

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**

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

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1 unsubdivided property, the district boundary lines shall be determined by the use
2 of the scale appearing on the Zoning District Map or by dimensions.

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

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1 unit shall not include more permanent temporary shelters such as yurts and
2 cabins.

3 11. Cellar: A story having more than one-half (1/2) of its height below grade. A
4 cellar is counted as a story for the purpose of height regulation only if used
5 for dwelling purposes other than by a janitor employed on the premises.

6 12. Clubhouse: means a building, or portion thereof, containing facilities for civic
7 and social activities, operated by and for the members of an organization or
8 residents of a particular community or home owners association.

9 13. Commercial Floor Area: Floor area of buildings that is devoted to the storage
10 and display of merchandise, the performance of consumer services, or the
11 circulation and accommodation of customers.

12 14. Consumer Services: Sale of any service to individual customers for their
13 personal benefit, enjoyment, or convenience, and for fulfillment of their own
14 personal services such as cleaning and barbering, the provision of lodging,
15 entertainment, specialized instruction, financial services, automobile
16 storage, transportation, and similar services.

17 15. Dwelling and Dwelling Unit: A dwelling is a building providing shelter,
18 sanitation, and the amenities of permanent habitation. It does not include
19 mobile homes, temporary lodging, or sleeping rooms. A dwelling unit means
20 the dwelling accommodations designed for one individual; or, family unit
21 maintaining separate and independent housekeeping.

22 16. Garage: a detached accessory building or portion of the principal building,
23 including a carport, car porch, or membrane structure, used only for the
24 storage of automobiles, recreational vehicles, or trailers by the owner of the
25 premises.

26 17. Height of Structure: The vertical distance measured from the average
27 finished grade at the front building line to the highest point of the structure.

28 18. Home Occupations:

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

32 B. Definition: A home occupation is a lawful activity commonly carried on
33 within a dwelling by a member or members of the family who occupy the
34 dwelling where the occupation is secondary to the use of the dwelling for

1 living purposes and the residential character of the dwelling is
2 maintained.

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

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

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

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

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

15 5. No advertising display signs shall be permitted.

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

18 7. The use shall not generate excessive additional pedestrian or vehicular
19 traffic.

20 8. The use shall not require additional off-street parking spaces for
21 clients or customers of the home occupation.

22 9. No home occupation shall cause an increase in the use of any one or
23 more public utilities (water, sewer, electricity, and garbage collection)
24 so that the combined total use for dwelling and home occupation
25 purposes exceeds the average for residences in the neighborhood.

26 10. The home occupation shall not involve the use of commercial vehicles
27 for delivery of material to or from the premises, other than one (1)
28 vehicle not to exceed three-quarter (3/4) ton.

29 11. No motor power other than electrically-operated motors shall be
30 used in connection with a home occupation. Home occupations shall
31 not involve the use of electric motors of more than one (1) h.p

32 12. No equipment or process shall be used in a home occupation which
33 creates noise, vibration, glare, fumes, or odor detectable to the
34 normal senses of adjoining property owners

- 1 13. No equipment or process shall be used that creates visual or audible
2 electrical interferences in any radio or television received off the
3 premises or causes fluctuations in line voltage off the premises.
4 14. Use not more than twenty-five percent (25%) of the existing living
5 space within the dwelling.
6 15. Not involve the use or storage of tractor trailers, semi-trucks, or heavy
7 equipment such as construction equipment used in a business.
- 8 19. Industry, Heavy: Those industries whose processing of products results in
9 the emission of any atmospheric pollutant, light flashes, glare, odors, noise,
10 or other vibration that may be heard or felt off the premises, and those
11 industries whose processing of products results in none of the above
12 conditions.
- 13 20. Junk Yards and Auto Salvage Yards: When permitted by the Board of Zoning
14 Appeals, junk yards and auto salvage yards shall be located not less than
15 three hundred (300) feet from any road, street, residence district, residence,
16 school, hospital, or institution for human care. Junk yards and auto salvage
17 yards shall be enclosed on all sides by a metal fence or wall not less than
18 eight (8) feet high. Plans for such junk yards and auto salvage yards shall be
19 submitted to the Board of Zoning Appeals before any Zoning Certificate is
20 granted and shall be subject to its approval.
- 21 21. Lot: A parcel of land under one ownership devoted to a common use or
22 occupied by a single principal building plus accessory structures. Does not
23 include agricultural tract; however:
- 24 Corner Lot: A lot that abuts on two intersecting streets at their intersection.
- 25 Double Frontage Lot: Any lot other than a corner lot that abuts on two
26 streets.
- 27 Lot Line: The boundary dividing a lot from a right-of-way, adjoining tract of
28 land. Front, rear, and side lot lines are self-explanatory.
- 29 Lot of Record: A lot that is recorded in the office of the County Recorder.
- 30 22. Manufactured home: means a building unit or assembly of closed
31 construction that is fabricated in an off-site facility and constructed in
32 conformance with the federal construction and safety standards established
33 by the secretary of housing and urban development pursuant to the

1 "Manufactured Housing Construction and Safety Standards Act of 1974," 88
2 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag
3 affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all
4 applicable federal construction and safety standards.

5 23. Mobile Home: Any vehicle or similar portable structure used or so
6 constructed as to permit its being used as a conveyance upon streets and as
7 a dwelling for one or more persons.

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

12 25. Non-Retail Commercial: Commercial sales and service to customers who
13 intend resale of the products or merchandise sold or handled. For example,
14 non-retail commercial includes wholesaling, warehousing, trucking,
15 terminals, and similar commercial enterprises.

16 26. Outdoor: Refers to that which is not within a building,

17 27. Planned Development Project: A complex of structures and use planned as
18 an integral unit of development rather than as single structures on single
19 lots.

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

22 29. Processing: Manufacturing, packing, repairing, cleaning, and any other
23 similar original or restorative treatment applied to raw materials, products,
24 or personal property. Processing does not refer to the fabrication of
25 structures.

26 30. Public Service Building: Any Building necessary for the operation and
27 maintenance of a utility.

28 31. Retail Sales: Sale of any product or merchandise to customers for their own
29 personal consumption and use, not for resale.

30 32. Road: A traffic-carrying way. As used in this Zoning Resolution, a road may
31 be privately owned.

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

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

- 1 35. Street: Any highway or other public traffic-carrying way. An arterial street
2 in any numbered federal, state, or county highway unless otherwise
3 designated.
- 4 36. Structure: Any combination of materials fabricated to fulfill a function in a
5 fixed location on the land, includes buildings.
- 6 37. Summer homes or cottage: a dwelling which is designed or intended for
7 seasonal or recreational use and is not intended for year-round occupancy
8 or permanent living quarters.
- 9 38. Mobile Home Park: A tract of land prepared and approved according to the
10 procedures of this zoning resolution to accommodate three or more mobile
11 homes.
- 12 39. Use: Use broadly refers to the activities that take place on any land or
13 premises and also refers to the structures located thereon and designated
14 for those activities.
- 15 40. Variance: A departure from the strict conformance with the dimension and
16 area regulations that may be approved by the Board of Zoning Appeals.
- 17 41. Yard: The open space surrounding the principal building on any lot,
18 unoccupied and unobstructed by any portion of the building from the ground
19 to the sky except where specifically permitted by this Zoning Resolution.
20 Yards are further defined as follows:
- 21 Front Yard: That portion of the yard extending the full width of the lot
22 and measured between the front lot line and a parallel line tangent to
23 the nearest part of the principal building, which line shall be
24 designated as the front yard line.
- 25 Rear Yard: That portion of the yard extending the full width of the lot
26 and measured between the rear lot line and a parallel line tangent to
27 the nearest part of the principal building.
- 28 Side Yard: Those portions of the yard extending from the front yard
29 to the rear yard and measured between the side lot lines and parallel
30 lines tangent to the nearest parts of the principal building.
- 31 42. Cellular or Wireless Telecommunication Towers: Any freestanding structure
32 used to support cellular, PCS, or wireless communication antennas.

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1 **ARTICLE IV**

2 **GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 Lot size one acre or less – 200 square ft.

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

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

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

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

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

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

23 **SECTION 6. Off-Street Automobile Parking and Storage.**

24 **6.1.0** Permanent off-street automobile storage, parking, or standing space
25 shall be provided as set forth below at the time of the erection of any
26 building or structure, at the time any principal building or structure is
27 enlarged or increased in capacity by adding dwelling units, guest

1 rooms, or floor area, or before conversion from one zoning use or
2 occupancy to another. Such space shall be provided with vehicular
3 access to a street or alley. This space shall be deemed to be required
4 open space associated with the permitted use and shall not thereafter
5 be reduced or encroached upon in any manner. No required front yard
6 or portion thereof in any residential district shall be utilized to provide
7 parking space required in the RESOLUTION. At least the following
8 minimum parking space requirements for specific uses shall be
9 provided.

10 **6.1.1 Residences and Apartment Houses.**

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

12 **6.1.2 Retail Business.**

13 Parking or storage space for all vehicles used directly in the conduct of
14 such business plus four (4) parking spaces for the first one thousand
15 (1,000) square feet of total floor area and one (1) additional space for
16 every additional one hundred and fifty (150) square feet of floor area.

17 **6.1.3 Industrial Plants and Facilities.**

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

21 **6.1.4 Location of Camping Trailers and/or Boat.**

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

26 **6.1.5 Definition of a Camping Trailer.**

27 Any vehicle or structure designed and constructed in such a manner
28 that its primary purpose is for use as a temporary seasonal residence
29 at a different location on land or water, during vacation or recreation

1 periods, and is or may be reasonably mounted on wheels or a motor
2 vehicle.

3 **SECTION 7. Additional Parking Provisions.**

4 If the vehicle storage space or standing space required above cannot
5 be reasonably provided on the same lot on which the principal use is
6 conducted, the Board of Zoning Appeals may permit such space to be
7 provided on other off-street property, provided such space lies within
8 four hundred (400) feet of the main entrance to such principal use.
9 Such vehicle parking space shall be deemed to be required open space
10 associated with the permitted use and shall not thereafter be reduced
11 or encroached upon in any manner.

12 The required parking space for any number of separate uses may be
13 combined in one lot, but the required space assigned to one use may
14 not be assigned to another use at the same time, except that one-half
15 (1/2) of the parking space required for churches, theaters, or assembly
16 halls, whose peak attendance will be at night or on Sunday.

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

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

23 **SECTION 8. Obstruction to Vision at Street Intersection Prohibited:** Within the

24 triangular or other shaped area formed on a lot by a straight line connecting the
25 right-of-way lines of an intersecting street and a rail line or the right-of-way of two
26 intersecting streets at points twenty (20) feet from the intersection of such right-
27 of-way lines, there shall be no obstructions to vision between a height of three and
28 one-half (3 ½) feet and height of ten (10) feet above the average grade of such
29 street or railroad. This requirement applies to fences, walls, shrubbery, signs,
30 marquees, and other obstructions to vision, but it does not prohibit a necessary
31 retaining wall.

1 **SECTION 8A. Front Yard Requirements and Corner Lots:** Corner lots shall meet
2 the front yard requirements of the district or districts in which they are located on
3 both the street considered as the front street and the street considered as the side
4 street.

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

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

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

18 **SECTION 10. Swimming Pools**

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

- 27 1. The pool is intended to be used solely for the enjoyment of the occupants
28 of the property on which it is located and their guests.
- 29 2. The pool may be located anywhere on the premises except in required
30 front yards, provided that it shall not be located closer than fifteen (15)
31 feet to any property line.
- 32 3. An in-ground swimming pool, or the entire property upon which it is
33 located, shall be walled or fenced in such a manner as to prevent
34 uncontrolled access by children from adjacent properties. No such fence

1 shall be less than four (4) feet in height, and it shall be maintained in good
2 condition with a gate and lock.

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

6 C. A township zoning permit must be obtained for any above-ground swimming
7 pool which is four (4) feet or more above ground. Such a pool shall be located
8 not less than fifteen (15) feet from any road right-of-way or property line,
9 and shall be fenced with a four (4) foot fence or otherwise equipped with
10 suitable safety devices designed to prevent entrance into the pool when not
11 attended by the owner or his/her representative.

12
13 **SECTION 11.** Nothing contained in this RESOLUTION shall prohibit the use of any
14 land for agricultural purposes or the construction or use of buildings or structures
15 incident to the use for agricultural purposes of the land on which such building or
16 structures are located, except as follows:

17 Dairying and animal and poultry husbandry are prohibited on lots less than five (5)
18 acres in platted subdivisions that have been approved pursuant to Ohio Revised
19 Code Section 711.05, 711.09, 711.10 and in areas consisting of fifteen (15) or more
20 lots approved pursuant to Ohio Revised Code Section 711.13 (711.13.1) that are
21 contiguous to one another, or some of which are contiguous to one another and
22 adjacent to one side of a dedicated public road, and the balance of which are
23 contiguous to another and adjacent to the opposite side of the same dedicated
24 public road.

25 **SECTION 12. Fences, Walls, and Entry Gates.** Fences, walls, and entry gates may
26 be permitted in all zoning districts in accordance with this Section.

27 A. General Standards. The following standards apply to all fencing, walls, and
28 entry gates subject to this section.

- 29 1. No barbed-wire, other sharp-pointed material, or electrically
30 charged material shall be used in the construction of a fence, wall,
31 or entry gate unless authorized by a variance (See Appeals,
32 Variances, and Conditional Uses) for the purpose of security in a
33 nonresidential zoning district.

- 1 2. Fences, walls, and Entry dates shall be constructed of common
- 2 fencing materials such as plastic, vinyl, wood, wrought iron, steel,
- 3 brick, and stone.
- 4 3. Fencing and walls should follow the natural contour of the land on
- 5 which it is located.
- 6 4. These regulations do not apply to retaining walls.
- 7 5. Any fencing utilized for an agricultural use as described in O.R.C.
- 8 519.01 and 519.21 is exempt from the regulations of this section.
- 9 6. A fence that is designed with a finished appearance on only one
- 10 side shall be oriented so that the finished side faces the right of way
- 11 or adjacent lot.
- 12 7. Fence or wall height shall be measured from the lowest point
- 13 within three feet on either side of the fence to the top most portion
- 14 of the fence.

15 B. Fences and Walls.

16 1. Front Yard.

- 17 a. Fencing and walls in the front yard shall not exceed 48 inches
- 18 in height.
- 19 b. No fence or wall shall be erected within three (3) feet of any
- 20 public right-of-way line, or 15 feet from the curb or edge of
- 21 pavement, whichever is the greatest setback from the
- 22 centerline of the street.
- 23 c. No fence or wall shall be erected within 25 feet of an existing
- 24 or proposed street or right-of-way intersection, or interfere
- 25 with visibility from driveways or intersections.
- 26 d. All structural supports of any fence or wall permitted in this
- 27 section shall be erected with all supports on the inside of the
- 28 area to be enclosed.

29 1. Side and Rear Yard

- 30 a. Except as otherwise provided in this subsection, no fence shall
- 31 exceed six (6) feet in height.
- 32 b. No fence surrounding a tennis court shall exceed ten (10) feet in
- 33 height.

34 2. Exceptions to Fence Heights

1 a. Ornamental fence posts may exceed the maximum height
2 requirements set forth above by eight (8) inches.

3 b. The fence heights established above may be increased by three (3)
4 inches in order to provide space between the bottom of the fencing
5 material and the ground.

6 3. Keeping of Chickens or Rabbits

7 a. Chickens must be confined within a fenced area of the yard at all
8 times.

9 b. No covered enclosures or fenced area shall be located closer than
10 25 feet to any residential structure on an adjacent lot or shall
11 comply with the setbacks of the applicable zoning district,
12 whichever is greater.
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ARTICLE V
ZONING DISTRICT REGULATIONS

SECTION 1. Agricultural “A” District

A. Uses Permitted:

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

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

1. Cemeteries, Columbarium, Crematories.
2. Amusement Parks, Playgrounds, Pay Fishing Lakes, Golf Courses, and Other Privately Owned Recreational Centers.
3. Riding Stables and Private Stables.
4. Radio and Television Transmitters and Antennas.
5. Drive-In Theaters Subject to the Following Conditions:
 - a) The applicant presents plans and specifications for the proposed theater in a form suitable for making the determinations required 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. Any use or structure permitted and as regulated in the Agriculture "A" District, except as hereinafter defined.
- 2. Public and private forests and wildlife reservations or similar conservation projects, including the buildings for them.

1 3. The following uses are permitted in connection with streams, rivers,
2 lakes, or other bodies of water, providing that the development of all
3 permitted facilities in or adjacent to navigable waters shall be approved
4 by the Corps of Engineers, Department of Army, and such statements of
5 approval or denial shall be submitted to the Zoning Commission at the
6 time of submittal.

7 a) Boat Harbors and Marinas. The following uses shall be permitted as
8 accessory uses in connection with any Boat Harbor or Marina and are
9 primarily intended to serve only persons using the Boat Harbor or
10 Marina. Advertising of any kind, including accessory uses, shall be
11 within the building and shall not be visible from the outside of the
12 building.

13 (1) boat fueling, service, and repairs

14 (2) sale of boat supplies

15 (3) grocery store

16 (4) restaurant

17 (5) clubhouse and lockers

18 (6) amphibious aircraft

19 b) Public Boat Landing or Launching Facilities.

20 c) Dockage Facilities.

21 d) Off-street parking facilities and temporary parking of boat trailers,
22 including spaces large enough to accommodate automobiles pulling
23 boat trailers.

24 4. Flood-tolerant structures shall be erected in Flood Plain Areas as
25 delineated by the report and folder regarding Flood Plain Information on
26 the Ohio River compiled by the U.S. Army Corps of Engineers.

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

30 1. Any special use permitted and as regulated in the Agricultural "C" District.

31 C. Uses Prohibited: All establishments or enterprises operated publicly or
32 privately for the disposal of garbage, rubbish, offal, or other waste or surplus
33 material not originating on the premises.

34 D. Dimension and Area Regulations for Lots and Structures: The regulations on
35 the dimensions and area for lots and structures are set forth in the Schedule

1 of Dimensions and Area Regulations on page 34. The applicable regulations
2 shall be observed in the Conservation “C” District.

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

4 A. Uses Permitted:

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

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

- 32 1. Golf courses, except miniature courses and practice driving tees operated
33 for commercial purposes, including such buildings, structures, and uses

1 as are necessary for their operation; except those the chief activity of
2 which is a service customarily carried on as a business,

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

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

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

15 E. Minimum Floor Area: The minimum total floor area per family, for Residence
16 Districts, per unit may include attached enclosed garages, in addition to the
17 residential floor area; however, no reduction in minimum residential floor
18 area is permitted. Basement areas may be included in the total floor area,
19 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

26 **SECTION 4. Residence "R2" District**

- 27 A. Uses Permitted:
- 28 1. Any use or structure permitted and as regulated in the RESIDENCE "R1"
29 DISTRICT except as hereinafter modified.
 - 30 2. Two-family, three-family, and multi-family.
 - 31 3. Conversions of single-family dwellings into two-family dwellings provided
32 that the structure, when converted, conforms with the lot area, frontage,
33 and yard requirements prescribed for such two or three-family dwellings
34 in this Article and the Schedule of Dimensions and Area Regulations.

- 1 4. Home occupations as defined in Article III, Paragraph 12 herein.
- 2 5. Accessory buildings and uses customarily incidental to any of the above
- 3 permitted uses and as regulated in the RESIDENCE "R1" DISTRICT, except
- 4 hereinafter modified.

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

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

15 C. Uses Prohibited: All uses not specifically permitted by this Section are
16 prohibited in the Residence "R2" District.

17 D. Dimension and Area Regulation for Lots and Structure: The regulations on
18 the dimensions and areas for lots and structures are set forth in the Schedule
19 of Dimensions and Area Regulations on page 34. The applicable regulations
20 shall be observed in the RESIDENCE "R2" DISTRICT.

21 **SECTION 5. Business "B" District**

22 A. Uses Permitted:

- 23 1. Any use or structure permitted and as regulated in the RESIDENCE
24 DISTRICTS except as hereinafter modified.
- 25 2. Consumer services, as defined in Article III, Paragraph 9 of this Resolution,
26 but excluding bars, cocktail lounges, night clubs, billiard parlors, pool
27 halls, and roller rinks.
- 28 3. Retail stores or shops, repair shops, mercantile establishments, banks,
29 offices, or office buildings.
- 30 4. Restaurant, soda fountain, lunch room, but excluding drive-in eating and
31 drinking establishments.
- 32 5. Gasoline filling stations with underground storage tanks.
- 33 6. All billboards, outdoor advertisement signs, and structures shall be
34 limited to two (2) indirectly illuminated signs with a total area of not over

1 forty (40) square feet; no part of any building shall be outlined or
2 otherwise decorated with electric lights. Any enlargement or extension to
3 any existing motel or motor hotel shall require application for a zoning
4 certificate as if it were a new establishment. No enlargement or extension
5 to any motel or motor hotel shall be permitted unless the existing one is
6 made to conform substantially to all the requirements for new
7 construction for such an establishment.

- 8 7. Automobile, truck, trailer, and farm implement establishments for
9 display, hire, sale, and major repairs, including sales lots, provided all
10 operations other than display and sales shall be within a completely
11 enclosed building.
- 12 8. Bottling of soft drinks, creamery and dairy operations, ice cream and
13 candy manufacturing, ice plants, or distributing stations.
- 14 9. Building material sales and storage yard, retail lumber and storage yard,
15 including millwork and prefabrication.
- 16 10. Trucking, catering, express, or hauling terminal or transfer
17 establishment, including the storage of vehicles.
- 18 11. Animal hospital, veterinary clinic, or kennel.
- 19 12. Wholesale sales and warehouses.
- 20 13. Accessory buildings and uses customarily incidental to any of the above
21 permitted uses.

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

- 26 1. Neighborhood shopping centers and other groupings of commercial
27 buildings where there is a development of five (5) or more retail or
28 establishments under single ownership.
- 29 2. Drive-in theaters subject to the same conditions and restrictions as
30 outlined in Article V, Section 1, Subsection B, Paragraph 7 of this
31 Resolution.
- 32 3. Commercial baseball fields, swimming pools, and similar open-air
33 recreation uses or structures and facilities if located at least one hundred
34 and fifty (150) feet from any Residence District.

- 1 4. Contractors' equipment storage yard or plant, or storage and rental of
2 equipment commonly used by a contractor, provided that such storage
3 yard and plant shall be located at least two hundred (200) feet from any
4 Residence District and one hundred (100) feet from any adjoining
5 property line.
- 6 5. Drive-in eating and drinking establishments, summer gardens, and
7 roadhouses including entertainment and dancing.
- 8 6. Bar, cocktail lounge, nightclub, billiard parlor, pool hall, bowling alley,
9 dance hall, skating rink, and similar establishments.

10 C. Uses Prohibited:

- 11 1. Storage of flammable liquids, above ground, other than for use on the
12 premises.
- 13 2. Junk yards.
- 14 3. Any other use not specifically permitted by this Section.

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

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

20 A. Uses Permitted:

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

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

- 31 1. The storage of sand or gravel or another raw material; the storage of
32 equipment or vehicles of an earth-moving or construction nature,
33 finished products or components of finished products, outside of
34 completely enclosed buildings, on lots other than those on which the

1 manufacturing, assembly, or principal activity of the permitted use
2 occurs.

3 2. Bag cleaning plants; boiler and tank works; central mixing plants for
4 cement, mortar, plaster, or paving materials; junk yards; establishments
5 which cure, tan, or store raw hides and skins; distillation plants for bones,
6 coal, wood, or tar; fat-rendering plants; forge plants, foundries for
7 gasoline, oil and alcohol in excess of six hundred (600) gallons; slaughter
8 houses and stockyards; smelting plants; plants for the manufacture of
9 acetylene, acid, alcohol, alcoholic beverages, ammonia bleaching
10 powder, chemicals, brick, pottery, terra-cotta, tile, candles, disinfectants,
11 dye-stuffs, fertilizer, illuminating or heating as (or storage of same)
12 linseed oil, paint, oil, turpentine, varnish, soap, and tar products; and
13 establishments for the disposal of garbage, rubbish, offal or other waste
14 or surplus material not originating upon the premises, by either landfill or
15 incineration.

16 3. Any other industrial or manufacturing activity that in the opinion of the
17 Board of Zoning Appeals will emit detrimental or obnoxious noise,
18 vibration, smoke, odor, dust, heat, or light beyond the limits of the
19 INDUSTRIAL "I" DISTRICT in which it is located.

20 C. Uses Prohibited: Uses not specifically permitted by this Section are
21 prohibited in the INDUSTRIAL "I" DISTRICT.

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

26 **SECTION 7. Mobile Home, Modular Home, Manufactured Home Park, and**
27 **Subdivision "MHP" Districts.** The regulations set forth in this section, or set forth

28 elsewhere in this RESOLUTION, when referred to in this Section are the deistic
29 regulations in Mobile Home, Modular Home, Manufactured Home Park, and
30 Subdivision "MHP" District. It is the purpose of this district to provide site for
31 mobile homes, modular homes, and manufactured homes at appropriate locations
32 in relation to the existing and potential development of their surroundings and in
33 relation to other uses and community facilities to afford a proper setting for such
34 uses and proper relation to other land uses and the comprehensive plan.

1 A. Uses Regulations: Land or premises within the Mobile Home, Modular
2 Home, Manufactured Home Park and Subdivision “MHP” District shall be
3 used only for mobile homes, modular homes, and manufactured homes and
4 accessory buildings and uses customarily incident thereto.

5 B. Procedure: The owner or owners of a tract of land comprising not less than
6 ten (10) acres may submit a plan for the use and development of the tract of
7 land for a mobile home, modular home, and manufactured home park as
8 provided herein. Such plan for development of the area shall be filed with
9 the Township Zoning Commission and shall be referred to the Regional
10 Planning Commission for study and report. The Regional Planning
11 Commission shall recommend the approval or denial of the plan or approval
12 of some modifications thereof and submit the plan, together with a report
13 stating its findings and recommendations of the Township Zoning
14 Commission for public hearing and recommendation thereon to the Board of
15 Township Trustees for final public hearing and determination. If the report
16 of the Regional Planning Commission recommends approval of the plan, it
17 shall state the reasons for approval and shall include specific evidence and
18 facts showing that the proposed mobile home, modular home, and
19 manufactured home park meets the following requirements.

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

27 D. Design Requirements:

28 1. The location and planning of the mobile home, modular home, and
29 manufactured home site and the amount, arrangement, and treatment
30 of open space shall be designed to ensure a satisfactory living
31 environment and shall be carried out in consideration of property
32 adjacent to the area included in the plan and ensure that such adjacent
33 property will not be adversely affected.

1 To this end there shall be established and maintained an open space
2 landscaped buffer within the mobile home, modular home, and
3 manufactured home park along its exterior boundaries. This buffer shall
4 not be less than forty (40) feet along any other line, except that where
5 topography or other physical features of the tract or its relation to
6 surrounding property may make complete compliance with the buffer
7 requirements as prescribed herein, unnecessary or undesirable, the
8 Township Zoning Commission may modify such requirements to the
9 extent warranted by such physical conditions, provided the surrounding
10 property and public welfare are adequately protected, and areas not used
11 for access parking, circulation, building, and service shall be completely
12 and permanently landscaped and the entire site maintained in good
13 condition. The buffer required herein shall be maintained as open space
14 and landscaping in its entirety, and no areas used for access, parking,
15 circulation, building, or service or other accessories of the mobile home,
16 modular home, and manufactured home park shall be located within any
17 part of such buffer. Recommendations of the Regional Planning
18 Commission are subject to the approval of the Township Zoning
19 Commission and the Township Trustees.

20 2. The number of mobile home, modular homes, and/or manufactured
21 homes shall not exceed seven (7) such units per net usable acre of the
22 site. The net usable acreage shall be deemed to be the total area of the
23 site, excluding any public street right-of-way and excluding the open
24 space buffer required in Paragraph D.1.

25 3. All mobile homes, modular homes, and manufactured homes and
26 accessory building and uses, including the recreation areas required
27 herein, shall be located within the area determined and defined as the
28 net usable area.

29 4. Permitted accessory buildings and uses shall include management offices,
30 laundry facilities, recreation areas, and, where specifically approved as a
31 part of the park plan, other recreation facilities and the sale of
32 convenience goods and services exclusively for and to occupants of the
33 mobile home, modular home, and manufactured home park.

34 5. Every mobile home, modular home, and manufactured home park shall
35 provide one or more recreation areas easily accessible to all residents of

1 the park. The aggregate size of such areas shall be not less than one
2 hundred (100) square feet for each lot, and no individual recreation areas
3 shall be less than three thousand (3,000) square feet. Such recreation
4 areas shall be graded and arranged and provided with appropriate
5 equipment for full recreational use of the area. No such recreation area
6 shall be located in any part of the buffer.

- 7 6. Each mobile home, modular home, and manufactured home park shall
8 abut and have access to a public street, and each mobile home, modular
9 home, and manufactured home park shall have direct access to the
10 private internal road system, either by directed frontage or by means of
11 a ten (10) foot, hard surfaced driveway. Such internal road system shall
12 be constructed to provide a permanent pavement of at least twenty six
13 (26) feet, including curbs and gutters. Off-street parking spaces shall be
14 provided in the ratio of two (2) spaces for each mobile home, modular
15 home, and manufactured home lot; such spaces shall be within two
16 hundred (200) feet from the mobile home, modular home, and
17 manufactured home or homes served. No parking space shall be located
18 within any part of the buffer.
- 19 7. A common walk system shall be provided and maintained between
20 locations where pedestrian traffic is concentrated, and all mobile home,
21 modular home, and manufactured home stands shall be connected by
22 walks to the common walk system, to the parking spaces, to the paved
23 streets, and to all service buildings.
- 24 8. Each mobile home, modular home, and manufactured home stand shall
25 be equipped with a concrete slab or with concrete ribbons of adequate
26 thickness and size to support the mobile home, modular home, and
27 manufactured home load during all seasons. Where concrete ribbons are
28 used, the area between such ribbons shall be filled with crushed rock.
- 29 9. Each mobile home, modular home, and manufactured home park shall be
30 adequately lighted for safety at night; all such lights shall be so located
31 and shielded to prevent direct illumination of any area outside the park.
- 32 10. Each mobile home, modular home, and manufactured home park shall
33 be provided with public water supply and a water distribution system
34 installed in accordance with Clermont County specifications. Where a
35 public sanitary sewer is reasonably accessible, the park shall be provided

1 with sanitary sewerage connected thereto, including a lateral connection
2 to each mobile home, modular home, and manufactured home lot,
3 subject to the review and approval of the Clermont County Sewer District,
4 the Clermont County Health Department, and the State Department of
5 Health. Where a public sanitary sewer is not available and not reasonably
6 accessible in the combined judgment of the Regional Planning
7 Commission and the Clermont County Sewer District, an alternate means
8 of sewage disposal, such as a community sewage treatment plant, may
9 be considered, subject to review and approval of officials having
10 jurisdiction. An individual sewage disposal system shall not be permitted.

11
12 Each park shall be graded and drained to prevent the standing of storm
13 water and the method of drainage, including treatment of both paved and
14 unpaved areas.

15 E. Additional Requirement: In addition to the foregoing, The Township Zoning
16 Commission may impose such other conditions, requirements, or limitations
17 concerning the design, development, and operation of such mobile home,
18 modular home, and manufactured home park as it may deem necessary for
19 the protection of adjacent properties and the public interest. The Township
20 Zoning Commission may consider the recommendation of the Regional
21 Planning Commission.

22 F. Enlargement: Any enlargement or extension of an existing mobile home,
23 modular home, and manufactured home park shall be treated as if it were a
24 new establishment and shall be subject to the provisions of Paragraph B and
25 the other provisions of this Section. No enlargement or extension of a mobile
26 home, modular home, and manufactured home park shall be permitted
27 unless the existing park is made to conform substantially to all the
28 requirements for new construction of such establishment.

29 **SECTION 8. Park "P" District**

30 A. Uses Permitted:

- 31 1. Any use permitted in the RESIDENCE "R1" DISTRICT, except that
32 continuous winter occupancy is not permitted. Residential uses in the
33 Park "P" District shall be subject to the dimensional and setback

- 1 requirements of the RESIDENCE “R1” DISTRICT, set forth in Article V,
2 Section 3 and the Schedule of Dimensions and Area Regulations.
- 3 2. Summer homes and cabins, subject to the following:
4 a. No structure may be used as a primary residence.
5 b. No mobile homes or manufactured homes are permitted in the
6 Park (“P”) District.
- 7 3. Private campgrounds and campsites, used for personal use, subject to the
8 following:
9 a. If the campground consists of individually owned parcels, only one
10 camping unit and one accessory structure are permitted per parcel.
11 The lot size for such parcel shall be a minimum of 20,000 square
12 feet.
13 b. A camping unit shall not be used as a primary residence.
14 c. All structures, including camping units, accessory structures, and
15 facilities associated with a campground shall conform to all
16 dimensional and setback requirements of this Section.
17 d. The use and occupancy of the campground shall be in strict
18 compliance with the laws and requirements of Clermont County
19 Public Health and the State of Ohio governing such uses.
- 20 4. Commercial campgrounds, subject to the following:
21 a. The minimum site area of the campground shall be ten (10) acres.
22 Each campsite shall be a minimum of 1,400 sq. feet and shall
23 include a designated parking space with minimum dimensions of
24 ten (10) by twenty (20) feet.
25 b. All health and sanitation requirements shall be in accordance with
26 Section 3701-26-05 of the Ohio Administrative Code, as may be
27 amended or renumbered, and all applicable provisions of the Ohio
28 Building Code.
29 c. All campsites shall abut at least one internal roadway within the
30 boundaries of the campground. Ingress and egress to the campsite
31 shall be limited to an internal roadway. No camp sites may be
32 located adjacent to a public roadway.
33 d. A minimum 75 foot setback shall be established around the
34 perimeter of the property for the purpose of buffering a
35 commercial campground from adjacent properties. The buffer
36 shall be kept in its natural state.

- 1 e. A camping unit may not be used as a permanent residence, with
2 the exception that one residential dwelling unit or camping unit
3 may be continuously occupied on the site by a caretaker or
4 supervisor of the campground. All campground operators shall
5 provide the Township Zoning Inspector with the name and contact
6 information of at least one caretaker or supervisor for each
7 commercial campground located in the Township.
- 8 f. The use and occupancy of the campground shall be in strict
9 compliance with the laws and requirements of Clermont County
10 Public Health and the State of Ohio governing such uses.
- 11 5. Private boat clubs and docks, subject to the following:
- 12 a. Boat clubs and docks shall have a minimum lot area of five (5) acres
13 and a minimum of 300 feet of water frontage.
- 14 b. No more than one (1) campsite is permitted for each one-half (½)
15 acre of boat club property.
- 16 c. Boat ramps and docks shall be in compliance with all applicable
17 State of Ohio, U.S. Coast Guard, and Army Corps. Of Engineer
18 regulations.
- 19 d. Boats and related equipment shall be stored in a designated area
20 on the property, which shall be screened from view from the right
21 of way and adjacent properties by solid fencing, landscaping, or
22 similar screening.
- 23 6. Boat Harbors and Marinas, as set forth in Article V, Section 2 of the Zoning
24 Resolution.
- 25 7. The following accessory buildings and uses customarily incidental to the
26 principally permitted use of the parcel:
- 27 a. Active and passive outdoor recreational facilities such as ballfields,
28 shuffleboard courts, swimming pools, playgrounds, and trails;
- 29 b. Registration office, administration and maintenance facilities;
- 30 c. Indoor assembly and recreational facilities;
- 31 d. Clubhouse and lockers;
- 32 e. Convenience stores and retail intended to provide goods
33 associated with the principal use of the property such as bait shops,
34 boat supply, camp stores, and vending machines;
- 35 f. Freestanding decks and sheds;
- 36 g. Pole barns;

1 h. Other uses and structures which are customarily incidental to the
2 operation of the permitted uses herein.

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

6 1. Single family homes with continuous year-round occupancy provided
7 there is approval by Clermont County Public Health or the Ohio
8 Environmental Protection Agency for on-site wastewater treatment.

9 C. Uses Prohibited: Uses not specifically permitted by this Section are
10 prohibited in the Park "P" District.

11 D. Dimensional and Area Regulations for Lots and Structures: Unless otherwise
12 specified in these regulations, the regulations on the dimensions and areas
13 for lots and structures are set forth in the Schedule of Dimensions and Area
14 Regulations on page 37. The applicable regulations shall be observed in the
15 Park "P" District.

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SCHEDULE OF DIMENSIONS AND AREA REGULATIONS

	Maximum Height of Buildings	Min. Lot Area When Served by Approved Sanitary Sewer	Min. Lot Area When Not Served by Sanitary Sewer	Max. % of Lot Area which may be Covered by Buildings	Min. Lot Width at Building Line	Min. Front Yard Depth	Min. Side Yard	Min. Rear Yard
District	Feet	Square Feet		Percent	Feet	Feet	Feet	Feet
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 (2)	35	10	35
B	45	None (7)	As required by County Health Board	None (7)	None (7)	60/35 (3)(7)	None/75(4)(7)	15 (7)
I	100	175,000 (7)	175,000 plus any additional as required above (7)	50%	300 (7)	100 (7)	50/200 (5)(7)	75 (6)(7)
P (summer homes / cabins)	45	20,000		30%	75/100	50	10	35
P (private campgrounds)	35	20,000		10%	None	5	5	5
P (commercial campgrounds)	35	435,600 (10 acres)		15%	None	75	75	75
P (private boat clubs and docks)	35	217,800 (5 acres)		30%	None	75	75	75
P (boat harbors and marinas)	35	43,560 (1 acre)		30%	100	75	35	35

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FOOTNOTES

4

(1) First number for single family units; second number must be added for each additional unit.

5

(2) 675-foot lot frontage permitted when lot is served by an approved sanitary sewer.

6

(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.

8

(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.

9

10

(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.

11

12

(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.

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14

(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.

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Note:

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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.

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

- A. The regulations contained with this Article shall apply to signs and to all zoning districts
- B. Unless otherwise provided by the Article, all signs shall require a Zoning Certificate and a payment of fees. No Zoning Certificate is required for the

1 maintenance of a sign or for a change of copy on painted, printed, or
2 changeable copy signs.

3 **SECTION 3. Compliance Required**

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

13 **SECTION 4. Computations.** The following principals shall control the computation
14 of sign area and sign height,

- 15 A. The area of a sign face, which is also the sign area of a wall sign or other
16 sign with only one face, shall be computed by means of the smallest
17 square, circle, rectangle, triangle, or combination thereof that shall
18 encompass the extreme limits of the writing, representation, emblem, or
19 other display, together with any material or color that is an integral part
20 of the background of the display or used to differentiate the sign from the
21 backdrop or structure against which it is placed. This does not include any
22 supporting framework, bracing, or decorative fence or wall when such
23 fence or wall otherwise meets Zoning RESOLUTION regulations and is
24 clearly incidental to the display itself.
- 25 B. The height of a sign shall be computed as the distance from the base of
26 the sign at normal grade to the top of the highest attached component of
27 the sign.
- 28 C. The area for a sign with more than one face (multi-faced signs) shall be
29 computed by adding together the area of all sign faces visible from any
30 one point. *See Figure 1.*
- 31 D. When two identical sign faces are placed back-to-back, so that both faces
32 cannot be viewed from any one point at the same time, and when such
33 sign faces are part of the same sign structure and are not more than 24

1 inches apart, the sign area shall be computed by the measurement of one
2 of the faces. See *Figure 1*.

3 E. When calculating street frontage, only the street frontage that lies in the
4 unincorporated area of Ohio Township shall be used in the calculation.
5

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

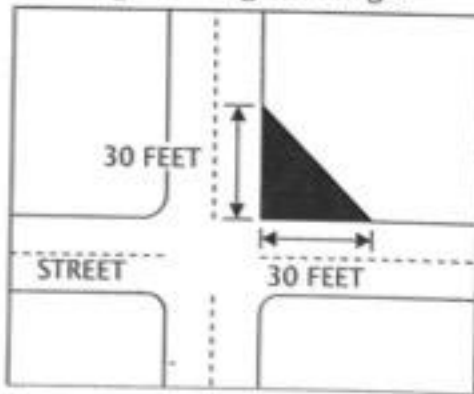


7
8 **SECTION 5. General Sign Standards.** This Article shall apply to any sign that is
9 visible from the public right-of-way or from property other than the property on
10 which the sign is located; signs located entirely within buildings or other structures
11 and/or otherwise not visible from the public right-of-way or from property on
12 which the sign is located are exempt from this Article.

13 A. No sign shall be erected or maintained at any location where by reason of its
14 position, working, illumination, shape, symbol, color, form, or may be
15 confused with any authorized traffic sign, signal, or device, or interfere with,
16 mislead, confuse, or disrupt traffic safety or flow.

17 B. No portion of a sign shall obscure visibility between a height of three and
18 ten feet within a sight triangle consisting of the area bounded by the right-
19 of-ways of the adjacent intersecting streets extending along those right-
20 ways centerlines 30 feet from the point of right-of-way intersection, and a
21 straight line connecting said latter points.

Figure 2: Sight Triangle



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- C. Signs incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) are expressly prohibited.
- D. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity. Flashing and moving signs are specifically prohibited, except that changeable copy signs on which the message is changed no more often than one time per minute shall not be considered flashing or moving signs. All wiring, fittings, and materials used in the sign shall be in accordance with the provisions of the electrical code in effect at the time of installation, modification, or repair of sign.
- E. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
- F. Should any sign be or become unsafe or be in danger of falling, the property owner shall be responsible for putting the sign in a safe and secure position or removing the sign.
- G. Signs shall not be attached to trees, utility poles, rocks, fences, or streetlights, nor shall signs be placed on any public property except in accordance with this Article.
- H. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by Township regulations.

- 1 I. The light from any illuminated sign or from any light source shall be so
2 shaded, shielded, or directed that the light intensity or brightness shall not
3 adversely affect surroundings or facing residential districts, or adversely
4 affect the safe vision and operation of vehicles moving on public or private
5 roads, highways, or parking areas. Light shall not directly shine or reflect on
6 or into residential structures.
- 7 J. All buildings shall have a sign providing the numeric address for identification
8 purposes to assist fire and safety protection. Such signs shall not require a
9 Zoning Certificate, but shall otherwise conform to the standards of this
10 Article and shall be subject to the standards of Section 8 B.
- 11 K. Signs on Awnings, Canopies, Fascia, or Marquees
- 12 1. Awnings, canopies, fascia, or marquees shall be designated as permanent
13 parts of the building and shall meet all the requirements of all applicable
14 building and electrical codes.
- 15 2. Unless otherwise provided in this Article, the sign area of the awning,
16 canopy, fascia, or marquee shall be included as part of the wall sign area
17 calculation.
- 18 3. In cases where the awning, canopy, fascia, or marquee is constructed of
19 translucent material, is illuminated from within or behind structure, and
20 contains sign copy, the entire area of the structure shall be calculated in
21 determining the sign area.
- 22 4. Such signs shall be permitted to extend into the public right-of-way over
23 a sidewalk but shall be required to provide a clearance of eight feet
24 between the sidewalk and the sign. Such sign shall not extend above the
25 roof line.
- 26 L. Wall signs shall not project more than 18 inches as measured from the face
27 of the building to the front of the sign.
- 28 M. Signs in a Planned Unit Development (PUD)
- 29 Signs for residential uses in a PUD shall comply with the standards of Section
30 9 of this Article, and signs for business uses in a PUD shall comply with the
31 standards of Section 10 of this Article, unless an alternate sign plan is
32 approved as part of the PUD review and approval process.
- 33

1 **SECTION 6: Prohibited Signs.** The following types of signs are prohibited in all
2 districts:

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

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

15 B. Abandoned On-Premises Signs

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

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

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

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

32 F. Any sign that rotates, revolves, or otherwise moves unless otherwise
33 expressly permitted under this Article;

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

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

14 A. Scope of Partial Exemption

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

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

- 25 1. Signs bearing no commercial message and installed by employees or
26 officials of a state or federal agency in the course of their governmental
27 duties;
- 28 2. Signs required by a state or federal statute;
- 29 3. Signs required by an order of a court of competent jurisdiction;
- 30 4. Signs installed by public utilities in their rights-of-way or on their facilities
31 and bearing no commercial message other than such message is
32 necessary to identify the use;
- 33 5. Signs installed by a transit company with a franchise or other right to
34 operate in Clermont County, where such signs are installed along its

1 routes and relate to schedules or other information about the transit
2 route.

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

4 A. The following sign types shall be exempted from permit requirements but
5 shall be in conformance with all other requirements of this Article:

- 6 1. Commemorative plaques placed by recognized historical agencies; such a
7 sign shall bear no commercial message unless it meets all the standards
8 for a sign bearing a commercial message at that location;
- 9 2. One wall sign, not to exceed two square feet in area, for each dwelling
10 unit. Such sign shall not contain any commercial message. If lighted, such
11 sign may be lit with indirect illumination only;
- 12 3. One permanent freestanding sign on a lot that is used for agriculture,
13 which are exempt from Township Zoning Regulations pursuant to Section
14 519.21 of the Ohio Revised Code. Such sign may bear a commercial
15 message related to products or services available on the premises or a
16 message other than a commercial message. It shall be set back a
17 minimum of fifteen (15) feet from all right-of-ways, shall not exceed
18 thirty-two (32) square feet in area, and shall not exceed six (6) feet in
19 height.
- 20 4. Window signs not to exceed fifty percent (50%) of window surface. The
21 window signs shall be so located as to allow clear visibility into the
22 building for the purposes of fire and police protection.
- 23 5. Routine maintenance of any sign, not involving structural changes to the
24 sign;
- 25 6. Changes of message, either manually or electronically, on a message
26 board or reader board, subject to limitations in this Article on the
27 frequency of changes of message; and
- 28 7. Changes of sign panels or letters that do not involve structural changes to
29 the sign;
- 30 8. Signs installed by County employees or officials of Ohio Township in the
31 course of their official duties and not falling under one of the broader
32 exemptions of Section 7; and
- 33 9. Other signs conforming to the Manual of Uniform Traffic Control Devices
34 and bearing no commercial message.

1 B. The following signs shall be exempt from the certificate requirements of this
2 Article and shall not be considered in applying limitations on the number of
3 signs permitted on a wall or a lot, but such signs shall be subject to the
4 lighting, installation, height, setback, maintenance, and other standards set
5 forth in this Article;

- 6 1. Detached signs smaller than two (2) square feet in area and containing no
7 commercial message;
- 8 2. Any sign not legible from a public way or from private property other than
9 the lot on which the sign is located; and
- 10 3. Any sign not legible from a public way or from private property other than
11 the lot on which the sign is located; and
- 12 4. Any window sign that is not separately lighted or electrified.

13 **SECTION 9: Permanent Signs Permitted in Residential Districts.** The following
14 permanent signs may be permitted in any residential zoning district and shall
15 require a zoning certificate:

16 A. Up to two (2) permanent freestanding signs for any subdivision or multi-
17 family dwelling in a residential zoning district, provided that the sign meets
18 the following requirements:

- 19 1. The signs may be permitted at each development entrance along a
20 township, county, or state road;
- 21 2. The signs shall be ground mounted;
- 22 3. The signs shall be setback fifteen (15) feet from the public right-of-way
23 and ten (10) feet from any adjacent property lines;
- 24 4. Each sign may have a maximum sign area of twenty-four (24) square feet,
25 not including any fence or wall on which the sign is located;
- 26 5. No such sign or any portion of the structure shall exceed six (6) feet in
27 height;
- 28 6. No such sign shall bear a commercial message; and
- 29 7. The sign may only be illuminated through external lighting.

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

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

- 1 2. The sign shall be set back ten (10) feet from the public right-of-way and
- 2 twenty (20) feet from any adjacent property lines;
- 3 3. The maximum sign area shall be forty-eight (48) square feet;
- 4 4. The sign may include a changeable copy sign, provided that it does not
- 5 comprise more than twenty percent (20%) of the total sign area;
- 6 5. No such sign or any portion of the structure shall exceed eight (8) feet in
- 7 height;
- 8 6. No such sign shall bear a commercial message; and
- 9 7. The sign may only be illuminated through external lighting.

10 **SECTION 10. Permanent Signs Permitted in Business and Industrial Districts.** The
11 following signs may be permitted in any business or industrial zoning district
12 provided that no such sign shall bear an off-premise commercial message, and each
13 such sign shall require a zoning certificate:

14 A. Pole signs or Ground-Mounted Signs

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

- 18 1. One pole-mounted sign is permitted on each parcel or lot as follows:
 - 19 a) The sign shall be set back ten (10) feet from the right-of-way;
 - 20 b) The maximum sign height shall be twenty (20) feet;
 - 21 c) The maximum permitted sign area shall be the equivalent to one (1)
 - 22 square foot of sign area for each one hundred (100) square feet; and
 - 23 d) Where a lot is a corner lot, double frontage lot, or is of another
 - 24 configuration with multiple street frontages, the longest single street
 - 25 frontage shall be used to calculate the maximum sign area.
- 26 2. A property owner, applicant, or his/her agent may choose to have up to
27 two (2) ground-mounted signs instead of a pole-mounted sign as
28 permitted in subsection (A) above Such ground-mounted sign(s) shall
29 meet the following provisions:
 - 30 a) The sign shall be set back ten (10) feet from the right-of-way;
 - 31 b) The maximum sign height shall be ten (10) feet;
 - 32 c) The maximum permitted sign area shall be the equivalent to two (2)
 - 33 square feet of sign area for each lineal foot of street frontage with a
 - 34 maximum sign area of two hundred (200) square feet;

- 1 d) The maximum sign area permitted for each ground –mounted sign
2 shall be one hundred (100) square feet; and
3 e) Where a lot is a corner lot, double frontage lot, or is of another
4 configuration with multiple street frontages, the longest single street
5 frontage shall be used to calculate the maximum sign area.

6 B. Wall Signs

- 7 1. Each business or tenant within a business or industrial district shall be
8 permitted one (1) wall sign for each side of the building that faces a public
9 roadway.
10 2. The maximum sign area of the wall sign for any single business or tenant
11 shall be equivalent to 1.5 square feet per each lineal foot of building width
12 or width of the portion of the building of which the business or tenant
13 occupies.
14 3. Wall signs shall not be mounted in such a way as to exceed the height of
15 the structure.

16 C. Electronic Information Signs

- 17 1. Lighted electronic information signs whose only movement is the periodic
18 changing of information against a solid, colorless background shall be
19 considered a changeable copy sign for the purpose of this Article.
20 2. Bulbs with automatic dimmers and glare screens shall illuminate all such
21 signs.
22 3. Any sign under this Section shall meet all other zoning requirements.

23 D. Permanent driveway signs shall be permitted under the following provisions:

- 24 1. The sign shall be located within ten (10) feet of the intersection of a public
25 street and a private driveway;
26 2. The sign shall not contain a commercial message;
27 3. One (1) sign may be permitted per individual driveway;
28 4. The sign may not exceed four (4) square feet in area; and
29 5. The sign height shall not exceed three (3) feet.

30
31 **SECTION 11: Off-Premise Signs (Billboards)**

- 32 A. Off-premise signs, also called billboards, shall be classified as a business use
33 and be permitted in all districts zoned for industry, business, or trade, or

1 lands used which are exempt from Township Zoning Regulations pursuant to
2 Section 519.21 of the Ohio Revised Code.

- 3 B. No portion of any off-premise sign shall project over or encroach upon any
4 public property or public right-of-way.
- 5 C. As a business, billboards shall be considered a principal use and shall be
6 required to meet all setback and lot area requirements of the applicable
7 zoning district.
- 8 D. No billboard shall be located within 1,500 feet of any other billboard in any
9 direction.
- 10 E. Any illumination of an off-premise sign shall be of an indirect type and shall
11 not face toward any residential area nor direct lighting in any direction other
12 than toward the sign face itself.
- 13 F. The maximum sign area and minimum setback shall be as follows:
 - 14 1. The maximum sign area for billboards on agricultural lands is thirty-two
15 (32) square feet, with a minimum setback of fifteen (15) feet from the
16 right-of-way.
 - 17 2. Billboards in a business or industrial zoning district shall not have a sign
18 area of more than one hundred (100) feet. Billboards in business and
19 industrial districts shall be setback a minimum of one hundred (100) feet
20 from all right-of-ways, except as required by the Ohio Department of
21 Transportation, which may require greater setback distances along
22 primary highways. The maximum sign area for billboards in business and
23 industrial zoning districts may be increased to a maximum area of three
24 hundred (300) square feet, provided that for every two (2) square feet of
25 sign area over one hundred (100) square feet, such sign shall be setback
26 an additional one (1) foot from any right-of-way.
- 27 G. No billboard shall exceed thirty (30) feet in height as measured from the
28 grade of the road adjacent to the billboard.
- 29 H. A billboard sign may contain two (2) signs oriented back-to-back, or V-type
30 with an angle not to exceed thirty-five (35) degrees, provided that the total
31 area of the sign faces oriented in any one direction shall not exceed the
32 maximum size provisions of subsection (F) above.

33 **SECTION 12: Temporary Signs**

- 34 A. General Definitions Related to Temporary Signs

- 1 1. Temporary signs shall be defined in this Article and may include, but are
2 not limited to, political signs, real estate signs, and special events.
- 3 2. Temporary signs with a commercial message include, but are not limited
4 to, real estate signs, signs that reference the sale of items or other
5 business-related activities, or signs that include text classified as a
6 commercial message.
- 7 3. Temporary signs that do not contain a commercial message include, but
8 are not limited to, political signs and any other sign with text that is not
9 classified as a commercial message.

10 B. Standards That Apply to All Temporary Signs

- 11 1. No temporary sign shall be mounted, attached, affixed, installed, or
12 otherwise secured by any permanent means to any building, permanent
13 sign, or other structure or improvement, or to the ground upon which it
14 is erected.
- 15 2. No temporary sign shall be mounted, attached, affixed, installed, or
16 otherwise secured so as to protrude above the roof of a structure.
- 17 3. No temporary sign shall be illuminated by anything other than non-
18 reflected daylight, except by variance issued by the Board of Zoning
19 Appeals.
- 20 4. Temporary signs shall be set back a minimum of ten (10) feet from the
21 edge of street pavement or the edge of a street right-of-way, whichever
22 is the greater setback.

23 C. Permitted Temporary Signs in a Residential Zoning District

- 24 1. Up to two (2) of the permitted temporary signs may contain a commercial
25 message. Such signs with commercial messages shall be limited to six (6)
26 square feet or less in sign area and shall not exceed four (4) feet in height.
- 27 2. Temporary signs shall be set back a minimum of ten (10) feet from the
28 street pavement and shall not be permitted within thirty five (35) feet of
29 pavement of any intersection.
- 30 3. As an accessory use to the permitted temporary commercial activity of
31 land development, one (1) temporary sign with a maximum sign area of
32 thirty two (32) square feet and a maximum height of six (6) feet may be
33 permitted during the development of a subdivision or for the
34 construction of a nonresidential use. Such sign shall require a Zoning

1 Certificate and fee and may be maintained for the following periods of
2 time:

- 3 a) A period not to exceed two (2) years; or
- 4 b) Until a permitted permanent sign identifying the subdivision or multi-
5 family building is installed; or
- 6 c) Until twenty (20) days following the completion of construction of the
7 last dwelling unit.

8 D. Permitted Temporary Signs in Business or Industrial Districts

9 This section addresses permitted temporary signs in a business or industrial
10 zoning district.

- 11 1. Up to two (2) of the permitted temporary signs may contain a commercial
12 message. Such signs with commercial messages shall be limited to twenty
13 four (24) square feet in sign area and shall not exceed six (6) feet in height.
- 14 2. Temporary signs shall be set back a minimum of fifteen (15) feet from the
15 street pavement and shall not be permitted within thirty five (35) feet of
16 the pavement of any intersection.
- 17 3. Temporary signs greater than twenty four (24) square feet in area, with a
18 commercial message, may be permitted under the following provisions:
 - 19 a) The owner of the property where the sign will be located applies for
20 and receives a Zoning Certificate for the sign;
 - 21 b) There shall be a limit of one (1) sign per premises, and such sign shall
22 not exceed thirty two (32) square feet per side, with a maximum of
23 two (2) sides;
 - 24 c) The sign shall not be illuminated unless authorized by the Board of
25 Zoning Appeals through the variance process; and
 - 26 d) A temporary sign permitted under this section may be permitted for a
27 period of thirty (30) days per Zoning Certificate, and not to exceed
28 sixty (60) days per year.
- 29 4. The maximum height of temporary signs shall not exceed the maximum
30 allowable height for a permanent freestanding sign in the district in which
31 the property is located.

32 E. Temporary Signs for Public or Institutional Uses

- 33 1. Public or institutional uses shall be permitted to utilize temporary signs
34 pursuant to this section, provided the sign meets the following provisions:
 - 35 a) The temporary sign does not include a commercial message;

- b) The sign shall not exceed thirty six (36) square feet in area for any one side;
- c) The sign shall not exceed eight (8) feet in height; and
- d) Up to one (1) sign shall be permitted for a period of thirty (30) days and shall not exceed ninety (90) days per year.

SECTION 13: Maintenance

- A. All signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes, and be kept in good repair.
 - 1. Signs shall be free from rust, dust, dirt, and other such debris.
 - 2. Exposed surfaces shall be clean and painted, if paint is required.
 - 3. Defective parts shall be replaced.
 - 4. The Zoning Administrator shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within thirty (30) days after notification to the owner from the Zoning Administrator.
- B. Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or lessee shall, upon receipt of written notice from the Zoning Administrator, proceed at once to correct the unsafe condition and/or remove the sign in question.
- C. Signs shall not be constructed, maintained and/or illuminated in such a manner as to create or allow the obstruction of vision for drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of this Resolution.

SECTION 14: Nonconforming Signs

- A. Determination of Legal Nonconformity
 - 1. Existing signs that do not conform to the specific provisions of this Article may be eligible for the designation of a “legal nonconforming sign”, provided that they are not in violation of either of the following:
 - a) The Zoning Administrator determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance, and/or;

1 b) The sign was covered by a valid permit or variance, or complies with
2 all applicable laws on the effective date of this Resolution.

- 3 2. Portable signs shall not be designated a legal nonconforming sign and
4 shall be removed within one hundred and twenty (120) days of the
5 effective date of this Resolution. Portable signs altered to be made non-
6 portable shall still be considered to be portable.

7 B. Loss of Legal Nonconforming Status

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

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

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

23 A. General Rules of Construction

- 24 1. Unless the term of a specific provision state otherwise (e.g., some
25 provisions specify “business days”), periods of time defined by a number
26 of days shall mean a number of consecutive calendar days, including all
27 weekend days, holidays, and other non-business/working days; however,
28 if the last day is Saturday, Sunday, or legal holiday, that day shall be
29 excluded.
30 2. The word “shall” is always mandatory, and words “may” or “should” are
31 always permissive.
32 3. Unless the context clearly suggests the contrary, conjunctions shall be
33 interpreted as follows:

1 a) "And" indicated that all connected items, conditions, provisions, or
2 events shall apply; and

3 b) "Or" indicates that one or more of the connected items, conditions,
4 provisions, or events shall apply.

5 4. For the purpose of this Resolution, words and phrases shall have the
6 meanings set forth in this Article.

7 5. Words and phrases not otherwise defined in this Resolution shall be
8 construed according to the common and approved usage of American
9 English.

10 B. Definitions

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

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

18 3. Legible. As related to signs, means that a message can be comprehended
19 by a person with eyesight adequate to obtain a current Ohio driver's
20 license standing in the public way or other location from which legibility
21 is to be determined. Where such facts are material, it shall be presumed
22 that the observation takes place in daylight hours and that the person
23 making the observation is standing and is between five feet two inches
24 (5'2") tall and six feet (6') tall.

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

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

32 6. Sign shall mean any medium, including its structure, words, letters,
33 figures, numerals, phrases, sentences, emblems, devices, designs, trade
34 names, or trademarks by which anything is made known and which are
35 used to advertise or promote an individual, firm, association, corporation,

- 1 profession, business, commodity, or product, and which is visible from
2 any public street or highway.
- 3 7. Sign, Abandoned shall mean a sign which no longer identifies or
4 advertises a bona fide business, lessor, service, owner, product, or activity
5 and/or for which no legal owner can be found.
- 6 8. Sign, Awning shall mean a sign painted on, printed on, or permanently
7 attached flat against the surface of a canopy, marquee, or awning.
- 8 9. Sign, Banner. A sign made of canvas or other approved flexible materials
9 with or without a structural frame and attached to a building, canopy,
10 pole, or other structure.
- 11 10. Sign, Bench shall mean a sign located on the seat or back of a bench or
12 seat placed on or adjacent to a public right-of-way.
- 13 11. Sign, Canopy. See Sign, Awning.
- 14 12. Sign, Electronic Information shall mean a sign whose alphabetic,
15 pictographic, or symbolic information content can be changed or altered
16 on a fixed display surface composed of electrically illuminated or
17 mechanically-driven changeable segments.
- 18 13. Sign, Ground Mounted shall mean any sign placed upon or supported by
19 the ground independent of any other structure.
- 20 14. Sign, Institutional. A sign identifying or advertising an institutional or
21 business use permitted in a residential district, where such sign is located
22 on the same premises as such use.
- 23 15. Sign, Marquee. See Sign, Awning.
- 24 16. Sign, Nonconforming shall mean a sign that is erected legally but which
25 does not comply with subsequently enacted sign restrictions and
26 regulation. A nonconforming sign is also a sign that does not conform to
27 the sign resolution requirements but for which a special permit has been
28 issued.
- 29 17. Sign, Outdoor Advertising or Billboard. A sign containing an off-premise
30 commercial message at any time.
- 31 18. Sign, Pole-Mounted shall mean a sign that is mounted on a freestanding
32 pole or other support so that the bottom of the sign copy area is five (5)
33 feet or more above grade.
- 34 19. Sign, Portable/Daisy shall mean a sign not affixed to the ground, building,
35 or other structure, which may be moved from place to place, including

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

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30. Sign, Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

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 and kind of use made of the building or premises and whether such use
2 conforms to the provisions of this RESOLUTION.

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

- 5 A. Construction or structural alteration of any building, including accessory
6 buildings, but excluding any agricultural building.
- 7 B. Change in use of an existing building or accessory building to a use of a
8 different classification, excluding changing to any agricultural uses.
- 9 C. Occupancy and use of vacant land, excluding agricultural land.
- 10 D. Change in the use of land to a use of a different classification.
- 11 E. Any change in the use of a non-conforming use.

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

- 14 A. Written application for a ZONING CERTIFICATE for the construction of a new
15 building or for the structural alteration wherein the outside dimensions of
16 an existing building are changed shall be made at the same time as the
17 application for a Clermont County Building Permit. Said certificate shall be
18 issued within ten (10) days after a written request for the same has been
19 made to the ZONING INSPECTOR or his agent, provided such construction or
20 alteration is in conformity with the provisions of this RESOLUTION.
- 21 B. Written application for a ZONING CERTIFICATE for the use of vacant land, or
22 for a change in the use of land or of a building, for a change in a non-
23 conforming use, as herein provided, shall be made to the ZONING
24 INSPECTOR; if the proposed use is in conformity with the provisions of this
25 RESOLUTION, the certificate shall be issued within fifteen (15) days after the
26 application has been made.
- 27 C. A fee, in accordance with a schedule of amounts set by the Township, shall
28 accompany each application for a ZONING CERTIFICATE:
29 Single Family Dwelling - \$110.00
30 Two Family Dwelling - \$ 185.00 plus \$10.00 for additional address sign
31 Multi Family Dwelling - \$100.00 per unit plus \$10.00 for each additional
32 address sign
33 Mobile Home Pad - \$100.00

- 1 Mobile Home Replacement - \$50.00
- 2 Residential Remodel - \$50.00
- 3 Room Addition - \$75.00
- 4 Porch or Patio - \$35.00
- 5 Carport - \$35.00
- 6 Garage, attached or detached - \$50.00
- 7 Accessory Building, 200 square feet maximum - \$40.00
- 8 Accessory Building, 201 square feet and up - \$50.00
- 9 Agricultural Building – No fee
- 10 Construction Trailer, temporary permit - \$150.00
- 11 Commercial/Industrial Building over 2500 square feet - \$0.10 per square
- 12 foot with a \$250.00 minimum charge
- 13 Alteration Commercial/Industrial Building - \$150.00
- 14 Change of use permit - \$100.00
- 15 Wall Signs - \$0.40 per square foot with a \$50.00 minimum charge
- 16 Free Standing Signs - \$0.60 per square foot with a \$100.00 minimum charge
- 17 Special Signs - \$0.60 per square foot with a \$100.00 minimum charge
- 18 Fence - \$25.00
- 19 Non-conforming Use Certificate – No fee
- 20 Swimming Pool, residential above ground - \$25.00
- 21 Swimming Pool, residential in ground - \$50.00
- 22 Swimming Pool, non-residential - \$150.00
- 23 Deck - \$35.00
- 24 Churches/Religious Buildings – No fee
- 25 Board of Zoning Appeals Hearing - \$250.00
- 26 Zoning Commission Hearing – No fee
- 27 Zone Change Residential District - \$300.00 plus \$15.00 per parcel or part
- 28 thereof
- 29 Zone Change Business District - \$450.00 per parcel
- 30 Zone Change Commercial/Industrial District - \$450.00 per parcel
- 31 Zone Change, PUD - \$600.00
- 32 Telecommunications Tower Building Permit - \$250.00
- 33 Telecommunications Tower Devices - \$125.00 per device
- 34 Lot Split - \$35.00 plus \$20.00 per parcel or any part thereof
- 35 Zoning Book, picked up - \$25.00

1 Zoning Book, Mailed - \$30.00
2 Zoning Map- \$10.00

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

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

21 **SECTION 8. Violations – Remedies.** In case any building is or is proposed to be
22 located, erected, constructed, reconstructed, enlarged, changed, maintained, or
23 used, or any land is or is proposed to be used in violation of this RESOLUTION or
24 any amendment or supplement thereto, the ZONING INSPECTOR, the COUNTY
25 PROSECUTOR, or any adjacent or neighboring property owner who would be
26 specially damaged by such violation, in addition to other remedies provided by law,
27 may institute injunctions, mandamus, abatement, or any other appropriate action,
28 actions, proceeding or proceeding to prevent, enjoin, abate, or remove such
29 unlawful location, erection, construction, enlargement, change, maintenance, or
30 use.

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ARTICLE VIII
BOARD OF ZONING APPEALS

SECTION 1. Organization and Procedures

A. Appointment

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

B. Organization and Procedure

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

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

2. Quorum: Three (3) members of the Board of Zoning Appeals shall constitute a quorum. The Board shall act by RESOLUTION, and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the ZONING INSPECTOR, or to

1 decide in favor of an applicant in any matter of which the Board has
2 original jurisdiction under this RESOLUTION, or to grant any variance from
3 the requirements stipulated in this RESOLUTION.

4 **SECTION 2. Application and Appeals**

5 A. Applications

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

11 B. Appeals

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

32 **SECTION 3. Hearings**

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

18 **SECTION 4. Decision of the Board**

- 19 A. The Board shall decide all applications and appeals within thirty (30) days
20 after the final hearing thereon.
- 21 B. A certified copy of the Board’s decision shall be transmitted to all parties in
22 interest. Such decision shall be binding upon the ZONING INSPECTOR and
23 observed by him, and he shall incorporate the terms and conditions of the
24 same in the Zoning Certificate to the applicant or appellant whenever a
25 permit is authorized by the Board.
- 26 C. A decision of the Board shall not become final until the expiration of the five
27 (5) days from the date such decision is made, unless the Board shall find the
28 immediate taking effect of such decision is necessary for the preservation of
29 property or personal rights and shall so certify on the record.

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

- 31 A. Conditional Uses and Exceptions
- 32 1. The Board shall have the power to hear and decide, in accordance with
33 the provisions of this RESOLUTION, applications, files as hereinbefore

1 provided, for conditional uses, special exceptions or for interpretation of
2 the Zoning Map, or for decisions upon other special questions on which
3 the Board is authorized by this RESOLUTION to pass. In considering an
4 application for a conditional use, a special exception or interpretation of
5 the Zoning Map, the Board shall give due regard to the nature and
6 condition of all adjacent uses and structures, and in authorizing a
7 conditional use or special exception, the Board may impose such
8 requirements and conditions with respect to location, construction,
9 maintenance, and operations – in addition to those expressly stipulated
10 in this RESOLUTION for the particular conditional use or special exception
11 – as the Board may deem necessary for the protection of adjacent
12 properties and the public interest.

- 13 2. In addition to permitting the conditional uses and special exceptions
14 hereinbefore specified, the Board shall have the power to permit the
15 following conditional uses and special exceptions: Non-Commercial
16 Recreation, Home Occupation, and Mobile, Modular, and Manufactured
17 Housing.

18 B. Non-conforming Uses

- 19 1. The substitution for a non-conforming use existing at the time of
20 enactment of this RESOLUTION, for another non-conforming use, if not
21 structural alterations except those required by law or resolution are
22 made.
- 23 2. The moving, reconstruction, extension, enlargement, or alteration of
24 non-conforming buildings or structures upon the lot occupied by such
25 buildings or structures or on an adjoining lot, providing that such lot was
26 under the same ownership as the lot in question at the time the use of
27 the building or premise became nonconforming, and that such changes
28 are necessary and incidental to such existing non-conforming uses;
29 provided that such reconstruction, extension, enlargement, or alteration
30 of existing non-conforming buildings or structures shall not create a
31 combined ground-floor expansion in excess of one hundred (100) percent
32 of that existing at the time of the use of such buildings or structures
33 became non-conforming, and provided that the expansion of the land
34 area devoted to a non-conforming use shall not exceed one hundred
35 (100) percent of the area so used at the time the use of the premises

1 became non-conforming, and provided be undertaken within five (5)
2 years of this RESOLUTION, and provided further that the extension or
3 enlargement shall not extend the useful life of a non-conforming building
4 or shall not violate the provisions of this RESOLUTION with respect to any
5 adjoining premises.

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

10 C. Extension of Use On Boarder of District

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

15 D. Temporary Structures and Uses

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

24 E. Interpretations of District Map

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

32 F. Administration Review and Variances

- 33 1. Administrative Review: The Board shall have the power to hear and
34 decide appeals, filed as herein provided, where it is alleged by the
35 appellant that there is error in any order requirement, decision, grant, or

1 refusal made by the ZONING INSPECTOR or other official in the
2 interpretation or of the provisions of this RESOLUTION.

- 3 2. Variances: The Board shall have the power to authorize upon appeal in
4 specific cases, filed as herein provided, such variances from the provisions
5 or requirements of this RESOLUTION as will not be contrary to the public
6 interests, but only in such cases where, owing to special conditions
7 pertaining to a specific piece of property, the literal enforcement of the
8 provisions or requirements of this RESOLUTION would cause undue
9 unnecessary hardship.
- 10 3. Where, by reason of the exceptional narrowness, shallowness of unusual
11 shape of a specific piece of property on the effective date of this
12 RESOLUTION, or by reason of exceptional topographic conditions or other
13 extraordinary situation of condition of such piece of property, or of the
14 use or development of property immediately adjoining the piece of
15 property in question, the literal enforcement of the requirement of this
16 RESOLUTION would involve practical difficulties or would cause undue
17 hardship – necessary to carry out the spirit and purpose of this
18 RESOLUTION – the Board shall have power to authorize a variance from
19 such strict application, so as to relieve such hardship, and so that the spirit
20 and purpose of this RESOLUTION shall be observed and substantial justice
21 done. In authorizing a variance, the Board may attach thereto such
22 conditions regarding the location, character and other features of the
23 furtherance of the purpose of this RESOLUTION and in the public interest.
24 In authorizing a variance, with attached conditions, the Board shall
25 require such evidence and guarantee or bond as it may deem to be
26 necessary that the conditions attached are being, and will be, complied
27 with.
- 28 4. No such variance in the provisions or requirements of this RESOLUTION
29 shall be authorized by the Board unless the Board finds, beyond a
30 reasonable doubt, that all the following facts and conditions exist:
- 31 a) That there are exceptional or extraordinary circumstances or
32 conditions applying to the property in question, or to the intended use
33 of the property that do not apply generally to the other properties or
34 classes of uses in the same Zoning District.

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- b) That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same Zoning District and in the same Vicinity.
 - c) That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this RESOLUTION or the public interest.
5. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property of the intended use of said property for which variance is sought – one or the other or in combination – is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.
6. General: In exercising its power, the Board may, in conformity with the provisions of the State Statutes and of this RESOLUTION, reverse or affirm wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

1 **ARTICLE IX**

2 **INTERPRETATION, PURPOSE, AND CONFLICT**

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

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1 **ARTICLE X**

2 **DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

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

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

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

23 B. Names and Addresses of Adjacent Property Owners

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

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

30 A. Upon the adoption of a motion by the Zoning Commission, or the
31 certification of a resolution by the Board of Township Trustees, or the filing
32 of an application for an amendment or supplement, the Township Zoning
33 Commission shall set a date for a public hearing thereon, which date shall

1 not be less than twenty (20) nor more than forty (40) days from the date of
2 the adoption of such motion for the certification of such resolution or the
3 date of the filing of such application. Notice of such hearing shall be given by
4 the Township Zoning Commission by one publication in one or more
5 newspapers of general circulation in the Township at least fifteen (15) days
6 before the filing of such hearing.

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

13 C. Submission of Amendments or Supplements to County Planning Commission
14 Within five (5) day after the adoption of a motion or the certification of a
15 resolution or the filing of an application, the Township Zoning Commission
16 shall transmit a copy thereof together with text and map pertaining to the
17 County Planning Commission. The County Planning Commission shall
18 recommend the approval or denial of the proposed amendment or
19 supplement or the approval of some modification thereof and shall submit
20 such recommendation to the Township Zoning Commission. Such
21 recommendation shall be considered at the public hearing held by the
22 Township Zoning Commission on such proposed amendment or supplement.

23 D. Action of Zoning Commission

24 The Township Zoning Commission shall, within thirty (30) days after its
25 hearing, recommend the approval or denial of the proposed amendment or
26 supplement, or the approval of some modification thereof and submit such
27 recommendation, the text and map pertaining thereto, and the
28 recommendation of the County Planning Commission thereon to the Board
29 of Township Trustees.

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

31 A. The Board of Township Trustees shall, upon receipt of a recommendation
32 from the Township Zoning Commission, set a time for a public hearing on
33 such proposed amendment or supplement, which date shall not be more
34 than thirty (30) days from the date of the receipt of such recommendation

1 from the Township Zoning Commission. Notice of such public hearing shall
2 be given by the Board by one publication in one or more newspapers of
3 general circulation in the Township at least fifteen (15) days before the date
4 of such hearing.

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

11 **SECTION 5. Action of Township Trustees.** Within twenty (20) days after its public
12 hearing, the Board shall either adopt or deny the recommendations of the Zoning
13 Commission or adopt some modification thereof. In the event the Board denies or
14 modifies the recommendation of the Township Zoning Commission, a majority
15 vote of the Board shall be required.

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

- 17 A. An amendment or supplement adopted by the Board shall become effective
18 in thirty (30) days after the date of such adoption unless within thirty (30)
19 days after the adoption of the amendment or supplement there is presented
20 to the Board of Township Trustees a petition signed by a number of qualified
21 voters residing in the unincorporated area of the township or part thereof
22 included in the Zoning Plan equal to not less than eight (8) percent of the
23 total vote cast for all candidates for governor in such area at the last
24 preceding general election at which a governor was elected, requesting the
25 Board of Township Trustees to submit the amendment or supplement to the
26 electors of such area for approval or rejection at the next primary or general
27 election.

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

33

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

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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.

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- H. Provide a higher level of design review to ensure attractive, well-planned communities and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.
- I. Respect the balance between mass or volume and vegetation mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

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

- A. Buffer. A designated area provided to mitigate the potential adverse impacts between two land uses or between a land use and a natural feature, which mitigates potential impacts by some combination of construction design, vegetative plantings, fences, and/or maintenance practices.
- B. Buildable Area. The area remaining after subtracting the *open space* area from the *site area*.
- C. Building Pad. An area delineated within the setback lines of a lot within which an applicant proposes to limit construction, and outside of which no work or site disturbance may occur.
- D. Density. The average number of dwelling unites allowed on an acre of land.
 - 1. Density, Gross (GD): The total number of dwelling units on a site divided by the *site area*.
 - 2. Density, Net (ND): The total number of dwelling units on a site divided by the *buildable area*.
- E. Dwelling Unit Types. The types of dwelling units, as defined below, shall be permitted in a PUD district:
 - 1. Single-family Detached: A dwelling unit with street, side, and rear yards that sits generally in the middle of the lot. The dwelling unit types described in Section 6 of this Article as “Single-Family” and “Village” are single-family detached. The Village houses have smaller front yard requirements than other single-family housing types.
 - 2. Single-Family Lot Lines: A single-family unit that may be located on the lot line so that only one side yard exists. A maintenance easement is provided on the adjoining lot. No single-family lot line unit may be placed next to

- 1 another such unit along the same lot line. If the zero side yard option is
 2 used, windows should either be eliminated or placed at level that
 3 provides light but preserves privacy.
- 4 3. **Single-Family Attached:** A single-family unit with one dwelling unit from
 5 ground to roof, having its own footprint, and with at least one wall that is
 6 common to the adjoining unit. Each unit must have individual ground
 7 level access. The dwelling unit types described in Section 6 of this Article
 8 as “Duplex” and “Townhouse” are single-family attached units.
- 9 4. **Multiple-Family:** A structure containing more than one (1) dwelling unit
 10 with either direct access to the outside, or through a common hallway,
 11 with a separate kitchen and bathroom facilities and living quarters in each
 12 unit.
- 13 F. **Floor Area, Gross (GFA).** The sum of the total horizontal areas of every floor
 14 of every building on a lot. The measurement of gross floor area shall be
 15 computed by applying the following criteria:
- 16 1. The horizontal square footage is measured from the outside face of all
 17 exterior walls.
- 18 2. Cellars, basements, penthouses, attics, covered or uncovered porches,
 19 balconies, decks, enclosed storage or mechanical areas, mezzanines, and
 20 similar structures shall be included in GFA wherever at least seven (7) feet
 21 are provided between the finished floor and the ceiling.
- 22 3. No deduction shall apply for horizontal areas void of actual floor space;
 23 for example, elevator shafts and stairwells. The protected upper floors of
 24 open atriums, balconies, and foyers shall not be included.
- 25 G. **Floor Area Ratio (FAR).** A measure derived by dividing the gross floor area
 26 by the size of a lot. FAR gives applicants flexibility in deciding whether to
 27 construct a low building covering a large portion of a lot or a tall building
 28 covering a small portion of a lot. For example:
- 29
$$\text{GFA} \div \text{Lot Size} = \text{FAR}$$
- 30
$$30,000 \text{ square feet GFA} \div 100,000 \text{ square foot lot} = .30 \text{ FAR}$$
- 31 H. **Gross Area:** The total land and water surface area contained within the
 32 boundaries of a lot or tract.
- 33 I. **Landscape Surface Ratio (LSR):** The area of landscape surface divided by the
 34 *site area*.

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

1 not contain enough larger trees to be classified as either a “mid-growth
2 woodland” or a “mature woodland”.

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

- 6 A. “PUD-R” Planned Residential District
- 7 B. “PUD-MU” Planned Mixed-Use District
- 8 C. “PUD-B” Planned Business District

9 **SECTION 4. Planned Unit Development District Purposes.** The PUD districts shall
10 have the following purposes:

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

22 **SECTION 5. Location of PUD Districts: Permitted Uses.** The Zoning Resolution
23 may be amended to establish PUD districts in the following zoning district areas of
24 the Township:

- 25 A. PUD-R. Property located in the Residence A, Residence B, and Residence C
26 districts, as defined in the Zoning Resolution, may be rezoned to a PUD-R
27 district. Uses permitted in the Residence A, B, and C districts shall be
28 permitted in the PUD-R district.
- 29 B. PUD-MU. Property rezoned to a PUD-MU district. Property adjoining the
30 Village of New Richmond that is located in the Residence A, B, and C district
31 may be rezoned to a PUD-MU district. Uses permitted in the Residence A, B,
32 and C districts and the Business district shall be permitted in the PUD-MU

1 district. In the area adjoining New Richmond, the Township shall give
 2 particular consideration to access traffic volumes, and compatibility of the
 3 proposed use or uses with the surrounding land uses in determining whether
 4 a PUD district shall be approved.

5 C. PUD-B. Property located in the Business district, as defined in the Zoning
 6 Resolution, may be rezoned to a PUD-B district. Uses permitted in the
 7 Business district shall be permitted in the PUD-B district.

8 **SECTION 6. Minimum Performance Standards.** Except as otherwise authorized by
 9 the Board of Trustees, PUD districts shall comply with the following performance
 10 standards:

11 A. Density and Intensity of Use Standards. A PUD shall comply with the
 12 standards set forth in Table 1 for the corresponding Residence A, B, and C or
 13 Business zoning district. However, in order to provide a transition between
 14 the densities in the Village of New Richmond and existing developed areas in
 15 Ohio Township, the Board of Trustees may authorize an adjustment to the
 16 density and intensity of use standards in Table 1 for a PUD district.

17 **Table 1**

18 **PUD Density and Intensity Standards**

19 Zoning District	20 Minimum 21 Open 22 Space	23 Maximum 24 Gross 25 Density	26 Maximum Net 27 Density	28 Minimum 29 Site Area ¹
30 A Septic	.40	0.48/acre	0.81/acre	50 acres
31 A Sewer	.35	2.00/acre	4.25/acre	50 acres
32 B	.25	2.50/acre	3.90/acre	20 acres
33 C	.20	8.00/acre	16/acre	20 acres
34 Business (Non-Residential Uses)	.20LSR	0.30 FAR	0.38 FAR	5 acres
35 Business (Residential Uses)	.30	4.50	7.50	25 acres

36 NOTES:

37 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.

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

10 Unit Type	11 Sewer	12 Minimum	13 Area	14 Minimum	15 Frontage	16 Minimum	17 Street	18 Yard¹	19 Minimum	20 Side	21 Yard¹	22 Minimum	23 Rear	24 Yard¹
25 Single-Family	26 septic	27 80,000	28 200	29 75	30 20	31 75	32 limited soils	33	34	35	36	37	38	39
40 Single-Family	41 septic	42 40,000	43 150	44 75	45 15	46 50	47	48	49	50	51	52	53	54
55 Single-Family	56 public	57 20,000	58 100	59 35	60 12	61 50	62	63	64	65	66	67	68	69
70 Single-Family	71 public	72 15,000	73 90	74 35	75 10	76 40	77	78	79	80	81	82	83	84
85 Single-Family ²	86 public	87 12,000	88 80	89 25	90 8	91 40	92	93	94	95	96	97	98	99
100 Single-Family ²	101 public	102 10,500	103 75	104 25	105 8	106 30	107	108	109	110	111	112	113	114
115 Lot Line ²	116 public	117 8,000	118 65	119 20 ³	120 12 ⁴	121 20	122	123	124	125	126	127	128	129
130 Village ²	131 public	132 6,000	133 60	134 12	135 5	136 30	137	138	139	140	141	142	143	144
145 Duplex ²	146 public	147 5,000	148 50	149 20	150 6	151 25	152	153	154	155	156	157	158	159
160 Townhouse ²	161 public	162 2,600	163 26	164 20	165 none	166 30	167	168	169	170	171	172	173	174
175 Multi-Family	176 public	177 2,200	178 100	179 30	180 12	181 25	182	183	184	185	186	187	188	189
190 Non-Residential ⁵	191 public	192 20,000	193 100	194 40	195 10	196 75	197	198	199	200	201	202	203	204

205 **NOTES:**

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

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

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

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

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

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

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

16 **Table 3**

17 **Resource Protection Standards**

18 Natural Resource	19 Percentage to be Preserved
20 Flood plains	100%
21 Wetlands	22 Subject of U.S. Army 23 Corps of Engineers and 24 Ohio EPA requirement
25 Unstable slopes (Eden 26 and Fairmount soils 27 with 25-50% slopes	90%
28 Steep slopes 30%+	85%
29 Steep slopes 20-30%	70%
30 Young Woodland	25%
31 Mid-Growth Woodland	40%
32 Mature Woodland	50%

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37 2. Method of Preserving Resource Protection Areas. The responsibility and
38 standards for preservation of all resource protection areas shall be

specified and provision shall be made for guaranteeing such responsibility. In general, a resource protection area should be in common open space where it is maintained by a homeowners' association or public agency, except as follows:

- a) Open space may be provided on individual lots in excess of two (2) acres or on individual lot in PUD districts with fewer than ten (10) lots.
- b) Open space in private ownership shall be protected by a conservation easement shown on the final development plan and deed restrictions prohibiting in perpetuity the development and/or subsequent subdivision of the resource protection area or their use for purposes other than those specified on the final development plan.

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

- 1. Buffer shall be installed in all areas of a PUD district bordering on external roads in order to screen residential uses from streets. Buffers along external roads shall be designed to one (1) of the following standards. Each of the alternative buffers represents a screening of similar opacity, but contains various widths and planting requirements. Internal roads shall be landscaped in accordance with Section 6.E., but 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

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

13 E. Landscaping. Landscaping shall be provided as follows:

- 14 1. Open Space. Open space shall be designated on the plan as recreation,
15 buffer yards, natural resource areas, and other open space.
16 a) Land designated for active recreation shall at a minimum, have one (1)
17 canopy tree planted along lot line or street rights-of-way for every
18 seventy-five (75) linear feet of boundary.
19 b) Narrow open spaces between clusters of development shall be a
20 minimum of thirty (30) feet in width and may be attached to adjoining
21 lots as part of a conservation easement.
22 c) Areas designated as natural resource areas shall be retained in their
23 natural state except for areas upon which pedestrian trails are located.
24 d) Non-recreational open spaces that are to be mowed and maintained with
25 a lawn ground cover shall have a minimum of four (4) canopy trees plants
26 per acre.
27 e) Trees and shrubs shall be of native species that are adapted to the soils
28 on which they are to be planted.
29 2. Parking Lots. For parking lots, one (1) canopy tree shall be installed per ten
30 (10) spaces. The planting area shall have a minimum width of five (5) feet
31 and minimum area of eighty (80) square feet. This is the equivalent of one
32 (1) parking bay with allowances for curbs.
33 3. Street Trees. All streets, public or private, shall have street trees installed in
34 the right-of-way on both sides of the road. Two (2) canopy trees per one

1 hundred (100) linear feet of parking, including driveway cuts, shall be
2 provided.

3 4. On-Lot Landscaping. Each lot shall be landscaped on its front half or to a
4 depth of fifteen (15) feet, whichever is less. The Village house may use the
5 entire front yard. The minimum standard for on-lot landscaping shall be two
6 (2) canopy trees, two (2) understory or ornamental trees, and one (1)
7 evergreen tree per one (100) linear feet of lot frontage minus paved areas,
8 or one (1) canopy tree per lot, whichever is greater. The actual mix of plant
9 material shall be the choice of the developer or landowner. The following
10 equivalents may be used to vary the actual mix.

11 a) One (1) canopy tree equals two (2) understory or evergreen trees.

12 b) One (1) understory tree equals one (1) evergreen, or twenty (20) shrubs.

13 5. All landscaping shall meet the following standards:

14 a) Canopy trees – 2.5 inch caliper

15 b) Understory trees – 1.5 inch caliper

16 c) Evergreen trees – six (6) feet in height

17 d) Shrubs – five (5) gallon pots

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

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

27 A. The PUD is consistent with the purpose of this Article, and it will not
28 jeopardize the public health, safety, and general welfare.

29 B. The proposed development can be substantially completed within the period
30 of time specified in the schedule of development submitted by the applicant.

31 C. The internal street and primary and secondary roads that are proposed are
32 adequate to serve the proposed development and properly interconnect
33 with the surrounding existing road network as designated on the Ohio
34 Township or Clermont County Thoroughfare Plan. The plan must

1 demonstrate that improvements or other actions have been or will be taken
2 to mitigate those traffic problems identified in the impact analysis required
3 by Section 9.M. that are attributable to the proposed development.

4 D. Traffic control signals will be provided when the County Engineer determined
5 that such signals are required to prevent traffic hazards or congestion in
6 adjacent streets.

7 E. The proposed infrastructure, utilities, and all other proposed facilities are
8 adequate to serve the planned development and properly interconnect with
9 existing public facilities.

10 F. The proposed uses, location, and arrangement of structures, lots, parking
11 areas, walks, open spaces, landscaping, lighting, and appurtenant facilities
12 are compatible with the surrounding land uses.

13 G. Proposed covenants, easements, and other provisions meet development
14 standards and protect the public, safety, and general welfare.

15 H. Required resource protection land and open space areas are identified and
16 provisions have been made for the care and maintenance of such area.

17 I. The PUD us designated to minimize the impact on the natural environment
18 and complies with the performance standards set forth in Section 6.

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

21 A. Application Submission. An applicant may submit an application requesting
22 that the Zoning District Map be amended to rezone a site as a PUD district.
23 Such amendment shall be processed, noticed, and heard in the manner
24 prescribed in this Section and in accordance with the provisions of Article X
25 of this Zoning Resolution and Ohio Revised Code 519.12.

26 B. Informal Consultation. Applicants are encouraged to engage in informal
27 consultations with the staffs of Ohio Township Zoning Department and
28 Clermont County Planning Commission prior to preparing final plans;
29 however, no statement or representation by members of either staff shall be
30 binding upon either the Department or upon any zoning body.

31 C. Application Options. An applicant may elect one of the following options for
32 processing a PUD district:

33 1. Preliminary Plan and Final Plan. An applicant may submit a Preliminary
34 Development Plan, and subsequently submit a Final Development Plan,

1 for any portion of the approved Preliminary Development Plan the
2 applicant wishes to develop. The Final Development Plan submitted
3 according to this option shall be processed in the manner decied in
4 Section 10.

5 2. Final Plan without Preliminary Plan. An applicant may submit a Final
6 Development Plan without a Preliminary Development Plan, pursuant to
7 Section 11.

8 D. Zoning Certificate. No Zoning Certificate shall be issued for any property for
9 which PUD rezoning is requested and no construction shall begin until an
10 approved Final Development Plan is in effect for that phase of the
11 development.

12 **SECTION 9. Preliminary Development Plan Requirements.** The Preliminary
13 Development Plan shall include in text and map form:

14 A. A Plat of Survey of the tract to be developed, providing a metes and bounds
15 description of the property and the survey of property lines and total
16 acreage, existing zoning district boundaries, the area and district to be
17 rezoned if applicable, and the property ownership of the site, and all
18 adjacent parcels and buildings within one hundred (100) feet of the subject
19 site.

20 B. A list of names and addresses of all owners of property within two hundred
21 (200) feet of the subject site.

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

25 D. Time schedule of projected development, if the total site is to be developed
26 in phases or if construction is to extend beyond a two (2) year time period.

27 E. Base mapping of the property showing the physical features including:
28 significant natural features such as general topography, soils, drainage-ways,
29 water bodies, floodplains, wetlands, rock outcrops, and forested areas; and
30 other significant features such as existing and adjacent land uses, zoning,
31 platted land, streets, alleys, rights-of-way, easements, lots, buildings, and
32 utility lines.

33 F. Boundaries and easements of the tract to be zoned as a PUD district.

- 1 G. Highways and streets in the vicinity of the tract; ingress and egress to the
2 tract; existing utilities and sidewalks on or adjacent to the tract.
- 3 H. A drainage analysis that includes a description of soil conditions and
4 proposed method of compliance with the Clermont County Stormwater and
5 Sediment Control Regulations.
- 6 I. A site plan showing the location of general land areas to be developed,
7 including type and description of land uses, proposed principal streets,
8 proposed lots, including set back lines, and blocks, proposed sidewalks and
9 pedestrian circulation systems, and proposed public or common open space
10 or other public facilities, including parks, playgrounds, school sites, and
11 recreational facilities.
- 12 J. Calculations of density, open space, and resource protection land, in
13 accordance with the requirements of Section 6.
- 14 K. Proposed treatment of existing topography, drainage-ways, tree cover, and
15 proposed landscaping and buffer plantings, in accordance with the
16 requirements of Section 6.
- 17 L. Preliminary engineering plans, including: site grading; drainage and utility
18 improvements and extensions as necessary; street improvements, showing
19 proposed general location of vehicular circulation routes and how this
20 circulation pattern relates to the primary and secondary road alignments
21 designated on the Clermont County Thoroughfare Plan.
- 22 M. A traffic impact analysis of the proposed development on roadways and
23 intersection with in a study area based upon net project trip generation
24 methodology consistent with the latest edition of the Institute of Traffic
25 Engineers (ITE) Trip Generation and Information Report that at a minimum
26 addresses the following elements: (1) existing roadway conditions, including
27 existing deficiencies and proposed improvements, (2) trip generation based
28 upon the development characteristics, (3) distribution and assignment of
29 trips based upon existing and future roadway network, travel time
30 characteristics, (4) background traffic projections, (5) capacity (level of
31 service) analysis methodology for roadways and intersection, (6) types and
32 costs of roadway and intersection improvements needed to mitigate the
33 traffic impacts directly attributable to the proposed development. A traffic
34 impact analysis shall be provided in addition to any information required by
35 Clermont County Engineer.

1 N. Additional information as reasonably necessary to address the foregoing
2 issues.

3 **9.1** Action by the Township Zoning Commission. The Township Zoning
4 Commission shall hold a public hearing on the Preliminary
5 Development Plan as provided by Article X of this Resolution and Ohio
6 Revised Code 519.12. Within thirty (30) days after the last public
7 hearing on such plan, the Commission shall prepare and transmit to
8 the Board of Trustees and to the applicant recommendations to the
9 Township Trustees with respect to the action to be taken on the
10 Preliminary Development Plan. The Commission may recommend
11 disapproval, approval, or approval with amendments, conditions, or
12 restrictions. Copies of the findings and recommendations of the
13 Commission shall be made available to any other interested persons.

14 **9.2** Action by the Board of Township Trustees. The Board of Township
15 Trustees shall hold a public hearing on the Preliminary Development
16 Plan as provided by Article X of this Resolution and Ohio Revised Code
17 519.12. If the application is granted, the area of land involved shall be
18 rezoned to a PUD district by resolution and such resolution shall
19 incorporate the Plan, including any condition or restriction that may
20 be imposed by the Board of Township Trustees.

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

27 A. Plat of the parcel to be developed showing existing physical features,
28 including; general topography, drainage-ways, designated resource areas,
29 and tree cover; and streets, easements, and utility lines.

30 B. A site plan showing the location and arrangement of all existing and
31 proposed structures, including building pads for single-family detached units
32 where site constraints limit the placement of proposed structures, the
33 proposed traffic circulation pattern within the development, the area to be
34 developed for parking, the points of ingress and egress including access

1 streets where required, the relationship of abutting land uses and zoning
2 district, proposed lot lines, building setbacks, proposed sidewalks and
3 pedestrian walkways, and proposed public or common open space or other
4 public facilities, including parks, playgrounds, school sites, and recreational
5 facilities.

- 6 C. A statement of the anticipated open space, gross density, and net density.
- 7 D. For uses other than single-family detached housing, footprints, floor plans,
8 exterior elevations, and types of building materials.
- 9 E. Landscaping plans prepared by a landscape architect showing the placement
10 of trees, shrubs, ground cover, and associated structures and improvements,
11 including specifications, species, quantities, and installation of landscaping
12 for common areas, parking areas, open space, street trees, typical front
13 yards, and buffer yards.
- 14 F. Specific engineering plans, including site grading, street improvements,
15 drainage, and utility improvements and extensions as necessary.
- 16 G. When a development is to be constructed in phases, a schedule for the
17 development of such phases shall be submitted. No such phase shall have a
18 density exceeding the maximum permitted density of the entire PUD.
- 19 H. The total area of common open space provided at any phase of development
20 shall, at a minimum, bear the same relationship to the total open space to
21 be provided in the entire PUD as the phases or units completed or under
22 development bear to the entire PUD.
- 23 I. Evidence that the applicant has sufficient control over the tract to affect the
24 proposed plan, including a statement of all the ownership and beneficial
25 interests in the tract of land and the proposed development.
- 26 J. In the case of a Mixed-Use or Business PUD, a statement identifying the
27 principal types of uses that are to be included in the proposed development.
- 28 K. When a PUD includes provisions for common open space or recreation
29 facilities, a statement describing the provisions that are to be made for the
30 care and maintenance of such open space or recreational facilities. If it is
31 proposed that such open space be owned and/or maintained by any entity
32 other than a governmental authority, copies of the proposed articles of
33 incorporation and by-laws of such entity shall be submitted.
- 34 L. The required amount of common space land reserved under a planned unit
35 development shall either be held in corporate ownership by owners of the

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

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

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

33 **10.2 Action by the Board of Township Trustees.** The Board of Township Trustees
34 shall hold a public meeting on the Final Development Plan within thirty (30) days of

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

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

18 **11.1 Action by the Township Zoning Commission.** The Township Zoning
19 Commission shall hold a public hearing on the Final Development Plan as provided
20 by Article X of this RRSOLUTION and the Ohio Revised Code 519.12. Such public
21 hearing shall consider all aspects of the Final Development Plan, including any
22 proposed phases and/or units of development. Within thirty (30) days after the last
23 public hearing on such plan, the Commission shall prepare and transit to the Board
24 of Township Trustees and to the applicant specific findings of fact with respect to
25 the extent to which the Final Development Plan complies with the standards set
26 forth in Section 6 of this Article and the district for which the change has been
27 requested, together with its recommendations to the Township Trustees with
28 respect to the action to be taken on the Final Development Plan. The Commission
29 may recommend disapproval, approval, or approval with amendments, conditions,
30 or restrictions. Copies of the findings and recommendations of the Commission
31 shall be made available to any other interested persons.

32

1 **11.2 Action by the Board of Township Trustees.** The Board of Township Trustees
2 shall hold a public meeting on the Final Development Plan as provided by Article X
3 of this RESOLUTION and Ohio Revised Code 519.12. If the application is granted,
4 the area of land involved shall be rezoned as a PUD district by resolution, and such
5 resolution shall incorporate the Plan, including any condition or restriction that
6 may be imposed by the Board of Township Trustees.

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

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

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

22 B. **Single Phase Final Development Plans.** If an applicant fails to diligently
23 pursue development of a site in accordance with a single phase Final
24 Development Plan, the Board of Trustees may, following a public hearing
25 pursuant to Section 13.D., by resolution, revoke Final Development Plan
26 approval and the plan shall become null and void. If a subdivision plat for the
27 area included in the Final Development Plan has not been recorded in the
28 records of the Clermont County Recorder within twelve (12) months of the
29 date of Final Development plan approval, the Board of Trustees may,
30 following notice pursuant to Section 13.D., revoke approval of the Final
31 Development Plan. Upon revocation of Final Development Plan approval, if
32 a Preliminary Development Plan was approved for the PUD district, the tract

1 shall revert to the Preliminary Plan Development stage and shall be subject
2 to the submittal time frame set forth above in Section 13.A.

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

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

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

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

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

1 that they appear necessary in light of technical or engineering
2 considerations.

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

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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, change,
10 alteration, maintenance, removal, use, or enlargement of a cellular or wireless
11 telecommunication tower in any zoning district may be issued, upon application
12 and compliance with Ohio Revised Code 510.211 and this RESOLUTION, provided
13 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 which
16 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 limited
22 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 necessary
31 function in the company's grid system. The evidence should include, but is
32 not necessarily limited to the following:
- 33 1. The relationship of the proposed telecommunication tower to the
34 applicant's overall grid.

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