented in any one direction shall not exceed the
11 maximum size provisions of subsection (F) above.

12
13 **SECTION 12: Temporary Signs**

14 A. General Definitions Related to Temporary Signs

- 15 1. Temporary signs shall be defined in this Article and may include, but
16 are not limited to, political signs, real estate signs, and special events.
17 2. Temporary signs with a commercial message include, but are not limited
18 to, real estate signs, signs that reference the sale of items or other
19 business-related activities, or signs that include text classified as a
20 commercial message.
21 3. Temporary signs that do not contain a commercial message include, but
22 are not limited to, political signs and any other sign with text that is not
23 classified as a commercial message.

24 B. Standards That Apply to All Temporary Signs

- 25 1. No temporary sign shall be mounted, attached, affixed, installed, or
26 otherwise secured by any permanent means to any building, permanent
27 sign, or other structure or improvement, or to the ground upon which it
28 is erected.
29 2. No temporary sign shall be mounted, attached, affixed, installed, or
30 otherwise secured so as to protrude above the roof of a structure.
31 3. No temporary sign shall be illuminated by anything other than non-
32 reflected daylight, except by variance issued by the Board of Zoning
33 Appeals.

1 4. Temporary signs shall be set back a minimum of ten (10) feet from the
2 edge of street pavement or the edge of a street right-of-way, whichever
3 is the greater setback.

4 C. Permitted Temporary Signs in a Residential Zoning District

5 1. Up to two (2) of the permitted temporary signs may contain a
6 commercial message. Such signs with commercial messages shall be
7 limited to six (6) square feet or less in sign area and shall not exceed
8 four (4) feet in height.

9 2. Temporary signs shall be set back a minimum of ten (10) feet from the
10 street pavement and shall not be permitted within thirty five (35) feet of
11 pavement of any intersection.

12 3. As an accessory use to the permitted temporary commercial activity of
13 land development, one (1) temporary sign with a maximum sign area of
14 thirty two (32) square feet and a maximum height of six (6) feet may be
15 permitted during the development of a subdivision or for the
16 construction of a nonresidential use. Such sign shall require a Zoning
17 Certificate and fee and may be maintained for the following periods of
18 time:

19 a) A period not to exceed two (2) years; or

20 b) Until a permitted permanent sign identifying the subdivision or multi-
21 family building is installed; or

22 c) Until twenty (20) days following the completion of construction of
23 the last dwelling unit.

24 D. Permitted Temporary Signs in Business or Industrial Districts

25 This section addresses permitted temporary signs in a business or industrial
26 zoning district.

27 1. Up to two (2) of the permitted temporary signs may contain a
28 commercial message. Such signs with commercial messages shall be
29 limited to twenty four (24) square feet in sign area and shall not exceed
30 six (6) feet in height.

31 2. Temporary signs shall be set back a minimum of fifteen (15) feet from
32 the street pavement and shall not be permitted within thirty five (35)
33 feet of the pavement of any intersection.

- 1 3. Temporary signs greater than twenty four (24) square feet in area, with
2 a commercial message, may be permitted under the following
3 provisions:
4 a) The owner of the property where the sign will be located applies for
5 and receives a Zoning Certificate for the sign;
6 b) There shall be a limit of one (1) sign per premises, and such sign shall
7 not exceed thirty two (32) square feet per side, with a maximum of
8 two (2) sides;
9 c) The sign shall not be illuminated unless authorized by the Board of
10 Zoning Appeals through the variance process; and
11 d) A temporary sign permitted under this section may be permitted for
12 a period of thirty (30) days per Zoning Certificate, and not to exceed
13 sixty (60) days per year.
14 4. The maximum height of temporary signs shall not exceed the maximum
15 allowable height for a permanent freestanding sign in the district in
16 which the property is located.

17 E. Temporary Signs for Public or Institutional Uses

- 18 1. Public or institutional uses shall be permitted to utilize temporary signs
19 pursuant to this section, provided the sign meets the following
20 provisions:
21 a) The temporary sign does not include a commercial message;
22 b) The sign shall not exceed thirty six (36) square feet in area for any
23 one side;
24 c) The sign shall not exceed eight (8) feet in height; and
25 d) Up to one (1) sign shall be permitted for a period of thirty (30) days
26 and shall not exceed ninety (90) days per year.

27
28 **SECTION 13: Maintenance**

- 29 A. All signs as herein permitted shall be constructed and maintained and
30 illuminated in a safe manner, comply with applicable codes, and be kept in
31 good repair.
32 1. Signs shall be free from rust, dust, dirt, and other such debris.
33 2. Exposed surfaces shall be clean and painted, if paint is required.

- 1 3. Defective parts shall be replaced.
- 2 4. The Zoning Administrator shall have the right to order the repair or
- 3 removal of any sign that is defective, damaged, or substantially
- 4 deteriorated. Such sign shall be repaired or removed by the owner,
- 5 agent, or person having the beneficial use of the sign within thirty (30)
- 6 days after notification to the owner from the Zoning Administrator.
- 7 B. Should any sign be or become unsafe or be in danger of falling, the owner,
- 8 tenant, or lessee shall, upon receipt of written notice from the Zoning
- 9 Administrator, proceed at once to correct the unsafe condition and/or
- 10 remove the sign in question.
- 11 C. Signs shall not be constructed, maintained and/or illuminated in such a
- 12 manner as to create or allow the obstruction of vision for drivers,
- 13 pedestrians, or the general public, or create a fire or safety hazard. Signs
- 14 shall be subject to the vision clearance regulations of this Resolution.

15

16 **SECTION 14: Nonconforming Signs**

- 17 A. Determination of Legal Nonconformity
- 18 1. Existing signs that do not conform to the specific provisions of this
- 19 Article may be eligible for the designation of a “legal nonconforming
- 20 sign”, provided that they are not in violation of either of the following:
- 21 a) The Zoning Administrator determines that such signs are properly
- 22 maintained and do not in any way endanger the public or constitute
- 23 a nuisance, and/or;
- 24 b) The sign was covered by a valid permit or variance, or complies with
- 25 all applicable laws on the effective date of this Resolution.
- 26 2. Portable signs shall not be designated a legal nonconforming sign and
- 27 shall be removed within one hundred and twenty (120) days of the
- 28 effective date of this Resolution. Portable signs altered to be made non-
- 29 portable shall still be considered to be portable.
- 30 B. Loss of Legal Nonconforming Status
- 31 1. The sign is relocated;
- 32 2. The sign structure is replaced;

- 1 3. The structure or size of the sign is altered in any way except toward
2 compliance with this Article. This does not refer to general maintenance,
3 changeable marquees, or face and copy changes; or
- 4 4. The sign is part of an establishment that discontinues its cooperation for
5 a period of two (2) years.

6 C. Maintenance and Repair of Nonconforming Signs. The legal nonconforming
7 sign is subject to all requirements of this article regarding safety,
8 maintenance, and repair. However, if the sign suffers damage to an extent
9 greater than sixty percent (60%) of the estimated replacement value,
10 unless such damage was caused by vandalism or an act of God or other
11 cause outside the influence of the owner or user, such sign shall be
12 reconstructed in compliance with this Article.

14 **SECTION 15: Rules of Construction and Interpretation**

15 A. General Rules of Construction

- 16 1. Unless the term of a specific provision state otherwise (e.g., some
17 provisions specify “business days”), periods of time defined by a number
18 of days shall mean a number of consecutive calendar days, including all
19 weekend days, holidays, and other non-business/working days;
20 however, if the last day is Saturday, Sunday, or legal holiday, that day
21 shall be excluded.
- 22 2. The word “shall” is always mandatory, and words “may” or “should” are
23 always permissive.
- 24 3. Unless the context clearly suggests the contrary, conjunctions shall be
25 interpreted as follows:
 - 26 a) “And” indicated that all connected items, conditions, provisions, or
27 events shall apply; and
 - 28 b) “Or” indicates that one or more of the connected items, conditions,
29 provisions, or events shall apply.
- 30 4. For the purpose of this Resolution, words and phrases shall have the
31 meanings set forth in this Article.

1 5. Words and phrases not otherwise defined in this Resolution shall be
2 construed according to the common and approved usage of American
3 English.

4 B. Definitions

5 1. Commercial Message. Any sign, wording, logo, or other representation
6 that, directly or indirectly, names, advertises, or calls attention to a
7 business, product, service, or other commercial activity.

8 2. Institutional Use. A school, religious institution, or other use operated
9 by a public agency or non-profit organization and permitted as a use in
10 one (1) or more Residential Zoning Districts in the Township. A daycare
11 facility shall be considered an institution regardless of ownership or
12 operation.

13 3. Legible. As related to signs, means that a message can be
14 comprehended by a person with eyesight adequate to obtain a current
15 Ohio driver's license standing in the public way or other location from
16 which legibility is to be determined. Where such facts are material, it
17 shall be presumed that the observation takes place in daylight hours and
18 that the person making the observation is standing and is between five
19 feet two inches (5'2") tall and six feet (6') tall.

20 4. Message, Off-Premise. An off-premise message means copy relating
21 only to a commercial business, product, service, or activity conducted or
22 offered at a location other than the lot or parcel of record on which the
23 sign is located.

24 5. Pennant. Any lightweight plastic, fabric, or other material, whether or
25 not containing a message of any kind, suspended from a rope, wire, or
26 string, usually in series, designed to move in the wind.

27 6. Sign shall mean any medium, including its structure, words, letters,
28 figures, numerals, phrases, sentences, emblems, devices, designs, trade
29 names, or trademarks by which anything is made known and which are
30 used to advertise or promote an individual, firm, association,
31 corporation, profession, business, commodity, or product, and which is
32 visible from any public street or highway.

33 7. Sign, Abandoned shall mean a sign which no longer identifies or
34 advertises a bona fide business, lessor, service, owner, product, or
35 activity and/or for which no legal owner can be found.

- 1 8. Sign, Awning shall mean a sign painted on, printed on, or permanently
2 attached flat against the surface of a canopy, marquee, or awning.
- 3 9. Sign, Banner. A sign made of canvas or other approved flexible materials
4 with or without a structural frame and attached to a building, canopy,
5 pole, or other structure.
- 6 10. Sign, Bench shall mean a sign located on the seat or back of a bench or
7 seat placed on or adjacent to a public right-of-way.
- 8 11. Sign, Canopy. See Sign, Awning.
- 9 12. Sign, Electronic Information shall mean a sign whose alphabetic,
10 pictographic, or symbolic information content can be changed or altered
11 on a fixed display surface composed of electrically illuminated or
12 mechanically-driven changeable segments.
- 13 13. Sign, Ground Mounted shall mean any sign placed upon or supported
14 by the ground independent of any other structure.
- 15 14. Sign, Institutional. A sign identifying or advertising an institutional or
16 business use permitted in a residential district, where such sign is
17 located on the same premises as such use.
- 18 15. Sign, Marquee. See Sign, Awning.
- 19 16. Sign, Nonconforming shall mean a sign that is erected legally but which
20 does not comply with subsequently enacted sign restrictions and
21 regulation. A nonconforming sign is also a sign that does not conform to
22 the sign resolution requirements but for which a special permit has been
23 issued.
- 24 17. Sign, Outdoor Advertising or Billboard. A sign containing an off-premise
25 commercial message at any time.
- 26 18. Sign, Pole-Mounted shall mean a sign that is mounted on a freestanding
27 pole or other support so that the bottom of the sign copy area is five (5)
28 feet or more above grade.
- 29 19. Sign, Portable/Daisy shall mean a sign not affixed to the ground,
30 building, or other structure, which may be moved from place to place,
31 including but not limited to, signs designed to be transported by means
32 of wheels, menu and sandwich board signs, and signs attached to or
33 painted on a vehicle parked and visible from the public right-of-way,
34 unless such vehicle is used in the day-to-day operations of a business.

- 1 20. Sign, Projecting shall mean a sign that is wholly or partly dependent
2 upon a building for support and which projects more than twelve (12)
3 inches from the wall of such building.
- 4 21. Sign, Roof shall mean a sign that is mounted on the roof of a building or
5 which is wholly dependent upon building for support and which projects
6 above the point of a building with a flat roof, the eaves line of a building
7 with a gambrel, gable, or hip roof, or the deck line of a building with a
8 mansard roof.
- 9 22. Sign, Snipe shall mean a sign that is tacked, nailed, posted, pasted,
10 glued, or otherwise attached to trees, poles, stakes, fences, or to other
11 objects.
- 12 23. Sign, Temporary shall mean a nonpermanent sign erected, affixed, and
13 maintained on a premises for a short, usually fixed, period of time.
- 14 24. Sign, Wall shall mean a sign fastened to or painted on the wall of a
15 building or structure in such a manner that the wall becomes the
16 supporting structure for, or forms the background surface of the sign
17 and which does not project more than twelve (12) inches from such
18 building or structure.
- 19 25. Sign, Window shall mean a sign that is applied or attached to the
20 exterior or interior of a window or located in such manner within the
21 building that it can readily be seen from the exterior of the building
22 through a window,
- 23 26. Sign, Area shall mean the entire area of the sign as measured according
24 to Section 4.
- 25 27. Sign, Copy shall mean any graphic, word numeral, symbol, insignia, text,
26 sample, model, devise, or combination thereof which is primarily
27 intended to advertise, identify, or notify.
- 28 28. Sign, Copy Changes or Message Changes shall mean the ability to
29 modify or change displays, words, lines, logos, or symbols on a sign to
30 provide different information. Changeable copy signs include computer
31 signs, reader boards with changeable letters, and time and temperature
32 units.
- 33 29. Sign, Face shall mean the area or display surface used for the message.
- 34 30. Sign, Height. The vertical distance measured from the lowest adjacent
35 grade to the highest point of the sign or sign structure.

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31. Street Frontage. The distance for which a lot line of a zone lot adjoins a public street from one lot line intersecting said street to the furthest distant lot line intersecting the same street

1 **ARTICLE VII**

2 **ENFORCEMENT**

3
4 **SECTION 1. Zoning Inspector**

- 5 A. For the purpose of enforcing the zoning regulations, the Board of Township
6 Trustees may provide a system of zoning certificates, and for this purpose
7 may establish and fill the position of Township Zoning Inspector, together
8 with such assistants as the Board deems necessary, fix the compensation
9 for such positions, and make disbursements for them.
- 10 B. It shall be the duty of the Zoning Inspector, who shall be appointed by the
11 Ohio Township Board of Trustees, to enforce this Resolution. It shall also be
12 the duty of all officials and employees of the Township to assist the Zoning
13 Inspector by reporting to him all new construction, reconstruction, or land
14 uses, or any possible zoning violations.
- 15 C. Appeal from the decision of the Zoning Inspector may be made to the
16 Board of Zoning Appeals, as provided in ARTICLE VII, SECTION 2.

17
18 **SECTION 2. Filing Plans:** Every applicant for a zoning certificate shall be
19 accompanied by a dimensioned sketch or scale plan indicating the shape, height,
20 and location in exact relation to all property lines and to street lines of all
21 buildings or structures to be erected, altered, or moved, and of any building or
22 structures already on the lot.

23
24 **SECTION 3. Zoning Certificate**

- 25 A. It shall be unlawful for an owner to use or to permit the use of any
26 structure, building, or land, or part thereof, hereafter erected, created,
27 changed, converted, or enlarged, wholly or partly, until a Zoning Certificate
28 shall show that such building or premises or a part thereof, and the
29 proposed use thereof are in conformity with the provisions of this
30 RESOLUTION. No permit for excavation of construction shall be issued by

1 the ZONING INSPECTOR unless plans, specification, and the intended use
2 conforms to the provisions of this RESOLUTION.

- 3 B. Under written request from the owner or tenant, the ZONING INSPECTOR
4 shall issue a ZONING CERTIFICATE for any building or premises existing at
5 the time of enactment of this RESOLUTION certifying, after inspection, the
6 extent and kind of use made of the building or premises and whether such
7 use conforms to the provisions of this RESOLUTION.

8
9 **SECTION 4. Conditions Under Which Certificates Are Required.** A ZONING
10 CERTIFICATE shall be required for any of the following, except as herein provided:

- 11 A. Construction or structural alteration of any building, including accessory
12 buildings, but excluding any agricultural building.
13 B. Change in use of an existing building or accessory building to a use of a
14 different classification, excluding changing to any agricultural uses.
15 C. Occupancy and use of vacant land, excluding agricultural land.
16 D. Change in the use of land to a use of a different classification.
17 E. Any change in the use of a non-conforming use.

18
19 **SECTION 5. Application and Issuance of ZONING CERTIFICATES (Amended June
20 13, 2005)**

- 21 A. Written application for a ZONING CERTIFICATE for the construction of a
22 new building or for the structural alteration wherein the outside
23 dimensions of an existing building are changed shall be made at the same
24 time as the application for a Clermont County Building Permit. Said
25 certificate shall be issued within ten (10) days after a written request for
26 the same has been made to the ZONING INSPECTOR or his agent, provided
27 such construction or alteration is in conformity with the provisions of this
28 RESOLUTION.
29 B. Written application for a ZONING CERTIFICATE for the use of vacant land,
30 or for a change in the use of land or of a building, for a change in a non-
31 conforming use, as herein provided, shall be made to the ZONING
32 INSPECTOR; if the proposed use is in conformity with the provisions of this

1 RESOLUTION, the certificate shall be issued within fifteen (15) days after
2 the application has been made.

3 C. A fee, in accordance with a schedule of amounts set by the Township, shall
4 accompany each application for a ZONING CERTIFICATE:

5 Single Family Dwelling - \$110.00

6 Two Family Dwelling - \$ 185.00 plus \$10.00 for additional address sign

7 Multi Family Dwelling - \$100.00 per unit plus \$10.00 for each additional
8 address sign

9 Mobile Home Pad - \$100.00

10 Mobile Home Replacement - \$50.00

11 Residential Remodel - \$50.00

12 Room Addition - \$75.00

13 Porch or Patio - \$35.00

14 Carport - \$35.00

15 Garage, attached or detached - \$50.00

16 Accessory Building, 200 square feet maximum - \$40.00

17 Accessory Building, 201 square feet and up - \$50.00

18 Agricultural Building – No fee

19 Construction Trailer, temporary permit - \$150.00

20 Commercial/Industrial Building over 2500 square feet - \$0.10 per square
21 foot with a \$250.00 minimum charge

22 Alteration Commercial/Industrial Building - \$150.00

23 Change of use permit - \$100.00

24 Wall Signs - \$0.40 per square foot with a \$50.00 minimum charge

25 Free Standing Signs - \$0.60 per square foot with a \$100.00 minimum charge

26 Special Signs - \$0.60 per square foot with a \$100.00 minimum charge

27 Fence - \$25.00

28 Non-conforming Use Certificate – No fee

29 Swimming Pool, residential above ground - \$25.00

30 Swimming Pool, residential in ground - \$50.00

31 Swimming Pool, non-residential - \$150.00

32 Deck - \$35.00

33 Churches/Religious Buildings – No fee

34 Board of Zoning Appeals Hearing - \$250.00

35 Zoning Commission Hearing – No fee

- 1 Zone Change Residential District - \$300.00 plus \$15.00 per parcel or part
- 2 thereof
- 3 Zone Change Business District - \$450.00 per parcel
- 4 Zone Change Commercial/Industrial District - \$450.00 per parcel
- 5 Zone Change, PUD - \$600.00
- 6 Telecommunications Tower Building Permit - \$250.00
- 7 Telecommunications Tower Devices - \$125.00 per device
- 8 Lot Split - \$35.00 plus \$20.00 per parcel or any part thereof
- 9 Zoning Book, picked up - \$25.00
- 10 Zoning Book, Mailed - \$30.00
- 11 Zoning Map- \$10.00

12

13 **SECTION 6. ZONING CERTIFICATES for Non-conforming Uses.** A ZONING
14 CERTIFICATE shall be required for all lawful non-conforming uses of land or
15 buildings created by adoption of this RESOLUTION. Application for such certificate
16 for a non-conforming use shall be filed with the ZONING INSPECTOR by the owner
17 or lessee of the building or land occupied by each non-conforming use within one
18 (1) year of the effective date of this RESOLUTION. It shall be the duty of the
19 ZONING INSPECTOR to issue a certificate for a lawful non-conforming use. There
20 will be no fee for a certificate on non-conforming use.

21

22 **SECTION 7. Violations and Penalties.** It shall be unlawful to locate, erect,
23 construct, reconstruct, enlarge, change, maintain, or use any building or land in
24 violation of any regulation in or any provisions of this RESOLUTION, or any
25 amendment or supplement thereto adopted by the Trustees of Ohio Township.
26 Any person, firm or corporation violating any regulation in or any provision of this
27 RESOLUTION, or any amendment or supplement thereto, shall be deemed guilty
28 of a misdemeanor and, upon conviction thereof, shall be fined not more than five
29 hundred (500) dollars. Each and every day during which such illegal location,
30 erection, construction, reconstruction, enlargement, change, maintenance, or use
31 continues may be deemed a separate offense.

32

1 **SECTION 8. Violations – Remedies.** In case any building is or is proposed to be
2 located, erected, constructed, reconstructed, enlarged, changed, maintained, or
3 used, or any land is or is proposed to be used in violation of this RESOLUTION or
4 any amendment or supplement thereto, the ZONING INSPECTOR, the COUNTY
5 PROSECUTOR, or any adjacent or neighboring property owner who would be
6 specially damaged by such violation, in addition to other remedies provided by
7 law, may institute injunctions, mandamus, abatement, or any other appropriate
8 action, actions, proceeding or proceeding to prevent, enjoin, abate, or remove
9 such unlawful location, erection, construction, enlargement, change,
10 maintenance, or use.

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1 **ARTICLE VIII**

2 **BOARD OF ZONING APPEALS**

3
4 **SECTION 1. Organization and Procedures**

5 A. Appointment

6 A Township Board of Zoning Appeals is hereby created. The Board shall
7 consist of five (5) members, to be appointed by the Ohio Township
8 Trustees. Members shall be residents of Ohio Township, Clermont County,
9 Ohio. The terms of all members shall be of such length and so arranged that
10 the term of one (1) member will expire each year. Each member shall serve
11 until his successor is appointed and qualified. Members of the Board shall
12 be removed for non-performance of duty, misconduct in office, or other
13 cause, by the Trustees, upon written charges having been filed with the
14 Trustees, and after a public hearing has been held regarding such charges, a
15 copy of the charge having been served upon the member so charged at
16 least ten (10) days prior to the hearing, either personally or by registered
17 mail, or by leaving the same at his usual place of residence. The members
18 shall be given an opportunity to heard and answer such charges. Vacancies
19 shall be filled by the Trustees and shall be for the unexpired term.

20 B. Organization and Procedure

21 The Board shall organize and adopt rules for its own government not
22 inconsistent with law or with any other Resolutions of the Township.

23 1. Meetings of the Board of Zoning Appeals shall be held at the call of the
24 Chairman and at such other times as the Board may determine. The
25 Chairman, or in his absence the Acting Chairman, may administer oaths,
26 and the Board of Zoning Appeals may compel the attendance of
27 witnesses. All meetings shall be open to the public. The Board shall keep
28 MINUTES of its proceedings showing the vote, indicating such fact and
29 shall keep records of its examinations and other official actions, all of
30 which shall be immediately filed in the Office of the Fiscal Officer and
31 shall be a public record.

32 2. Quorum: Three (3) members of the Board of Zoning Appeals shall
33 constitute a quorum. The Board shall act by RESOLUTION, and the

1 concurring vote of three (3) members of the Board shall be necessary to
2 reverse any order or determination of the ZONING INSPECTOR, or to
3 decide in favor of an applicant in any matter of which the Board has
4 original jurisdiction under this RESOLUTION, or to grant any variance
5 from the requirements stipulated in this RESOLUTION.

6
7 **SECTION 2. Application and Appeals**

8 A. Applications

9 An Application, in cases in which the Board of Zoning Appeals has original
10 jurisdiction under the provisions of this RESOLUTION, may be taken by any
11 property owner, including a tenant, or by a governmental officer,
12 department board, or bureau. Such application shall be filed with the
13 ZONING INSPECTOR, who shall transmit same to the Board.

14 B. Appeals

- 15 1. An appeal to the Board may be taken by any person aggrieved or by an
16 officer of the Township affected by any decision of the ZONING
17 INSPECTOR. Such appeal shall be taken within twenty (20) days after the
18 decision, by filing with the ZONING INSPECTOR and with the Board, a
19 notice of appeal specifying the grounds thereof. The ZONING INSPECTOR
20 shall forthwith transmit to the Board all the papers constituting the
21 record upon which the action appealed from was taken.
- 22 2. An appeal shall stay all proceedings in furtherance of the action
23 appealed from, unless the ZONING INSPECTOR shall certify to the Board
24 of Zoning Appeals after the notice of appeal shall have been filed with it
25 that by reason of facts stated in the certificate, a stay would, in his
26 opinion, cause imminent peril to life or property, in which case
27 proceedings shall not be stayed otherwise than by a restraining order,
28 which may be granted by the Board or by a court of equity, after notice
29 of the officer from whom the appeal is taken and on due cause shown.
- 30 3. The Board of Zoning Appeals may in conformity with the provisions of
31 this Article reverse or affirm, wholly or partly, or may modify the order,
32 requirement, decision, or determination as in its opinion ought to be

1 made in the premises, and to that end, shall have all powers of the
2 ZONING INSPECTOR from whom the appeal is taken.

3
4 **SECTION 3. Hearings**

- 5 A. The Board of Zoning Appeals shall fix a reasonable time for the hearing of
6 an appeal, give public notice thereof, and at least ten (10) days notice to
7 parties in interest, and decide upon the appeal within a reasonable time
8 after it is submitted. Each application or notice of appeal shall be
9 accompanied by the fee of \$250.00 payable to OHIO TOWNSHIP, which will
10 be credited to the Ohio Township Zoning Fund, herein specified. At this
11 hearing, any party may appear in person or by attorney.
- 12 B. The hearing of the Board of Zoning Appeals shall be public. However, the
13 Board may go into executive session for discussion, but not for vote on any
14 case before it.
- 15 C. Upon the day for hearing any application or appeal, The Board may adjourn
16 the hearing in order to permit the obtaining of additional information or to
17 cause such further notice as it deems proper to be served upon such other
18 property owners as it decides may be substantially interested in said
19 application or appeal. In the case of an adjourned hearing, persons
20 previously notified and persons already heard need not be notified of the
21 time of resumption of said hearing unless the Board so decides.

22
23 **SECTION 4. Decision of the Board**

- 24 A. The Board shall decide all applications and appeals within thirty (30) days
25 after the final hearing thereon.
- 26 B. A certified copy of the Board's decision shall be transmitted to all parties in
27 interest. Such decision shall be binding upon the ZONING INSPECTOR and
28 observed by him, and he shall incorporate the terms and conditions of the
29 same in the Zoning Certificate to the applicant or appellant whenever a
30 permit is authorized by the Board.
- 31 C. A decision of the Board shall not become final until the expiration of the
32 five (5) days from the date such decision is made, unless the Board shall

1 find the immediate taking effect of such decision is necessary for the
2 preservation of property or personal rights and shall so certify on the
3 record.

4
5 **SECTION 5. Powers of the BOARD OF ZONING APPEALS**

6 A. Conditional Uses and Exceptions

7 1. The Board shall have the power to hear and decide, in accordance with
8 the provisions of this RESOLUTION, applications, files as hereinbefore
9 provided, for conditional uses, special exceptions or for interpretation of
10 the Zoning Map, or for decisions upon other special questions on which
11 the Board is authorized by this RESOLUTION to pass. In considering an
12 application for a conditional use, a special exception or interpretation of
13 the Zoning Map, the Board shall give due regard to the nature and
14 condition of all adjacent uses and structures, and in authorizing a
15 conditional use or special exception, the Board may impose such
16 requirements and conditions with respect to location, construction,
17 maintenance, and operations – in addition to those expressly stipulated
18 in this RESOLUTION for the particular conditional use or special
19 exception – as the Board may deem necessary for the protection of
20 adjacent properties and the public interest.

21 2. In addition to permitting the conditional uses and special exceptions
22 hereinbefore specified, the Board shall have the power to permit the
23 following conditional uses and special exceptions: Non-Commercial
24 Recreation, Home Occupation, and Mobile, Modular, and Manufactured
25 Housing.

26 B. Non-conforming Uses

27 1. The substitution for a non-conforming use existing at the time of
28 enactment of this RESOLUTION, for another non-conforming use, if not
29 structural alterations except those required by law or resolution are
30 made.

31 2. The moving, reconstruction, extension, enlargement, or alteration of
32 non-conforming buildings or structures upon the lot occupied by such
33 buildings or structures or on an adjoining lot, providing that such lot was

1 under the same ownership as the lot in question at the time the use of
2 the building or premise became nonconforming, and that such changes
3 are necessary and incidental to such existing non-conforming uses;
4 provided that such reconstruction, extension, enlargement, or alteration
5 of existing non-conforming buildings or structures shall not create a
6 combined ground-floor expansion in excess of one hundred (100)
7 percent of that existing at the time of the use of such buildings or
8 structures became non-conforming, and provided that the expansion of
9 the land area devoted to a non-conforming use shall not exceed one
10 hundred (100) percent of the area so used at the time the use of the
11 premises became non-conforming, and provided be undertaken within
12 five (5) years of this RESOLUTION, and provided further that the
13 extension or enlargement shall not extend the useful life of a non-
14 conforming building or shall not violate the provisions of this
15 RESOLUTION with respect to any adjoining premises.

- 16 3. A non-conforming use of a building or portion thereof that is hereafter
17 discontinued for a continuous period of twelve (12) months shall not
18 again be used except in conformity with the regulations of the district in
19 which such building is located.

20 C. Extension of Use On Boarder of District

21 The extension of a use or building into a more restricted district
22 immediately adjacent thereto, but not more than twenty five (25) feet
23 beyond the dividing line of the two districts, under such conditions as will
24 safeguard development in the more restricted district.

25 D. Temporary Structures and Uses

26 The temporary use of a structure or premises in any district for purpose or
27 use that does not conform to the regulations prescribed elsewhere in this
28 RESOLUTION for the district in which it is located, provided that such use be
29 of a temporary nature and does not involve the erection of a substantial
30 structure. A ZONING CERTIFICATE for such use shall be granted in the form
31 of a temporary and revocable permit, for not more than a twelve (12)
32 month period, subject to such conditions as will safeguard the public
33 health, safety, convenience, and general welfare.

34 E. Interpretations of District Map

1 Where the street or lot layout actually on the ground, or as recorded,
2 differs from the street and lot lines as shown on the ZONING MAP, the
3 Board, after notice to the owners of the property and after public hearing
4 shall interpret the map in such a way as to carry out the intent and purpose
5 of this RESOLUTION. In case of any question as to the location of any
6 boundary line between zoning districts, a request for interpretation of the
7 ZONING MAP may be made to the Board and a determination shall be
8 made by said Board.

9 F. Administration Review and Variances

- 10 1. Administrative Review: The Board shall have the power to hear and
11 decide appeals, filed as herein provided, where it is alleged by the
12 appellant that there is error in any order requirement, decision, grant,
13 or refusal made by the ZONING INSPECTOR or other official in the
14 interpretation or of the provisions of this RESOLUTION.
- 15 2. Variances: The Board shall have the power to authorize upon appeal in
16 specific cases, filed as herein provided, such variances from the
17 provisions or requirements of this RESOLUTION as will not be contrary
18 to the public interests, but only in such cases where, owing to special
19 conditions pertaining to a specific piece of property, the literal
20 enforcement of the provisions or requirements of this RESOLUTION
21 would cause undue unnecessary hardship.
- 22 3. Where, by reason of the exceptional narrowness, shallowness of
23 unusual shape of a specific piece of property on the effective date of this
24 RESOLUTION, or by reason of exceptional topographic conditions or
25 other extraordinary situation of condition of such piece of property, or
26 of the use or development of property immediately adjoining the piece
27 of property in question, the literal enforcement of the requirement of
28 this RESOLUTION would involve practical difficulties or would cause undue
29 hardship – necessary to carry out the spirit and purpose of this
30 RESOLUTION – the Board shall have power to authorize a variance from
31 such strict application, so as to relieve such hardship, and so that the
32 spirit and purpose of this RESOLUTION shall be observed and
33 substantial justice done. In authorizing a variance, the Board may attach
34 thereto such conditions regarding the location, character and other
35 features of the furtherance of the purpose of this RESOLUTION and in

1 the public interest. In authorizing a variance, with attached conditions,
2 the Board shall require such evidence and guarantee or bond as it may
3 deem to be necessary that the conditions attached are being, and will
4 be, complied with.

5 4. No such variance in the provisions or requirements of this RESOLUTION
6 shall be authorized by the Board unless the Board finds, beyond a
7 reasonable doubt, that all the following facts and conditions exists:

8 a) That there are exceptional or extraordinary circumstances or
9 conditions applying to the property in question, or to the intended
10 use of the property that do not apply generally to the other
11 properties or classes of uses in the same Zoning District.

12 b) That such variance is necessary for the preservation and enjoyment
13 of substantial property rights, possessed by other properties in the
14 same Zoning District and in the same Vicinity.

15 c) That the authorizing of such variance will not be of substantial
16 detriment to adjacent property and will not materially impair the
17 purposes of this RESOLUTION or the public interest.

18 5. No grant of a variance shall be authorized unless the Board specifically
19 finds that the condition or situation of the specific piece of property of
20 the intended use of said property for which variance is sought – one or
21 the other or in combination – is not of so general or recurrent a nature
22 as to make reasonably practicable the formulation of a general
23 regulation for such conditions or situations.

24 6. General: In exercising its power, the Board may, in conformity with the
25 provisions of the State Statutes and of this RESOLUTION, reverse or
26 affirm wholly or partly, or may modify the order, requirement, decision,
27 or determination appealed from, and may make such order,
28 requirement, decision, or determination as ought to be made, and to
29 that end shall have all powers of the office from whom the appeal is
30 taken.

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33

1 **ARTICLE IX**

2 **INTERPRETATION, PURPOSE, AND CONFLICT**

3

4 **SECTION 1.** In interpreting and applying the provisions of this RESOLUTION, they
5 shall be held to the minimum requirements for the promotion of the public
6 safety, health, convenience, comfort, morals, prosperity, and general welfare. It is
7 not intended by this RESOLUTION to interfere with or abrogate or annul any
8 resolution, rules, regulations, or permits previously adopted or issued, and not in
9 conflict with any of the provisions of this RESOLUTION, or which shall be adopted
10 or issued, pursuant to law relating to the use of buildings or premises and likewise
11 not in conflict with this RESOLUTION, nor is it intended by this RESOLUTION to
12 interfere or abrogate, annul any easements, covenants, or other agreements
13 between parties; provided, however, that where this RESOLUTION imposes a
14 greater restriction upon the use of buildings or premises or upon height of
15 buildings or requires larger open spaces or larger lot area than are imposed or
16 required by such other resolution or agreements, the provisions of this
17 RESOLUTION shall control.

1 **ARTICLE X**

2 **DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

3
4 **SECTION 1. Initiation of Amendments or Supplements.** Amendments or
5 supplements to the ZONING RESOLUTION may be initiated by motion of the
6 Township Zoning Commission by the passage of a resolution therefore by the
7 Board of Township Trustees or by the filing of an application therefor by one or
8 more of the owners or lessees of property within the area proposed to be
9 changed or affected by the proposed amendment or supplement with the
10 Township Zoning Commission. The Board of Township Trustees shall upon the
11 passage of such resolution, certify it to the Township Zoning Commission.
12

13 **SECTION 2. Application procedure for Change in Zoning Districts**

14 A. Applications for any change of district boundaries or classifications of
15 property as shown on the Zoning Map shall be submitted to the
16 Commission, at its public office, upon such forms, and shall be
17 accompanied by such data and information as may be prescribed for that
18 purpose by the Commission, so as to assure the fullest practicable
19 presentation of the facts for the permanent record. Each such application
20 shall be verified by at least one of the owners or lessees of property within
21 the area proposed to be reclassified attesting to the truth and correctness
22 of all facts and information presented with the applications. Applications
23 for amendments initiated by the Commission shall be accompanied by its
24 motion pertaining to such proposed amendment.

25 B. Names and Addresses of Adjacent Property Owners
26 Any person or persons desiring a change in the zoning classification of
27 property shall file, with the application for such change, a statement giving
28 the names and addresses of the owners of all properties lying within two
29 hundred (200) feet of any part of the property the zoning classification of
30 which is proposed to be changed.

31

1 **SECTION 3. Public Hearing of Zoning Commission**

2 A. Upon the adoption of a motion by the Zoning Commission, or the
3 certification of a resolution by the Board of Township Trustees, or the filing
4 of an application for an amendment or supplement, the Township Zoning
5 Commission shall set a date for a public hearing thereon, which date shall
6 not be less than twenty (20) nor more than forty (40) days from the date of
7 the adoption of such motion for the certification of such resolution or the
8 date of the filing of such application. Notice of such hearing shall be given
9 by the Township Zoning Commission by one publication in one or more
10 newspapers of general circulation in the Township at least fifteen (15) days
11 before the filing of such hearing.

12 B. Written notice of the hearing shall be mailed by the Zoning Commission to
13 all owners of property within and contiguous to the area proposed to be
14 reclassified or redistricted by certified mail fifteen (15) days before such
15 hearing to the addresses of such owners appearing on the current tax roll,
16 list or duplicate of the county or to the addresses of the property. The
17 failure of delivery of such notice shall not invalidate any amendment or
18 supplement.

19 C. Submission of Amendments or Supplements to County Planning
20 Commission

21 Within five (5) day after the adoption of a motion or the certification of a
22 resolution or the filing of an application, the Township Zoning Commission
23 shall transmit a copy thereof together with text and map pertaining to the
24 County Planning Commission. The County Planning Commission shall
25 recommend the approval or denial of the proposed amendment or
26 supplement or the approval of some modification thereof and shall submit
27 such recommendation to the Township Zoning Commission. Such
28 recommendation shall be considered at the public hearing held by the
29 Township Zoning Commission on such proposed amendment or
30 supplement.

31 D. Action of Zoning Commission

32 The Township Zoning Commission shall, within thirty (30) days after its
33 hearing, recommend the approval or denial of the proposed amendment or
34 supplement, or the approval of some modification thereof and submit such

1 recommendation, the text and map pertaining thereto, and the
2 recommendation of the County Planning Commission thereon to the Board
3 of Township Trustees.
4

5 **SECTION 4. Public Hearing of Township Trustees**

6 A. The Board of Township Trustees shall, upon receipt of a recommendation
7 from the Township Zoning Commission, set a time for a public hearing on
8 such proposed amendment or supplement, which date shall not be more
9 than thirty (30) days from the date of the receipt of such recommendation
10 from the Township Zoning Commission. Notice of such public hearing shall
11 be given by the Board by one publication in one or more newspapers of
12 general circulation in the Township at least fifteen (15) days before the
13 date of such hearing.

14 B. Written notice of the hearing shall be mailed by the Zoning Commission to
15 all owners of property within and contiguous to the area proposed to be
16 reclassified or redistricted by certified mail fifteen (15) days before such
17 hearing to the addresses of such owners appearing on the current tax roll,
18 list, or duplicate of the county or to the addresses of the property. The
19 failure of delivery of such notice shall not invalidate any amendment or
20 supplement.
21

22 **SECTION 5. Action of Township Trustees.** Within twenty (20) days after its public
23 hearing, the Board shall either adopt or deny the recommendations of the Zoning
24 Commission or adopt some modification thereof. In the event the Board denies or
25 modifies the recommendation of the Township Zoning Commission, the
26 unanimous vote of the Board shall be required.
27

28 **SECTION 6. Effective Date and Referendum**

29 A. An amendment or supplement adopted by the Board shall become
30 effective in thirty (30) days after the date of such adoption unless within
31 thirty (30) days after the adoption of the amendment or supplement there
32 is presented to the Board of Township Trustees a petition signed by a

1 number of qualified voters residing in the unincorporated area of the
2 township or part thereof included in the Zoning Plan equal to not less than
3 eight (8) percent of the total vote cast for all candidates for governor in
4 such area at the last preceding general election at which a governor was
5 elected, requesting the Board of Township Trustees to submit the
6 amendment or supplement to the electors of such area for approval or
7 rejection at the next primary or general election.

- 8 B. No amendment or supplement for which a referendum vote has been
9 requested shall be put into effect unless a majority of the votes cast on the
10 issue is in favor of the amendment. Upon certification by the Board of
11 Elections that the amendment has been approved by the voters, it shall
12 take immediate effect.

13
14 **SECTION 7. Application Fees.** At the time that an application for a change of
15 Zoning District is filed with the Zoning Commission, as provided therein, there
16 shall be deposited with the Township treasurer the sum of three hundred (\$300)
17 dollars as a fee to cover investigation, legal notices, and other expenses incidental
18 to the determination of such matter, such fee to be for one lot or part of one lot.
19 An additional fee of fifteen (\$15) dollars shall be deposited for each additional lot
20 or part of an additional lot which may be included in the request, such additional
21 lot or part of a lot to adjacent to each other. Such sum so deposited shall be
22 credited by the Township Treasurer to the General Fund of the Township.

ARTICLE XI

VALIDITY

If any section, subsection, sentence, clause, or phrase of this RESOLUTION is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this RESOLUTION. All resolutions or parts of resolutions of Ohio Township, in conflict with any regulations, provisions, amendment, or supplement of this RESOLUTION, are to the extent of such conflict hereby repealed.

1 **ARTICLE XI-A**

2 **PLANNED UNIT DEVELOPMENT DISTRICT**

3

4 **SECTION 1. Purpose.** This Article is intended to permit the creation of Planned
5 Unit Development Districts (PUDs) to encourage the efficient use of land and
6 resources, promote greater efficiency in providing public and utility services, and
7 to encourage innovation in the planning and building of all types of development.
8 Such districts may be permitted as amendments to the Ohio Township Zoning
9 Map, on application and approval of specific and detailed plans where tracts
10 suitable in location and character for the uses and structures proposed are to be
11 planned and developed. Regulations set forth in this Article are adopted to
12 accommodate unified planning and development that are consistent with existing
13 established land use patterns in Ohio Township. The Township’s character is
14 related to physical attribute of the Township, including its land use patterns and
15 natural resources. The PUD district is intended to achieve the following land use
16 objectives.

- 17 A. Provide a variety of housing and lot sizes to promote the planning of a
18 development that is more sensitive to the protection of natural resources
19 on sites by clustering the housing in areas physically suited to
20 accommodating development and preserving the resources in open space.
- 21 B. Encourage the protection of open space by permitting developments with a
22 range of densities that also provide open space, consistent with the open
23 space character of the surrounding areas.
- 24 C. Preserve open spaces to reduce erosion, improve water quality, provide
25 wildlife habitats, retain scenic views, and reduce storm water runoff.
- 26 D. Preserve areas with steep terrain by respecting topography and other
27 natural features in the development plan and maintaining significant
28 percentages of land in open space in wooded and sloped areas.
- 29 E. Provide for a variety of housing types in a single unified development that is
30 integrated into the community.
- 31 F. Provide a transition between higher densities in the area around the Village
32 of New Richmond as a transition between the Village and existing
33 neighborhoods in the Township.

- 1 G. Respect the character of surrounding developments by providing buffers as
2 a transition to higher density uses.
- 3 H. Provide a higher level of design review to ensure attractive, well-planned
4 communities and eliminate the barriers to creative and sensitive design
5 that may exist when attempting to comply with conventional district
6 standards and subdivision rules.
- 7 I. Respect the balance between mass or volume and vegetation mass or
8 volume by considering scale relationships between the new development
9 and existing buildings and the landscape.

10
11 **SECTION 2. Definitions.** The terms in Article X-A shall have the definitions set
12 forth in this Section. Any defined term in this Section that is used in the definition
13 of another defined term is *italicized*.

- 14 A. Buffer. A designated area provided to mitigate the potential adverse
15 impacts between two land uses or between a land use and a natural
16 feature, which mitigates potential impacts by some combination of
17 construction design, vegetative plantings, fences, and/or maintenance
18 practices.
- 19 B. Buildable Area. The area remaining after subtracting the *open space* area
20 from the *site area*.
- 21 C. Building Pad. An area delineated within the setback lines of a lot within
22 which an applicant proposes to limit construction, and outside of which no
23 work or site disturbance may occur.
- 24 D. Density. The average number of dwelling unites allowed on an acre of land.
 - 25 1. Density, Gross (GD): The total number of dwelling units on a site divided
26 by the *site area*.
 - 27 2. Density, Net (ND): The total number of dwelling units on a site divided
28 by the *buildable area*.
- 29 E. Dwelling Unit Types. The types of dwelling units, as defined below, shall be
30 permitted in a PUD district:
 - 31 1. Single-family Detached: A dwelling unit with street, side, and rear yards
32 that sits generally in the middle of the lot. The dwelling unit types
33 described in Section 6 of this Article as “Single-Family” and “Village” are

1 single-family detached. The Village houses have smaller front yard
2 requirements than other single-family housing types.

- 3 2. Single-Family Lot Lines: A single-family unit that may be located on the
4 lot line so that only one side yard exists. A maintenance easement is
5 provided on the adjoining lot. No single-family lot line unit may be
6 placed next to another such unit along the same lot line. If the zero side
7 yard option is used, windows should either be eliminated or placed at
8 level that provides light but preserves privacy.
- 9 3. Single-Family Attached: A single-family unit with one dwelling unit from
10 ground to roof, having its own footprint, and with at least one wall that
11 is common to the adjoining unit. Each unit must have individual ground
12 level access. The dwelling unit types described in Section 6 of this Article
13 as “Duplex” and “Townhouse” are single-family attached units.
- 14 4. Multiple-Family: A structure containing more than one (1) dwelling unit
15 with either direct access to the outside, or through a common hallway,
16 with a separate kitchen and bathroom facilities and living quarters in
17 each unit.

18 F. Floor Area, Gross (GFA). The sum of the total horizontal areas of every
19 floor of every building on a lot. The measurement of gross floor area shall
20 be computed by applying the following criteria:

- 21 1. The horizontal square footage is measured from the outside face of all
22 exterior walls.
- 23 2. Cellars, basements, penthouses, attics, covered or uncovered porches,
24 balconies, decks, enclosed storage or mechanical areas, mezzanines, and
25 similar structures shall be included in GFA wherever at least seven (7)
26 feet are provided between the finished floor and the ceiling.
- 27 3. No deduction shall apply for horizontal areas void of actual floor space;
28 for example, elevator shafts and stairwells. The protected upper floors
29 of open atriums, balconies, and foyers shall not be included.

30 G. Floor Area Ratio (FAR). A measure derived by dividing the gross floor area
31 by the size of a lot. FAR gives applicants flexibility in deciding whether to
32 construct a low building covering a large portion of a lot or a tall building
33 covering a small portion of a lot. For example:

34
$$\text{GFA} \div \text{Lot Size} = \text{FAR}$$

35
$$30,000 \text{ square feet GFA} \div 100,000 \text{ square foot lot} = .30 \text{ FAR}$$

- 1 H. Gross Area: The total land and water surface area contained within the
2 boundaries of a lot or tract.
- 3 I. Landscape Surface Ratio (LSR): The area of landscape surface divided by
4 the *site area*.
- 5 J. Limited Soils: Those soils listed in the Clermont County Soil Manual as
6 having severe limitations for septic system.
- 7 K. Open Spaces: Land area to be left undeveloped as a natural resource area,
8 recreation area, buffer yard, or other open space area pursuant of this
9 Article. Open space excludes areas in lots, street rights-of-way, public utility
10 rights-of-way in excess of fifty (50) feet, and parking. (See definition of *site*
11 *area*). Private open space is designed and intended for common use and
12 the enjoyment of the residents in a residential development. Public open
13 space is designed and intended for common use and the enjoyment of the
14 public generally.
- 15 L. Planned Unit Development: A development that is planned to integrate
16 proposed land uses on a tract of land under single ownership or control or
17 unified plan of development, and is developed in a single phase or multiple
18 phases according to approved plans and design principles, with provisions
19 for the operation and maintenance of common areas, improvements, and
20 facilities.
- 21 M. Site Area: The total land area of a site included within the boundaries of a
22 PUD district minus any land that is in the right-of-way or easement of a
23 public utility having a width of fifty (50) feet or more.
- 24 N. Woodlands:
- 25 1. Mature Woodland. A wooded area, or stand of trees, of a least five
26 thousand (5,000) square feet, which contains an average of at least two
27 (2) trees per one thousand (1,000) square feet of land area which have a
28 caliper of 14" or greater measured at 48" above ground.
- 29 2. Mid-Growth Woodland. A wooded area, or stand of trees, of at least
30 five thousand (5,000) square feet, which contains an average of at least
31 five (5) trees per one thousand (1,000) square feet of land area which
32 have a caliper of 9" or greater measured at 48" above the ground, and
33 which does not contain enough larger trees to be classified as a "mature
34 woodland".

1 3. Young Woodland. A wooded area, or stand of trees, of at least five
2 thousand (5,000) square feet, which contains an average of at least five
3 (5) trees per one thousand (1,000) square feet of land area which have a
4 caliper of 4” or greater measured at 48” above ground, and which does
5 not contain enough larger trees to be classified as either a “mid-growth
6 woodland” or a “mature woodland”.

7
8 **SECTION 3. Establishment of Planned Unit Development Districts.** The following
9 types of PUD districts are hereby established and may be proposed through an
10 amendment to the Zoning Resolution:

- 11 A. “PUD-R” Planned Residential District
- 12 B. “PUD-MU” Planned Mixed-Use District
- 13 C. “PUD-B” Planned Business District

14
15 **SECTION 4. Planned Unit Development District Purposes.** The PUD districts shall
16 have the following purposes:

- 17 A. Planned Residential Districts. For residential uses within a PUD district, the
18 objective is to encourage the creation of neighborhoods with a variety of
19 housing types that retain natural resources, provide adequate landscaping
20 and open space area, and compatible with the character of adjoining land
21 uses.
- 22 B. Planned Mixed-Use and Business Districts. For nonresidential uses within a
23 PUD district, the objective is to create streetscapes that emphasize
24 landscaping, coordinated sign control, and uniform architectural character.
25 Proposed buildings should have rooflines and architectural features that
26 provide a sense of identity and emphasize the most important use with
27 visual elements.

28
29 **SECTION 5. Location of PUD Districts: Permitted Uses.** The Zoning Resolution
30 may be amended to establish PUD districts in the following zoning district areas of
31 the Township:

- 1 A. PUD-R. Property located in the Residence A, Residence B, and Residence C
2 districts, as defined in the Zoning Resolution, may be rezoned to a PUD-R
3 district. Uses permitted in the Residence A, B, and C districts shall be
4 permitted in the PUD-R district.
- 5 B. PUD-MU. Property rezoned to a PUD-MU district. Property adjoining the
6 Village of New Richmond that is located in the Residence A, B, and C district
7 may be rezoned to a PUD-MU district. Uses permitted in the Residence A,
8 B, and C districts and the Business district shall be permitted in the PUD-
9 MU district. In the area adjoining New Richmond, the Township shall give
10 particular consideration to access traffic volumes, and compatibility of the
11 proposed use or uses with the surrounding land uses in determining
12 whether a PUD district shall be approved.
- 13 C. PUD-B. Property located in the Business district, as defined in the Zoning
14 Resolution, may be rezoned to a PUD-B district. Uses permitted in the
15 Business district shall be permitted in the PUD-B district.

16
17 **SECTION 6. Minimum Performance Standards.** Except as otherwise authorized
18 by the Board of Trustees, PUD districts shall comply with the following
19 performance standards:

- 20 A. Density and Intensity of Use Standards. A PUD shall comply with the
21 standards set forth in Table 1 for the corresponding Residence A, B, and C
22 or Business zoning district. However, in order to provide a transition
23 between the densities in the Village of New Richmond and existing
24 developed areas in Ohio Township, the Board of Trustees may authorize an
25 adjustment to the density and intensity of use standards in Table 1 for a
26 PUD district.

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Table 1

PUD Density and Intensity Standards

Zoning District	Minimum Open Space	Maximum Gross Density	Maximum Net Density	Minimum Site Area ¹
A Septic	.40	0.48/acre	0.81/acre	50 acres
A Sewer	.35	2.00/acre	4.25/acre	50 acres
B	.25	2.50/acre	3.90/acre	20 acres
C	.20	8.00/acre	16/acre	20 acres
Business (Non-Residential Uses)	.20LSR	0.30 FAR	0.38 FAR	5 acres
Business (Residential Uses)	.30	4.50	7.50	25 acres

NOTES:

LSR = Landscape Surface Ration
FAR = Floor Area Ratio

¹Site area may be varied, if the applicant demonstrates that development of a site is constrained by unusual topographic features, natural resources, or other factors and that the use of a PUD would be superior to development under normal zoning and would better protect natural resources.

B. Lot Standards. A PUD may contain various housing types which shall comply with the minimum lot size, frontage, and setback requirements set forth in Table 2.

**Table 2
Lot Standards**

Unit Type	Sewer	Minimum Area (Sq. Ft.)	Minimum Frontage	Minimum Street Yard ¹	Minimum Side Yard ¹	Minimum Rear Yard ¹
Single-Family	septic limited soils	80,000	200	75	20	75
Single-Family	septic	40,000	150	75	15	50
Single-Family	public	20,000	100	35	12	50
Single-Family	public	15,000	90	35	10	40
Single-Family ²	public	12,000	80	25	8	40
Single-Family ²	public	10,500	75	25	8	30
Lot Line ²	public	8,000	65	20 ³	12 ⁴	20
Village ²	public	6,000	60	12	5	30
Duplex ²	public	5,000	50	20	6	25
Townhouse ²	public	2,600	26	20	none	30
Multi-Family	public	2,200	100	30	12	25
Non-Residential ⁵	public	20,000	100	40	10	75

NOTES:

¹Setbacks may be adjusted if the applicant proposes building pads to protect natural resources on the site.

²Setbacks may be varied for these unit types if a garage is proposed in the rear of dwelling.

³Side load garages may be located within eight (8) feet of the right-of-way.

⁴Minimum one (1) side yard; average must be twenty (20) feet wide. A five (5) foot maintenance easement must be provided on the other side.

⁵Setbacks may be varied for non-residential buildings to minimize conflicts with adjoining residential uses, consistent with the intent to have buildings nearer to the street with adequate landscaping and to locate parking at the rear of the building.

C. Resource Protection Standards. The natural resources listed in this Section are resources that are sensitive to development and need to be protected. Table 3 established the minimum percentages of these natural resource area that are to be preserved as open space.

1. Mapping of Natural Resource Areas. Preliminary and Final Development Plans shall include maps of the following resources and indicate those portions that will be protected with a conservation easement, utilizing one of the methods described in Section 6.C.2.

Table 3
Resource Protection Standards

Natural Resource	Percentage to be Preserved
Flood plains	100%
Wetlands	Subject of U.S. Army Corps of Engineers and Ohio EPA requirement
Unstable slopes (Eden and Fairmount soils with 25-50% slopes)	90%
Steep slopes 30%+	85%
Steep slopes 20-30%	70%
Young Woodland	25%
Mid-Growth Woodland	40%
Mature Woodland	50%

1 2. Method of Preserving Resource Protection Areas. The responsibility and
2 standards for preservation of all resource protection areas shall be
3 specified and provision shall be made for guaranteeing such
4 responsibility. In general, a resource protection area should be in
5 common open space where it is maintained by a homeowners'
6 association or public agency, except as follows:

7 a) Open space may be provided on individual lots in excess of two (2)
8 acres or on individual lot in PUD districts with fewer than ten (10)
9 lots.

10 b) Open space in private ownership shall be protected by a
11 conservation easement shown on the final development plan and
12 deed restrictions prohibiting in perpetuity the development and/or
13 subsequent subdivision of the resource protection area or their use
14 for purposes other than those specified on the final development
15 plan.

16 D. Buffer. A buffer shall be installed along all borders of a PUD district. The
17 buffers are intended to screen the housing from the streets and adjoining
18 properties that are different in character. Buffer shall be provided as
19 follows:

20 1. Buffer shall be installed in all areas of a PUD district bordering on
21 external roads in order to screen residential uses from streets. Buffers
22 along external roads shall be designed to one (1) of the following
23 standards. Each of the alternative buffers represents a screening of
24 similar opacity, but contains various widths and planting requirements.
25 Internal roads shall be landscaped in accordance with Section 6.E., but
26 they do not require a buffer.

**Table 4
Buffers**

Alternative	Width (feet)	Canopy Trees ¹	Understory Trees ¹	Evergreens ¹	Shrubs ¹	Berm
External Street Buffers						
A	40	3.4	6.8	3.4	54	none
B	100	2	4	2	32	none
C	100	1.75	3.5	1.75	28	5' berm
External Property Lines (Standard buffer that may be increased or decreased per section 6.D.2.)						
A	15	2	4	2	32	none
B	20	1.2	2.4	1.2	19	3' berm
C	30	1.5	3	1.5	24	none
D	50	1	2	1	16	none

¹Per 100 linear feet

2. The buffer in Table 4 represents a standard buffer. The Township may, upon review of the plans and the potential impact of the proposed PUD on adjoining use, modify the buffers in accordance with the following:
 - a) Where the units to be constructed adjoining the property line are quite similar in lot size and building mass, the buffer may be reduced.
 - b) Where the units to be constructed adjoining the property line are significantly smaller in lot size, where the building mass will be significantly greater, or where orientation or design of the uses will have an adverse impact, the buffer may be increased.
 - c) Where existing natural vegetation, or some other feature, can provide screen of similar opacity.

E. Landscaping. Landscaping shall be provided as follows:

1. Open Space. Open space shall be designated on the plan as recreation, buffer yards, natural resource areas, and other open space.

- a) Land designated for active recreation shall at a minimum, have one (1) canopy tree planted along lot line or street rights-of-way for every seventy-five (75) linear feet of boundary.

- 1 b) Narrow open spaces between clusters of development shall be a
2 minimum of thirty (30) feet in width and may be attached to adjoining
3 lots as part of a conservation easement.
- 4 c) Areas designated as natural resource areas shall be retained in their
5 natural state except for areas upon which pedestrian trails are located.
- 6 d) Non-recreational open spaces that are to be mowed and maintained
7 with a lawn ground cover shall have a minimum of four (4) canopy trees
8 plants per acre.
- 9 e) Trees and shrubs shall be of native species that are adapted to the soils
10 on which they are to be planted.
- 11 2. Parking Lots. For parking lots, one (1) canopy tree shall be installed per ten
12 (10) spaces. The planting area shall have a minimum width of five (5) feet
13 and minimum area of eighty (80) square feet. This is the equivalent of one
14 (1) parking bay with allowances for curbs.
- 15 3. Street Trees. All streets, public or private, shall have street trees installed
16 in the right-of-way on both sides of the road. Two (2) canopy trees per one
17 hundred (100) linear feet of parking, including driveway cuts, shall be
18 provided.
- 19 4. On-Lot Landscaping. Each lot shall be landscaped on its front half or to a
20 depth of fifteen (15) feet, whichever is less. The Village house may use the
21 entire front yard. The minimum standard for on-lot landscaping shall be
22 two (2) canopy trees, two (2) understory or ornamental trees, and one (1)
23 evergreen tree per one (100) linear feet of lot frontage minus paved areas,
24 or one (1) canopy tree per lot, whichever is greater. The actual mix of plant
25 material shall be the choice of the developer or landowner. The following
26 equivalents may be used to vary the actual mix.
 - 27 a) One (1) canopy tree equals two (2) understory or evergreen trees.
 - 28 b) One (1) understory tree equals one (1) evergreen, or twenty (20) shrubs.
- 29 5. All landscaping shall meet the following standards:
 - 30 a) Canopy trees – 2.5 inch caliper
 - 31 b) Understory trees – 1.5 inch caliper
 - 32 c) Evergreen trees – six (6) feet in height
 - 33 d) Shrubs – five (5) gallon pots

1 F. Parking and Loading. Parking and loading shall be provided in accordance
2 with the provisions of Article XIII of the Ohio Township Zoning Resolution,
3 subject to the landscaping requirements of Section 6.E.

4
5 **SECTION 7. Approval of Planned Unit Development Districts.** The Board of
6 Township Trustees, upon receipt of the recommendation by the Zoning
7 Commission, may approve an application to establish a PUD district by
8 amendment to the Zoning Resolution, upon making specific findings that all
9 applicable requirements have been satisfied and that the following specific
10 conditions have been met:

- 11 A. The PUD is consistent with the purpose of this Article, and it will not
12 jeopardize the public health, safety, and general welfare.
- 13 B. The proposed development can be substantially completed within the
14 period of time specified in the schedule of development submitted by the
15 applicant.
- 16 C. The internal street and primary and secondary roads that are proposed are
17 adequate to serve the proposed development and properly interconnect
18 with the surrounding existing road network as designated on the Ohio
19 Township or Clermont County Thoroughfare Plan. The plan must
20 demonstrate that improvements or other actions have been or will be
21 taken to mitigate those traffic problems identified in the impact analysis
22 required by Section 9.M. that are attributable to the proposed
23 development.
- 24 D. Traffic control signals will be provided when the County Engineer
25 determined that such signals are required to prevent traffic hazards or
26 congestion in adjacent streets.
- 27 E. The proposed infrastructure, utilities, and all other proposed facilities are
28 adequate to serve the planned development and properly interconnect
29 with existing public facilities.
- 30 F. The proposed uses, location, and arrangement of structures, lots, parking
31 areas, walks, open spaces, landscaping, lighting, and appurtenant facilities
32 are compatible with the surrounding land uses.

- 1 G. Proposed covenants, easements, and other provisions meet development
2 standards and protect the public, safety, and general welfare.
- 3 H. Required resource protection land and open space areas are identified and
4 provisions have been made for the care and maintenance of such area.
- 5 I. The PUD us designated to minimize the impact on the natural environment
6 and complies with the performance standards set forth in Section 6.

7
8 **SECTION 8. Application Procedures.** The following procedures shall be followed
9 in applying for rezoning to a PUD district:

- 10 A. Application Submission. An applicant may submit an application requesting
11 that the Zoning District Map be amended to rezone a site as a PUD district.
12 Such amendment shall be processed, noticed, and heard in the manner
13 prescribed in this Section and in accordance with the provisions of Article X
14 of this Zoning Resolution and Ohio Revised Code 519.12.
- 15 B. Informal Consultation. Applicants are encouraged to engage in informal
16 consultations with the staffs of Ohio Township Zoning Department and
17 Clermont County Planning Commission prior to preparing final plans;
18 however, no statement or representation by members of either staff shall
19 be binding upon either the Department or upon any zoning body.
- 20 C. Application Options. An applicant may elect one of the following options
21 for processing a PUD district:
 - 22 1. Preliminary Plan and Final Plan. An applicant may submit a Preliminary
23 Development Plan, and subsequently submit a Final Development Plan,
24 for any portion of the approved Preliminary Development Plan the
25 applicant wishes to develop. The Final Development Plan submitted
26 according to this option shall be processed in the manner decried in
27 Section 10.
 - 28 2. Final Plan without Preliminary Plan. An applicant may submit a Final
29 Development Plan without a Preliminary Development Plan, pursuant to
30 Section 11.
- 31 D. Zoning Certificate. No Zoning Certificate shall be issued for any property
32 for which PUD rezoning is requested and no construction shall begin until

1 an approved Final Development Plan is in effect for that phase of the
2 development.

3
4 **SECTION 9. Preliminary Development Plan Requirements.** The Preliminary
5 Development Plan shall include in text and map form:

- 6 A. A Plat of Survey of the tract to be developed, providing a metes and bounds
7 description of the property and the survey of property lines and total
8 acreage, existing zoning district boundaries, the area and district to be
9 rezoned if applicable, and the property ownership of the site, and all
10 adjacent parcels and buildings within one hundred (100) feet of the subject
11 site.
- 12 B. A list of names and addresses of all owners of property within two hundred
13 (200) feet of the subject site.
- 14 C. Evidence that the applicant has sufficient control over the tract to affect
15 the proposed plan, including a statement of all ownership and beneficial
16 interests in the tract of land and the proposed development.
- 17 D. Time schedule of projected development, if the total site is to be developed
18 in phases or if construction is to extend beyond a two (2) year time period.
- 19 E. Base mapping of the property showing the physical features including:
20 significant natural features such as general topography, soils, drainage-
21 ways, water bodies, floodplains, wetlands, rock outcrops, and forested
22 areas; and other significant features such as existing and adjacent land
23 uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots,
24 buildings, and utility lines.
- 25 F. Boundaries and easements of the tract to be zoned as a PUD district.
- 26 G. Highways and streets in the vicinity of the tract; ingress and egress to the
27 tract; existing utilities and sidewalks on or adjacent to the tract.
- 28 H. A drainage analysis that includes a description of soil conditions and
29 proposed method of compliance with the Clermont County Stormwater and
30 Sediment Control Regulations.
- 31 I. A site plan showing the location of general land areas to be developed,
32 including type and description of land uses, proposed principal streets,
33 proposed lots, including set back lines, and blocks, proposed sidewalks and

1 pedestrian circulation systems, and proposed public or common open
2 space or other public facilities, including parks, playgrounds, school sites,
3 and recreational facilities.

- 4 J. Calculations of density, open space, and resource protection land, in
5 accordance with the requirements of Section 6.
- 6 K. Proposed treatment of existing topography, drainage-ways, tree cover, and
7 proposed landscaping and buffer plantings, in accordance with the
8 requirements of Section 6.
- 9 L. Preliminary engineering plans, including: site grading; drainage and utility
10 improvements and extensions as necessary; street improvements, showing
11 proposed general location of vehicular circulation routes and how this
12 circulation pattern relates to the primary and secondary road alignments
13 designated on the Clermont County Thoroughfare Plan.
- 14 M. A traffic impact analysis of the proposed development on roadways and
15 intersection with in a study area based upon net project trip generation
16 methodology consistent with the latest edition of the Institute of Traffic
17 Engineers (ITE) Trip Generation and Information Report that at a minimum
18 addresses the following elements: (1) existing roadway conditions,
19 including existing deficiencies and proposed improvements, (2) trip
20 generation based upon the development characteristics, (3) distribution
21 and assignment of trips based upon existing and future roadway network,
22 travel time characteristics, (4) background traffic projections, (5) capacity
23 (level of service) analysis methodology for roadways and intersection, (6)
24 types and costs of roadway and intersection improvements needed to
25 mitigate the traffic impacts directly attributable to the proposed
26 development. A traffic impact analysis shall be provided in addition to any
27 information required be Clermont County Engineer.
- 28 N. Additional information as reasonably necessary to address the foregoing
29 issues.

30
31 **9.1** Action by the Township Zoning Commission. The Township Zoning
32 Commission shall hold a public hearing on the Preliminary
33 Development Plan as provided by Article X of this Resolution and
34 Ohio Revised Code 519.12. Within thirty (30) days after the last

1 public hearing on such plan, the Commission shall prepare and
2 transmit to the Board of Trustees and to the applicant
3 recommendations to the Township Trustees with respect to the
4 action to be taken on the Preliminary Development Plan. The
5 Commission may recommend disapproval, approval, or approval with
6 amendments, conditions, or restrictions. Copies of the findings and
7 recommendations of the Commission shall be made available to any
8 other interested persons.

9 **9.2 Action by the Board of Township Trustees.** The Board of Township
10 Trustees shall hold a public hearing on the Preliminary Development
11 Plan as provided by Article X of this Resolution and Ohio Revised
12 Code 519.12. If the application is granted, the area of land involved
13 shall be rezoned to a PUD district by resolution and such resolution
14 shall incorporate the Plan, including any condition or restriction that
15 may be imposed by the Board of Township Trustees.

16
17 **SECTION 10. Submission of Final Development Plan.** A Final Development Plan
18 shall be filed for any portion of an approved Preliminary Development Plan the
19 applicant wishes to develop, and it shall conform substantially to the approved
20 Preliminary Development Plan and shall conform to any applicable Clermont
21 County regulations or other County requirements for maintaining safety. The Final
22 Development Plan shall include in text and map form:

- 23 A. Plat of the parcel to be developed showing existing physical features,
24 including; general topography, drainage-ways, designated resource areas,
25 and tree cover; and streets, easements, and utility lines.
- 26 B. A site plan showing the location and arrangement of all existing and
27 proposed structures, including building pads for single-family detached
28 units where site constraints limit the placement of proposed structures, the
29 proposed traffic circulation pattern within the development, the area to be
30 developed for parking, the points of ingress and egress including access
31 streets where required, the relationship of abutting land uses and zoning
32 district, proposed lot lines, building setbacks, proposed sidewalks and
33 pedestrian walkways, and proposed public or common open space or other

1 public facilities, including parks, playgrounds, school sites, and recreational
2 facilities.

3 C. A statement of the anticipated open space, gross density, and net density.

4 D. For uses other than single-family detached housing, footprints, floor plans,
5 exterior elevations, and types of building materials.

6 E. Landscaping plans prepared by a landscape architect showing the
7 placement of trees, shrubs, ground cover, and associated structures and
8 improvements, including specifications, species, quantities, and installation
9 of landscaping for common areas, parking areas, open space, street trees,
10 typical front yards, and buffer yards.

11 F. Specific engineering plans, including site grading, street improvements,
12 drainage, and utility improvements and extensions as necessary.

13 G. When a development is to be constructed in phases, a schedule for the
14 development of such phases shall be submitted. No such phase shall have a
15 density exceeding the maximum permitted density of the entire PUD.

16 H. The total area of common open space provided at any phase of
17 development shall, at a minimum, bear the same relationship to the total
18 open space to be provided in the entire PUD as the phases or units
19 completed or under development bear to the entire PUD.

20 I. Evidence that the applicant has sufficient control over the tract to affect
21 the proposed plan, including a statement of all the ownership and
22 beneficial interests in the tract of land and the proposed development.

23 J. In the case of a Mixed-Use or Business PUD, a statement identifying the
24 principal types of uses that are to be included in the proposed
25 development.

26 K. When a PUD includes provisions for common open space or recreation
27 facilities, a statement describing the provisions that are to be made for the
28 care and maintenance of such open space or recreational facilities. If it is
29 proposed that such open space be owned and/or maintained by any entity
30 other than a governmental authority, copies of the proposed articles of
31 incorporation and by-laws of such entity shall be submitted.

32 L. The required amount of common space land reserved under a planned unit
33 development shall either be held in corporate ownership by owners of the
34 projected areas, for the use of each owner who buys property within the
35 development, or be dedicated to a homeowners' association who shall

1 have title to the land which shall be retained as common open space for
2 parks, recreation, and related uses. The legal articles relating to the
3 organization of the homeowners' association are subject to review and
4 approval by the Planning (Zoning) Commission and shall provide adequate
5 provisions for the care and maintenance of all common areas. Public utility
6 and similar easements and rights-of-way for water courses and other
7 similar channels are not acceptable for common open space dedication
8 unless such land or right-of-way is useable as a trail or similar purpose and
9 has been approved by the Commission. The responsibility for the
10 maintenance of all open spaces shall be specified by the developer before
11 approval of the final development plan.

12 M. Copies of any restrictive covenants that are to be recorded with respect to
13 property included in the PUD.

14
15 **10.1 Action by the Township Zoning Commission.** The Township Zoning
16 Commission shall evaluate the Final Development Plan at a regular public
17 meeting. An applicant shall give the Township Zoning Inspector at least ten (10)
18 days written notice of its intent to submit a Final Development Plan, while at the
19 same time submitting the names and address of property owners with lot lines
20 common to the area within such Plan. Such property owners shall be given seven
21 (7) days advance written notice of this public meeting; said notice being given by
22 regular mail. The Township Zoning Commission shall hold a public meeting on the
23 Final Development Plan, considering all aspects of the Final Development Plan.
24 The Commission shall prepare and transmit to the Board of Township Trustees
25 and to the applicant specific findings of fact with respect to the extent to which
26 the Final Development Plan complies with the standards set forth in this Article
27 and the district in which the property is located, together with its
28 recommendations to the Township Trustees with respect to the action to be
29 taken on the Final Development Plan. The Commission may recommend
30 disapproval, approval with amendments, conditions, or restrictions. Copies of the
31 findings and recommendations of the Commission shall be made available to any
32 other interested persons.

1 **10.2 Action by the Board of Township Trustees.** The Board of Township Trustees
2 shall hold a public meeting on the Final Development Plan within thirty (30) days
3 of receipt by the Board of Trustees. Property owners with lot lines common to the
4 area within the Final Development Plan shall be given seven (7) days advance
5 written notice of this public meeting; said notice being given by regular mail. At
6 the public meeting, the Board of Trustees will review the Final Development Plan
7 for substantial conformance with the approved Preliminary Development Plan.
8 Based on this review, the Board of Township Trustees shall disapprove, approve,
9 or approve the Final Development Plan with amendments, conditions, or
10 restrictions If the Final Development Plan is approved, the Plan shall be
11 incorporated into the Zoning Resolution and the Zoning District for which the Plan
12 is proposed, including any condition or restriction that may be imposed by the
13 Board of Trustees.

14

15 **SECTION 11. Submission of Final Development Plan without an Approved**
16 **Preliminary Development Plan.** A Preliminary Development Plan is not required
17 if an applicant files a Final Development Plan for the entire site incorporating all
18 requirements of both the Preliminary and Final Development Plans. The Final
19 Development Plan shall be processed, noticed, and heard in the manner
20 prescribed in Article X of this RESOLUTION and Ohio Revised Code 519.12. The
21 Final Development Plan shall be in text and map form.

22 **11.1 Action by the Township Zoning Commission.** The Township Zoning
23 Commission shall hold a public hearing on the Final Development Plan as provided
24 by Article X of this RRSOLUTION and the Ohio Revised Code 519.12. Such public
25 hearing shall consider all aspects of the Final Development Plan, including any
26 proposed phases and/or units of development. Within thirty (30) days after the
27 last public hearing on such plan, the Commission shall prepare and transit to the
28 Board of Township Trustees and to the applicant specific findings of fact with
29 respect to the extent to which the Final Development Plan complies with the
30 standards set forth in Section 6 of this Article and the district for which the
31 change has been requested, together with its recommendations to the Township
32 Trustees with respect to the action to be taken on the Final Development Plan.
33 The Commission may recommend disapproval, approval, or approval with

1 amendments, conditions, or restrictions. Copies of the findings and
2 recommendations of the Commission shall be made available to any other
3 interested persons.

4

5 **11.2 Action by the Board of Township Trustees.** The Board of Township Trustees
6 shall hold a public meeting on the Final Development Plan as provided by Article X
7 of this RESOLUTION and Ohio Revised Code 519.12. If the application is granted,
8 the area of land involved shall be rezoned as a PUD district by resolution, and
9 such resolution shall incorporate the Plan, including any condition or restriction
10 that may be imposed by the Board of Township Trustees.

11

12 **SECTION 12. Subdivision Plat Required.** A zoning certificate may be issued for a
13 structure in a PUD district, in accordance with an approved Final Development
14 Plan, following approval by the Clermont County Planning Commission of a final
15 subdivision plan for that portion of the PUD within which the proposed structure
16 is to be located and recording of the approved subdivision plat.

17

18 **SECTION 13. Expiration Date for Development Plan Approval and Extension of**
19 **Time**

20 A. **Preliminary Development Plan.** Preliminary Development Plans shall expire
21 one (1) year from the date of approval of the plan unless a complete Final
22 Development Plan has been submitted to the Board of Trustees for its
23 consideration prior to expiration of the Preliminary Development Plan. The
24 Board of Trustees shall give ten (10) days notice to the applicant prior to
25 the expiration of the Preliminary Development Plan, the Board of Trustees
26 may, in accordance with the provisions of Section 13.D., revoke Preliminary
27 Development Plan approval and revoke the PUD district zoning designation.

28 B. **Single Phase Final Development Plans.** If an applicant fails to diligently
29 pursue development of a site in accordance with a single phase Final
30 Development Plan, the Board of Trustees may, following a public hearing
31 pursuant to Section 13.D., by resolution, revoke Final Development Plan
32 approval and the plan shall become null and void. If a subdivision plat for

1 the area included in the Final Development Plan has not been recorded in
2 the records of the Clermont County Recorder within twelve (12) months of
3 the date of Final Development plan approval, the Board of Trustees may,
4 following notice pursuant to Section 13.D., revoke approval of the Final
5 Development Plan. Upon revocation of Final Development Plan approval, if
6 a Preliminary Development Plan was approved for the PUD district, the
7 tract shall revert to the Preliminary Plan Development stage and shall be
8 subject to the submittal time frame set forth above in Section 13.A.

9 C. Multi-Phase Final Development Plans. When the recording of the
10 subdivision plan for any phase fails to meet the schedule submitted under
11 Section 10.G., following a public hearing pursuant to Section 13.D., the Final
12 Development Plan shall become null and void for the portion of the tract
13 for which no subdivision plat shall have been recorded. If a Preliminary
14 Development Plan was approved for the PUD district, that portion of the
15 tract shall revert to the Preliminary Development Plan stage and shall be
16 subject to the submittal time frame set above in Section 13.A.

17 D. Review of Status of PUD District and Development Plans. If an applicant
18 fails to comply with any of the provisions of this Section, the Board of
19 Trustees may review the status of any approved PUD district or any
20 development plan and take action in accordance with the following
21 procedures:

- 22 1. The Board of trustees may hold a public hearing to review the status of
23 any approved development plan and, at the conclusion of the hearing,
24 may by resolution (a) extend any applicable time period, or (b) modify or
25 revoke the Preliminary and/or Final Development Plan approval.
- 26 2. The Board of Township Trustees may, in accordance with the provisions
27 of Article X of the Zoning Resolution and Ohio Revised Code 519.12,
28 revoke the PUD district zoning designation and rezone the property to
29 the zoning in place prior to approval of the PUD district.

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31 **SECTION 14. Modification.** An approved Preliminary of Final Development Plan
32 may be amended by following the procedures describe in this Section.

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A. Minor Adjustments. The Township Director of Zoning and Planning may authorize minor adjustments in the Final Development Plan which become necessary because of field conditions, detailed engineering data, topography, or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, wall building locations, and building configurations, parking area locations, or other similar project particulars. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces, or allow buildings closer to perimeter property lines, and provided that they appear necessary in light of technical or engineering considerations.

B. Major Adjustments. Major adjustments to any Preliminary and/or Final Development Plan that substantially alter the concept or intent of the approved Preliminary and/or Final Development Plan may be approved only by the Board of Township Trustees upon a petition to amend the Preliminary and/or Final Development Plan, pursuant to the procedures for the plan approval set forth in this Article.

ARTICLE XII

EFFECTIVE DATE

This RESOLUTION shall be in full force and effect from and after the earliest period allowed by law.

Adopted this 9th day of February, 1971

Signed: John Gilfillen	Board of Township Trustee
Signed: George Wulf	of Ohio Township
Signed: Joe Colonel	Clermont County, Ohio

1 **ARTICLE XIII**

2 **WIRELESS TELECOMMUNICATION TOWERS**

3
4 The purpose of this amendment to the Zoning Resolution is to 1) locate
5 telecommunication towers in non-residential areas and to minimize the total
6 number of towers; 2) encourage the joint use of new and existing towers; and 3)
7 encourage telecommunication companies to locate towers in areas of the
8 Township where the adverse impact to the community will be minimized.

9 A certificate for the location, erection, construction, reconstruction,
10 change, alteration, maintenance, removal, use, or enlargement of a cellular or
11 wireless telecommunication tower in any zoning district may be issued, upon
12 application and compliance with Ohio Revised Code 510.211 and this
13 RESOLUTION, provided the applicant has satisfied the following standards:

- 14 A. The notification procedure requirements of the Ohio Revised Code Section
15 519.211 shall be followed irrespective of the zoning classification upon
16 which the facility is or is to be located.
- 17 B. Telecommunication towers shall be subject to the zoning certificate review
18 requirement of Article VI of the Ohio Township Zoning Resolution.
- 19 C. The applicant shall provide in a form satisfactory to the Township that the
20 proposal has been reviewed and/or approved by all agencies and
21 Governmental entities with jurisdiction, if required, including, but not
22 limited to, the Ohio Department of Transportation, the Federal Aviation
23 Administration, the Federal Communication Commission, or the successors
24 to their respective functions.
- 25 D. The applicant shall demonstrate by clean and convincing evidence that its
26 tower antenna cannot be located on any other communication tower,
27 building, or structure in the geographic area to be served, and that all
28 reasonable means have been undertaken to avoid any undue negative
29 impact caused by the clustering of towers within an area, and that the
30 antenna must be placed where it is proposed in order to satisfy its
31 necessary function in the company’s grid system. The evidence should
32 include, but is not necessarily limited to the following:

- 1 1. The relationship of the proposed telecommunication tower to the
- 2 applicant's overall grid.
- 3 2. Structural engineering evidence that an existing telecommunication
- 4 tower lacks the tolerance to support an addition antenna array.
- 5 3. Engineering evidence that the frequency of the existing antenna array
- 6 will interfere with the applicant's frequency.
- 7 4. Engineering evidence that the addition of an antenna to an existing
- 8 tower will exceed FCC RF emissions criteria.
- 9 E. In the case of the construction of new facilities by the applicant, the
- 10 applicant shall agree to construct the telecommunication tower to
- 11 accommodate additional antenna arrays and shall make the tower available
- 12 to other cellular and/or wireless communications companies; telephone,
- 13 radio, and television companies; and the local police, fire, and EMS
- 14 departments.
- 15 F. For reasons of aesthetics and public safety, such facilities shall be
- 16 effectively screened on each side. Screening shall consist of a solid masonry
- 17 wall or solid fence, not less than four nor more than six feet in height. The
- 18 use of razor or barbed wire shall be prohibited. Screening walls and fences
- 19 shall meet the minimum setback requirements. Spaces between any
- 20 screening device and adjacent property lines shall be including, but not
- 21 limited to, grass, hardy shrubs, evergreen grown cover, etc. All screening
- 22 devices and landscape materials shall be maintained in good condition.
- 23 G. The applicant shall post a performance bond in an amount set by the
- 24 Township ZONING INSPECTOR to provide for the removal of the facilities
- 25 after ceasing of operations.
- 26 H. The applicant, or its successor, shall, within thirty (30) days of ceasing
- 27 operation at the site of the telecommunication tower, give notice of such to
- 28 the Ohio Township ZONING INSPECTOR and the Township Zoning
- 29 Commission. Facilities shall be removed within twelve (12) months of
- 30 ceasing operations.
- 31 I. Resale or renting of the facilities is permissible only to other
- 32 telecommunication systems subject to obtaining a zoning certificate from
- 33 the Ohio Township ZONING INSPECTOR.
- 34 J. The applicant and/or property owner shall annually file on or before
- 35 January 1 of each year a declaration with the Ohio Township ZONING

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INSPECTOR and the Township Zoning Commission as to the current ownership and operation of every facility located within the Township.

**OHIO TOWNSHIP BOARD OF TRUSTEES
CLERMONT COUNTY, OHIO**

Resolution # 2018-55

A RESOLUTION AMENDING THE ZONING RESOLUTION

The Board of Trustees of Ohio Township, Clermont County, Ohio met in regular session on the 13th day of August, 2018, at the Ohio Township Administration Building, 2877 Mt. Pisgah Rd., with the following members present: Mr. Rick L. Hinson, and Mr. Charles R. Polster.

Mr. Hinson moved adoption of the following resolution:

WHEREAS, On June 11, 2018, the Board of Trustees referred certain amendments to the zoning resolution adopted by Ohio Township on February 9, 1971 to the Zoning Commission; and

WHEREAS, the proposed amendments were reviewed by the Clermont County Regional Planning Commission at its June 26, 2018 meeting and the Township Zoning Commission at a meeting held July 9, 2018; and

WHEREAS, the recommendation of the Zoning Commission to adopt the proposed amendments has been certified to the Township Board of Trustees; and

WHEREAS, the Township Board of Trustees conducted a public hearing to receive input on the proposed amendments to the zoning resolution;

NOW THEREFORE BE IT RESOLVED, that the Ohio Township Board of Trustees, Clermont County, Ohio:

1. That the Board of Trustees hereby amends the zoning resolution as follows:

Article IV Section 10. Swimming Pools is hereby amended as follows:

- A. All regulations governing the installation of private in-ground swimming pools within Ohio Township shall be in accordance with the Environmental Sanitation Regulations adopted by the Clermont County Board of Health. No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, or a farm pond, shall be allowed in any residential district except as an accessory use, and shall comply with the following requirements.
 1. The pool is intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

2. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than fifteen (15) feet to any property line.
 3. An in-ground swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from adjacent properties. No such fence shall be less than four (4) feet in height, and it shall be maintained in good condition with a gate and lock.
- B. After a permit from the Clermont County District Board of Health is obtained for an in-ground swimming pool, a township zoning permit must also be obtained.
- C. A township zoning permit must be obtained for any above-ground swimming pool which is four (4) feet or more above ground. Such a pool shall be located not less than fifteen (15) feet from any road right-of-way or property line, and shall be fenced with a four (4) foot fence or otherwise equipped with suitable safety devices designed to prevent entrance into the pool when not attended by the owner or his/her representative.

Article IV Section 12 is added to the zoning resolution as follows:

Section 12. Fences, Walls, and Entry Gates

Fences, walls, and entry gates may be permitted in all zoning districts in accordance with this section.

A. General Standards

The following standards apply to all fencing, walls, and entry gates subject to this section.

1. No barbed wire, other sharp-pointed material, or electrically charged material shall be used in the construction of a fence, wall, or entry gate unless authorized by a variance (See Appeals, Variances, and Conditional Uses) for the purpose of security in a nonresidential zoning district.
2. Fences, walls, and entry gates shall be constructed of common fencing materials such as plastic, vinyl, wood, wrought iron, steel, brick, and stone.
3. Fencing and walls should follow the natural contour of the land on which it is located.
4. These regulations do not apply to retaining walls.
5. Any fencing utilized for an agricultural use as described in O.R.C. 519.01 and 519.21, is exempt from the regulations of this section.
6. A fence that is designed with a finished appearance on only one side shall be oriented so that the finished side faces any right of way or adjacent lot.
7. Fence or wall height shall be measured from the lowest point within three feet on either side of the fence to the top most portion of the fence.

B. Fences and Walls

1. Front Yard

- a. Fencing and walls in the front yard shall not exceed 48 inches in height.
 - b. No fence or wall shall be erected within three (3) feet of any public right-of-way line, or 15 feet from the curb or edge of pavement, whichever is the greatest setback from the centerline of the street.
 - c. No fence or wall shall be erected within 25 feet of an existing or proposed street or right-of-way intersection, or interfere with visibility from driveways or intersections.
 - d. All structural supports of any fence or wall permitted in this section shall be erected with all supports on the inside of the area to be enclosed.
2. Side and Rear Yard
- a. Except as otherwise provided in this subsection, no fence shall exceed six (6) feet in height.
 - b. No fence surrounding a tennis court shall exceed ten (10) feet in height.
3. Exceptions to Fence Heights
- a. Ornamental fence posts may exceed the maximum height requirements set forth above by eight (8) inches.
 - b. The fence heights established above may be increased by three (3) inches in order to provide space between the bottom of the fencing material and the ground.
4. Keeping of Chickens or Rabbits
- a. Chickens must be confined within a fenced area of the yard at all times.
 - b. No covered enclosures or fenced area shall be located closer than 25 feet to any residential structure on an adjacent lot or shall comply with the setbacks of the applicable zoning district, whichever is greater.

THEREUPON, Mr. Polster seconded the said motion and upon roll call being called the vote was as follows:

Mr. Vogelsang – Absent

Mr. Hinson – Yea

Mr. Polster – Yea

Adopted August 13, 2018

ATTESTED:

I, William R. Gilpin, Fiscal Officer of the Board of Trustees, Ohio Township, Clermont County, Ohio, and in whose custody the Files, Journals and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is a true and correct copy of Resolution 2018-55, duly passed by the Board of Trustees, Ohio Township, Clermont County, Ohio on the 13th day of August, 2018, that the foregoing resolution is taken and copied from the original resolution now on file with said Board, and that the foregoing resolution has been compared by me with the said original and that the same is a true and correct copy thereof.

WITNESS my signature, this 13th day of August 2018.



William R. Gilpin, Township Fiscal Officer
Ohio Township, Clermont County, Ohio

