

ZONING RESOLUTION

JACKSON TOWNSHIP CLERMONT COUNTY, OHIO

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Article 1

Preliminary Sections

100 Authority

This Zoning Resolution is enacted pursuant to the powers and authority granted under the provisions of the Ohio Revised Code. State of Ohio, Section 519.02, said Section providing as follows:

519.02. Township Trustees may regulate buildings and land use in unincorporated territory for public purpose

Except as otherwise provided in this section. In the interest of promoting the public health, safety, convenience, comfort, prosperity, or general welfare, the Board of Township Trustees may in accordance with a comprehensive plan regulate by resolution the location, height, bulk, number of stories and size of buildings and other structures, including tents, cabins and trailer coaches, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township, and establish reasonable residential landscaping standards and residential architectural standards, excluding exterior building materials, for the unincorporated territory of the township; and for all these purposes, the board may divide all or any part of the unincorporated territory of the township into districts or zones of such number, shape, and area as the board determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

Be it resolved by the Board of Township Trustees, Jackson Township, Clermont County, Ohio:

110 Purpose

This Resolution is enacted for the purpose of promoting public health, safety, and morals within Jackson Township, and for the purpose of promoting the general welfare of the people of Jackson Township.

120 Territory under the zoning resolution

This Zoning Resolution shall be effective in the unincorporated areas of Jackson Township. This Resolution shall be in effect immediately upon certification of the vote

by the Board of Elections of Clermont County showing statutory approval by the voters of Jackson Township, or as otherwise provided by law.

This Resolution shall not apply within municipal corporations. If the township territory subject to this Resolution is incorporated, then this Resolution shall apply therein and be enforced by Jackson Township until the election and qualification of officials for the incorporated territory. This interim time is to enable the new officials to adopt zoning regulations for the incorporated territory.

Upon annexation of township territory to an existing municipal corporation the zoning regulations then in effect shall remain in full force and effect and shall be enforced by the township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such territory.

130 Title

This Resolution shall be known and may be cited and referred to as the Zoning Resolution of Jackson Township, Clermont County, Ohio.

140 Meaning of zoning standards

The standards contained herein are minimum requirements. Where the requirements of this Resolution are higher than those established by other provisions of law, or by other rules, regulations or restrictions, the standards of this Resolution shall be followed.

150 Districts

In order to classify, regulate and restrict: the location of trades, industries, residence, recreation and other land uses; the location of buildings designed for specified uses; the size of buildings and other structures erected or altered; the size of yard and other spaces; and setback building lines, Jackson Township, Clermont County, Ohio, is hereby divided into classes of Districts:

- A. Agricultural "A-1" District
- B. Residence "R-1" District
- C. Residence "R-2" District
- D. Retail Business "B-1" District
- E. Commercial "C-1" District
- F. Industrial I-1" District

160 Boundaries

The boundaries of these districts are hereby established as shown on the map known as the zoning map of Jackson Township, which map accompanies and is hereby declared to be part of this Resolution. The said map and all the notations, references and other information shown thereon are as much as part of this resolution as if the notations, references and other information were fully described herein, which map is properly attested and on file with the township Trustees.

170 Interpretation of maps

The boundaries of each district are intended to follow property lines, lot lines or center lines of streets and lanes as they existed at the time of the adoption of this Resolution. Distances can generally be scaled directly from the zoning maps but should questions arise concerning the exact location of district boundary lines, the questions shall be determined by survey and soil conservation factors relevant to the area as interpreted by the Board of Zoning Appeals.

180 Vacated streets

Whenever a street, alley or public way is vacated by official action, the zoning districts adjoining each side of such street, alley or public way shall automatically extend to the center of such vacancy and all areas included in the vacancy shall then and henceforth be subject to all regulations of the extended districts.

190 Definitions

For the purpose of this Resolution, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement; the word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as an individual; the words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied"; the word "lot" includes the words "plot" or "parcel."

Accessory building: A building subordinate to the main building, the use of which is incidental to that of the main building or to the use of the premises.

Accessory use: A use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "accessory use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Resolution, an accessory use shall be a permitted use.

Agriculture: The use of land for agricultural purposes including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry, and the necessary accessory uses for packing, treating, storing or selling

the produce; provided however, that the operation of any accessory uses shall be secondary to that of the normal agricultural activities, and provided further, that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

Alley: A public thoroughfare which affords only a secondary means of access to abutting property.

Apartment: A room or suite of rooms in a multiple dwelling intended or designed for use as a residence by a single family.

Apartment hotel: A building designed for or containing both apartments and individual guest rooms or suites of rooms and apartments and in which may be furnished services ordinarily furnished by hotels, such as drugstore, barber shop, cigar and newsstands, when such uses are located entirely within the building with no entrance from the street and having no sign or display visible from the outside of the building indicating the existence of such use.

Apartment house: See dwelling, multiple.

Automobile major repair: The general repair, rebuilding or reconditioning of engines, and exchange or reconditioning of motors, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

Automobile minor repair: The replacement of minor parts and service to passenger cars and trucks not exceeding one (1) ton capacity, but not including any operation named under "Automobile major repair", or any other similar service thereto.

Automobile or trailer sales area: An open area, other than a street, used for the display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

Automobile service station or filling station: A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

Automobile wrecking: The dismantling or disassembling of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A building story having part but not more than one-half (1/2) of its height above grade and used for storage, garages for use of occupants of the building, janitor or watchman quarters, or other utilities common for the rest of the building. A basement used for the above purposes shall not be counted as a story.

Board: The Board of Zoning Appeals of Jackson Township, Clermont County, Ohio.

Boarding or lodging house: A building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three (3) or more people but not exceeding twenty (20) people.

Buffer: A designated area, provided to mitigate the potential adverse impacts between two (2) 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.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of people, animals or property. When such a structure is divided in to separate parts by one or more unpierced walls (fire walls) extending from the ground up, each part is deemed a separate building, except as regards minimum size, and requirements as hereinafter provided.

Building, height of: The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

Building setback line: The distance from right-of-way line to front of the structure.

Carport: An automobile shelter, either built as a roof at the side of a building, or is free standing.

Cellar: A building story, the floor of which is more than one-half (1/2) of its story height below the average contact ground level of the exterior walls of the building. A cellar shall be counted as a story for the purpose of height regulations, only if used for dwelling purposes other than by a janitor or caretaker employed on the premises.

Certificate: See zoning certificate.

Channel: An open watercourse, either naturally or artificially created with a definite bed and banks or shoreline, which periodically or continuously contains moving water. See also: Flood Plain Terms.

Clinic: A place where medical or dental care is furnished to people on an out-patient basis by four or more doctors, dentists and/or medical technicians.

Club: A building, or portion thereof, or premises owned or operated by a corporation, association, individual or people for a social, educational or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

A.) Private Club: An organization or small group of people that may or may not pay a fee to be a member. Members have the right to admit or deny whom they want. The organization is not accessible or open to the general public.

Commission: The Zoning Commission of Jackson Township, Clermont County, Ohio.

Court: An open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

Density: The required land area for each dwelling unit.

District: A portion of the territory of Jackson Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of this Resolution. The term "R" District shall mean "R-1" or "R-2."

Drive-in eating and drinking establishments: Restaurants which provide outside parking spaces and serve prepared food and beverages outside for consumption on the premises.

Drive-through restaurant: A restaurant that provides for prepared food and beverages to be served at a pick-up window for consumption off the premises.

Dwelling: Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more people, but not including a tent, cabin, temporary housing, trailer coach, mobile home, camper unit, or converted motor vehicle.

- A. Dwelling, single family: A building designed for or used exclusively for residence purposes by one (1) family or housekeeping unit.
- B. Dwelling, two-family: A building designed for or used exclusively by two (2) families or housekeeping units.
- C. Dwelling, multiple: A building or portion thereof designed for or used by three (3) or more families or housekeeping units.
- D. Dwelling unit: One (1) room, or a suite of two (2) or more rooms, designed for or used by one (1) family for living and sleeping purposes and having only one (1) kitchen or kitchenette.
- E. Dwelling group: A group of two (2) or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

Family: A person living alone, or two (2) or more people living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four (4) people unrelated to each other by blood, marriage or legal adoption.

Flood plain terms: Any land susceptible to being inundated by floodwaters from any source, subject to the following respective terms and definitions (See also diagram on page 1-17):

- A. Channel: An open watercourse, either naturally or artificially created with a definite bed and banks or shoreline, which periodically or continuously contains moving water.

- B. Flood, Regional: Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.
- C. Floodway: The channel of a river or other watercourse and the adjacent land areas that have been reserved in order to pass the base flood discharge. A floodway is typically determined through a hydraulic and hydrologic engineering analysis such that the cumulative increase in the water surface elevation of the base flood discharge is no more than a designated height. In no case shall the designated height be more than one foot at any point within the community.
- D. Flood fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions without causing substantially higher flood levels or flow velocities. Flood Fringe areas serve as temporary storage for flood waters.

Frontage: The distance of the property measured along the line of the street between the side property lines of the parcel where they intersect the line of the right-of-way for the public street or easement line for a private street.

Garage, private: A detached accessory building, a portion of the principal building used for the parking or temporary storage of self-propelled passenger vehicles, trailers or boats by families residing upon the premises with the following conditions:

- A. Not more than one (1) space is rented for parking to a person not a resident on the premises;
- B. No more than one (1) commercial vehicle per dwelling unit is parked or stored;
- C. The commercial vehicle permitted does not exceed one and one-half (1 1/2) ton capacity.

Garage, public: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

Garage and Yard Sale: A one to four day (1 – 4) general sale, open to the public, conducted from or on a residential premise for the purpose of offering for sale new, used or secondhand items of personal property. May also be called a tag sale, porch sale, lawn sale, attic sale, basement sale, flea market sale, backyard sale, rummage sale, or some other similar type of name.

Grade: The average level of the finished surface of the ground adjacent to the exterior walls of a building.

Green belt: Grass or landscaped area.

Hospital: A building or portion thereof used for the accommodation of sick, injured or infirm people including health-care facilities, hospitals and sanitariums, convalescent and rest homes and boarding homes for children and aged individuals.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contradistinction to a boarding house, a lodging house, or an apartment which are herein separately defined.

Housekeeping unit: A dwelling unit where one (1) or more people are occupying and living as a single group, and doing their own cooking on the premises, as distinguished from a group occupying a boarding house, lodging house, or hotel, as herein defined.

Industry: The storage, repair, manufacture, preparation, or treatment of any article, substance or commodity.

Inoperable vehicle: Any vehicle or motor vehicle as defined in Section 4501.01 (A) and (B) of the Ohio Revised Code, which vehicle is unfit for use due to any of the following conditions:

- A. Not currently licensed for use on roads in this state, or;
- B. Unsafe for travel due to the lack of a part or parts such as but not limited to, a wheel, a door, the hood, the motor, or the windshield, or;
- C. If the vehicle were inspected by the Ohio State Highway Patrol according to Section 4513.02 (A) through (G) of the Ohio Revised Code and would be found to be unsafe.

Institution: A building occupied by a for-profit or a non-profit foundation of a public character established by a society or corporation.

Irregular lot: Any lot that is not square or a rectangle in shape, that has nonparallel side lot lines, or nonparallel front and rear lot lines and/or side lot lines that are not normal to the principal access street.

Junk: Is defined as set forth in Section 4737.05 (A) of the Ohio Revised Code and means; old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel, and other old or scrap ferrous or nonferrous materials.

Junk yard: As defined in Section 4737.05 (B) of the Ohio Revised Code or a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, picked, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building.

Kennel: Any lot or premises on which four (4) or more domesticated animals of any species, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold. Kennels are permitted only in districts where specified.

Laboratory: A building or a portion of a building devoted to the experimental study in science, or the testing and analysis of chemicals, drugs, minerals, or other substances usually associated with scientific study.

Laboratory, medical or dental: A building or a portion of building devoted to providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication is conducted on the premises except the custom fabrication of dentures.

Landfill: Any facility used for the disposal, burial, storage, treatment or recycling of any solid waste or hazardous waste with the definitions of solid waste disposal, hazardous waste, treatment, storage, and facility being the same definitions as set forth in Section 3704.01 (E), (F), (J), (K), (M), (N) of the Ohio Revised Code.

Landowner: The person, firm, corporation, partnership or entity that is listed in the Clermont County Recorder's Office as having legal title to the subject property.

Landscaping business: To provide off-site services involving the addition, maintenance, removal or building of irrigation, irrigation systems, lawns, trees, plants, natural or decorative features, grass cutting, pruning, mulching, edging, trimming, patios, decks, stone walls and decorative fences.

Land use plan: A long-range plan for the desirable use of land for Jackson Township as prepared under the direction of the Zoning Commission and adopted by the Board of Trustees. The purpose of the plan is to serve as a guide in the zoning and progressive changes in the zoning of land to meet changing community needs in the subdividing and use of land.

Laundromat: An establishment providing commercial washing, drying, or ironing machines for hire to be used by customers on the premises.

Loading space: A space within the main building, or on the same lot therewith, providing for the standing, loading, or unloading of trucks, and having a minimum dimension of twelve feet (12') by sixty-five feet (65') and a vertical clearance of at least fourteen feet (14').

Lot: A parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one (1) principal permitted use together with its accessory buildings, the open spaces and parking spaces required by this Resolution, and having its principal frontage upon a public or private street or upon an officially approved place.

- A. Lot, corner: A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty five degrees (135 degrees). The point of intersection or the street lines is the "corner."
- B. Lot, double frontage: A lot having a frontage on two (2) non-intersecting streets as distinguished from a corner lot.

- C. Lot, interior: A lot other than a corner lot.
- D. Lot of record: A parcel of land which has been defined and recorded in the office of the County Recorder of Clermont County.

Lot depth: The mean horizontal distance between the front and the rear lot lines.

Lot, minimum area of: The area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare.

Lot width: The mean width of the lot measured at right angles to its depth.

Manufactured home: A building unit or assembly of closed construction fabricated in an off-site facility, that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

Manufactured home park: A tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes. Excluded from the definition are one (1) tracts of land containing manufactured homes if the homes are on lots sold or for sale and the tract roadways are defined to the local government authority, and two (2) tracts used solely for the storage or display for sale of manufactured homes, or solely as a temporary park-camp. This includes mobile homes in the definition of a manufactured home park and exclusions therefrom, and also excludes from the definition a tract of land within an area that is subject to local zoning authority and subdivision requirements, and is subdivided into individual lots for sale or sold for the purpose of installation of manufactured or mobile homes for habitation. (Changed, Aug. 9, 2000.)

Mobile home: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than 35 body feet in length, or, when erected on site, is 320 or more square feet, that is built on a permanent chassis and is transportable in one (1) or more sections, and does not qualify under the definition of a manufactured home. Units categorized as mobile homes are primarily those units built before 1975, when the federal Housing and Urban Development agency standards became effective. (Added, Aug. 9, 2000.)

Modular home: A dwelling pre-manufactured for delivery to a site in units for assembly at its destination. A suitable footing and continuous masonry foundation are required for this type of dwelling.

Motor vehicle: Means any vehicle, including manufactured homes and recreational vehicles, propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. Excluded are: motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well drilling machinery, ditch digging machinery, farm machinery, trailers used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or highway at

a speed of twenty-five (25) miles per hour, or less, threshing machinery, hay baling machinery, corn sheller, hammermill and agricultural tractors and machinery used in the production of horticultural, agricultural, and vegetable products.

Non-conforming use: A building, structure or premises legally existing and/or used at the time of adoption of this Resolution or any amendment thereto and which does not conform to the use regulations of the district in which located.

Open space, common: Land areas to be left undeveloped and undisturbed during construction as a natural resource area, recreation area, buffer yard, low intensity agricultural production (such as tree farms, specialty crops, organic produce, certain nurseries, or hay fields), or other undeveloped space. Open space excludes areas in lots, street right-of-ways, public utility easements, and parking. Open space may be either private or public (See Article 14, Section 1405).

Panhandle Lot: A lot, which utilizes a narrow strip of land, a minimum of no less than twenty-five (25) feet, to provide legal access to frontage on a public or private street.

Parking area, private: An open area for the same uses as a private garage.

Parking area, public: An open area, other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free or as an accommodation for clients or customers.

Parking space: A surfaced area suitable for parking of motor vehicles of not less than one hundred sixty-two square feet (162 square feet) either within a structure or in the open, exclusive of driveways or access drives.

Patio: An uncovered area, permanently surfaced or constructed, the use of which is customarily incidental to that of the main use of the land and which is located on the same lot with the main building or use.

Place: Open, unoccupied space or a public or private thoroughfare, other than a street or alley, permanently reserved as the principal means of access to abutting property.

Planned Development (PD): A development that is planned to integrate proposed land uses on a tract of land under single ownership or control, or unified plan of development, and is developed in a single phase or multiple phases according to approved plans and design principles, with provisions for the operation and maintenance of common areas, improvements and facilities.

Plan: The written and graphic submission for a planned development, including a plat of subdivision, all covenants relating to the use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities.

Pond/lake: A non-chlorinated body of water.

Professional consultant: A person who possesses the knowledge and skills by reason of education, training, and experience to comprehend the full nature and extent of the project in questions regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. The consultant may be, but not necessarily limited to, a registered architect, landscape architect, engineer, planner, or equivalent.

Professional and home occupations: Any occupation, activity or profession carried on by a member of the family residing on the premises. Such home occupations or professions include:

- A. The office of a physician, dentist, artist, musician, lawyer, architect, teacher, real estate agent or similar profession; provided that not more than one-fourth (1/4) of the area of the individual's living unit be used for such purposes.
- B. Home work shops and handicrafts, provided that no nuisance such as noise, odor or atmosphere contamination is created.

Right-of-way line: A dividing line between a lot, tract or parcel of land and a contiguous street. The right-of-way of any street or road shall be deemed to be fifty (50) feet unless a greater right-of-way is proposed in the official highway map of Clermont County or by state highway requirements. In that case, front yards shall be measured from the proposed right-of-way shown in said map. Current right-of-way lines in Jackson Township are:

- A. State Highway – Sixty (60) Feet.
- B. County Road – Forty (40) Feet.
- C. Township Road – Thirty (30) Feet.

Recreational vehicle: A vehicular portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses and being classed as follows:

- A. Travel trailer: A non-self-propelled recreational vehicle not exceeding an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and includes a tent type fold out camping trailer as defined in division (S) of section 4517.01 of the Ohio Revised Code.
- B. Motor home: A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. Truck camper: A non self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

Residential floor area: The area of dwelling devoted to living purposes, including stairways, halls and closets within the dwelling unit but excluding porches and space used for a garage or carport. In multi-family dwellings, the area of laundry rooms, storage rooms, offices, elevators, stairways, hallways or lobbies shall be excluded from the residential floor area.

Rear dwellings: No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all the yard and other open space and off-street parking requirements of this Resolution, and for the purpose of determining the front yard in such case, the rear line of the required rear yard for the principal building in front shall be considered the front lot line for the building in the rear. In addition, there must be provided for any such rear dwelling an unoccupied and unobstructed access way not less than twenty feet (20') wide to a public street for each dwelling unit in such space, or one (1) access way not less than fifty feet (50') wide for three (3) or more dwelling units.

Sexually-oriented Businesses: See Article 13, Section 1306 for definitions pertaining to sexually-oriented businesses.

Sign: See Article 7, Section 701 for definitions pertaining to signs and signage.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it.

- A. Story, first: The lowest story or ground story of any building the floor of which is not more than twelve (12 inches) below the average contact ground level at the exterior walls of the building; except that any basement or cellar used for residence purposes, other than for a janitor or caretaker of his family, shall be deemed the first story.
- B. Story, half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story, except that any partial story used for residential purposes, other than for a janitor or caretaker or his family or by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public or private thoroughfare which affords the principal means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

Street line: A dividing line between a lot, tract, or parcel of land and a contiguous street, referred to as the right-of-way line.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground including - but without limiting - the generality of the foregoing, advertising signs, billboards, backstops for tennis courts and pergolas.

Structural alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Structural alterations: Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

Swimming pool: A structure, pool, or open tank containing at least one and one-half (1 ½) feet of water at any point that is chlorinated and is maintained by the owner or manager.

- A. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, multi-family development, or a community; the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- B. Community: Operated with a charge for admission; a primary use.

Tourist home: A building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty (20) individuals and open to transient guests.

Trailer, trailer coach, or motor home: Any vehicle structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device, or use for the storage or conveyance for tools, equipment or machinery, and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

Trailer, camping: A vehicle or structure, other than a boat, designed and constructed in such a manner that its primary purpose is for use as a temporary living facility or during vacation or recreation periods and is, or may reasonably be mounted on wheels or a motor vehicle and which is drawn or carried upon highways or streets.

Trailer, utility: A vehicle or structure designed and constructed in such a manner, mounted on wheels or a motor vehicle, so it can be drawn or carried upon streets or highways whose primary purpose is to haul personal property or other property or materials and is licensed or licensable as a utility trailer under Ohio Motor Vehicle licensing law for use on highways or streets.

- A. A small utility trailer is a utility trailer designed to haul not more than two thousand (2,000) pounds of materials.

Trailer or motor home court or camp: An area where one (1) or more trailers, trailer coaches, motor homes, or tents can be or are intended to be parked or stationed, designed, or intended to be used as temporary living or semi-permanent living facilities of one (1) or more families and are intended primarily for automobile transient.

Thoroughfare plan: The official Thoroughfare Plan of, and as adopted by, the Planning Commission of Clermont County, Ohio, establishing the location and official right-of-way

widths of principal highways and roads in the County, on file in the office of the County Engineer and the County Planning Commission of Clermont County, Ohio, together with all amendments thereto subsequently adopted.

Trustees: The Board of Trustees of Jackson Township, Clermont County, Ohio.

Use, first permitted in any district: A use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in any district.

Variance: A deviation from a specific zoning requirement as to height, size, lot area, density, yard depth, setback, etc. of a specific zoning district; however, a request for a use permitted within another zoning district shall not be considered for a variance by the board.

Vehicles: Everything on wheels or runners, including motorized bicycles, but does not mean vehicles operated exclusively on rails or tracks or from overhead electric trolley wires and vehicles belonging to any police department, municipal fire department, or volunteer fire department or used by such department in the discharge of its functions.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by a portion of structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building or any projections thereof other than the projections of the usual uncovered steps, uncovered balconies, or porch, shall be used.

- A. Yard, front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street or place line and the main building or any projections thereto. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
- B. Yard, rear: A yard extending across the rear of a lot and being the horizontal distance between the rear lot line and the rear of the main building or any projections thereto. On all lots, the rear yard shall be in the rear of the front yard.
- C. Yard, side: A yard between the main building and the side line of the lot and extending from the front yard to the rear yard and being the horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

Zoning certificate: The document issued by the Zoning Administrator authorizing the construction and/or alteration of any permanent and/or temporary building, dwelling, or other structure in excess of twenty-seven (27) cubic feet or to establish or change the use of any land, building, dwelling or other structure.

Zoning Commission: The Jackson Township Zoning Commission as appointed by the Township Trustees.

Zoning Administrator: The Zoning Administrator or his/her authorized representative, as appointed by the Township Trustees.

Zoning district map: The zoning district map or maps of Jackson Township, together with all amendments subsequently adopted.

Article 2

General Provisions

200 Interpretations and Modifications:

Requirements and regulations specified in this Resolution shall be subject to the exceptions, modifications, and interpretations set forth in this article.

- A. Existing lots of record. In any District where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record as of the effective date of this Resolution, irrespective of its area or width, provided the owner of such lot does not own any adjoining property, except that no lot shall be deemed to be less than one hundred (100) feet wide for the calculation of yard requirements, and provided, further:

1. The sum of the side yard widths on any such lot need not exceed thirty (30) percent of the width of the lot, but in no case shall the width of any side yard be less than ten (10) percent of the width of the lot; provided, however, that on a corner lot, the width of the side yard adjoining the side street lot line shall not be less than ten (10) feet or twenty (20) percent of the frontage, whichever is the greater.
2. The depth of the rear yard of any such lot need not exceed twenty (20) percent of the depth of the lot, but in no case shall it be less than twenty (20) feet.

- B. Height

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, state towers on scenery lots, calling towers, ornamental towers and spires, chimneys, elevator machine rooms, smokestacks, conveyors and flag poles, except where the height of such structures will constitute a hazard to the safe landing and take-off of military, public, commercial, and private aircraft at an established airport.

- C. Area requirements

In any district, where public sanitary sewers are not accessible, the otherwise specified lot area and frontage requirements, if less than the following, shall be: lot area: 43,560 square feet or one (1) acre; lot frontage at building line: one hundred fifty (150) feet.

D. Front Yards

1. When forty (40) percent or more of the frontage on one side of the street between two (2) intersecting streets is improved with buildings that have a front yard which is greater or less than the required front yard in the District, no building shall project beyond the average front yard so established, provided, however, that a front yard depth shall not be required to exceed fifty (50) percent in excess of the front yard otherwise required in the District in which the lot is located.
2. On lots having double frontage created by a side street or street in the rear of the lot, the required front yard depth shall be provided on both streets.
3. In all districts, no fence, structure, or planting higher than three (3) feet above the established street grades shall be maintained within twenty (20) feet of any street intersection.
4. An open, uncovered porch, patio, or paved terrace may project into a required front yard for a distance of not more than ten (10) feet, but this shall not be interpreted to include or permit fixed canopies.
5. In any "R" District where the natural grade of a lot within the required front yard has an average slope of such a degree or percent of slope that it is not practical to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Resolution, such garage may be located within such front yard, but not in any case closer than twenty (20) feet to the street right-of-way line, nor closer than forty-five (45) feet to the center line of the street.
6. Filling station pumps and pump islands may be located within a required yard, provided they are not less than fifteen (15) feet from any street line and not less than fifty (50) feet from the boundary of any Residential District.

E. Side Yards

1. On a corner lot, the width of the yard along the side streets shall not be less than any required front yard on such a street, provided, however, that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet.
2. No accessory building shall project beyond a required yard line along any street.
3. Where dwelling units are erected above commercial establishments, no side yard is required except when required for the commercial building.

4. A porte-cochere or canopy may project into a required side yard, provided every part of such port-cochere or canopy is unenclosed and not less than seven (7) feet from any side lot line.
5. For the purpose of side yard regulation, a two-family (2) dwelling or multiple dwelling shall be considered as one (1) building occupying one (1) lot.
6. An owner of a dwelling erected prior to the effective date of the initial Resolution of 1972 shall be permitted to enlarge or structurally alter such dwelling to provide additional enclosed space for living or garage purposes, provided, however, that no side yard shall be reduced to less than twenty five (25) feet.

F. Rear Yards

1. Where a lot abuts upon an alley, one-half (1/2) the alley width may be considered as part of the required rear yard.
2. In any "R" District one accessory building not exceeding fourteen (14) feet in height, may occupy not to exceed twenty (20) percent of the required rear yard or six hundred (600) square feet, whichever is greater, plus one (1) lawn building or storage shed not to exceed one hundred and twenty (120) square feet in area nor ten (10) feet in height may occupy space in the rear yard. No accessory building shall be closer than ten (10) feet to the main building, nor closer than three (3) feet to any rear lot line and the side yard setbacks to be the same as required for the main building.

Unenclosed parking spaces may occupy not to exceed ninety (90) percent of the area of required rear yard.

3. In any "R" District miscellaneous structures such as radio transmission or receiving towers, windmills, television reception towers or any other structures of similar nature, excluding public utilities, that exceed twenty (20) feet in height shall be set back from all property lines a distance at least equal to their total height.
4. See illustrations "Roof Types and Building Height" on page 2-9, "Lot Terms" on page 2-10, "Basement and Story" on page 2-11, and Table "Height and area requirements" on page 2-12.

201 Uses prohibited

Privately owned or operated landfills, auto junk yard, salvage operation, recycling center, incinerator, manufactured home park, mobile home park, trailer park, or camps shall be prohibited in Jackson Township, Clermont County, Ohio.

210 Agricultural use

Nothing contained in this resolution shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such use, building or structure.

211 Land use

No building, dwelling, or structure shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building, structure or land be used which does not comply with all the districts regulations established by this resolution for the district in which the building or land is located.

214 Temporary recreational vehicle occupied

In the agriculture district, resident "R-1" and residence "R-2" districts, storing a trailer, camper, recreational vehicle or boat shall be permitted providing that no habilitation be maintained and no business conducted therein while such vehicle is so parked or stored; however, occupying such vehicles for short periods of time deemed vacationing or recreation shall not be prohibited. Should the occupation of such a vehicle extend beyond a thirty (30) day period a permit will be required from the Zoning Administrator for an additional period of occupancy and if he so deems it necessary the Zoning Administrator may seek a ruling of the Board of Zoning Appeals.

216 Resolution effective date

The minimum yards and other open space provisions contained in this resolution for each and every building existing at the effective date of this resolution shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.

218 Nuisance prohibited

No abandoned, discarded, inoperable, wrecked, unlicensed, unsafe, disabled, dismantled vehicles, motor vehicles or abandoned, discarded, unsafe manufactured homes or inoperable machinery, equipment, machine parts or abandoned, inoperable agriculture equipment or discarded furniture, appliances, junk or other miscellaneous materials shall be permitted to remain other than within a totally enclosed structure on the premises in any district with the exception of farm implements currently being used in agriculture. (Changed Jan. 19, 1998)

220 Buffers

Where buffers are required between two (2) different land uses, a buffer screen shall be used to provide an adequate site, noise and pollution barrier. Depressions, raised berms, landscaping, fencing or any combination thereof are satisfactory methods to create such a barrier.

Where a landscape buffer screen is used, an evergreen planting screen shall be used to provide an adequate barrier. The plant material used shall be a minimum height of four (4) feet at the time of planting and shall be planted in an arrangement in order to provide an immediate effect. Deciduous and semi-deciduous plant material may be used with evergreens to provide an immediate effect and accent in color. In all cases where plant material is used as a buffer screen, the plants shall be placed in such a manner that the mature growth of such plants is a minimum distance of three (3) feet from said property lot line or public right-of-way. See illustration "Buffers" on page 2-13.

221 Cemetery

Any cemetery established after the effective date of this Resolution must contain no less than twenty (20) acres. Grounds must be landscaped so as to be an asset to the district in which is located.

222 Temporary buildings

In all districts, a certificate shall be obtained from the Zoning Administrator for placement of a construction trailer or temporary building for uses incidental to construction work for a period of one (1) year, providing the owner has a building permit and shows evidence of continued progress. The unit shall be removed upon completion or abatement of the construction work or at the end of the year period.

232 Compliance with regulations

No structure shall be constructed, erected, placed or maintained and no land use commenced or continued within the unincorporated area of the township except as specifically, or by necessary implication, authorized by this Resolution. Conditional uses shall be allowed only by certificate granted by the Zoning Board of Appeals upon finding that the specified, allowable conditions exist. Where a lot is devoted to a permitted principal use, customary accessory uses and structures are authorized except as prohibited specifically or by necessary implication. Violators of these provisions will be prosecuted and penalized to the fullest extent as described in Article 3, Section 360.

234 Administrative standards

Whenever, in the course of administration and enforcement of this Resolution, it is necessary or desirable to make any administrative decision, which is not specifically addressed by this Resolution, the decision shall be made so that the result will not be contrary to the purpose and intentions of this Resolution.

236 Conversion of dwellings

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open space, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter with the article applying to such district.

240 Traffic visibility across corner lots

In any district in order to provide a clear view of intersecting streets to motorists there shall be provided a triangular area of clear vision between the heights of two and one half (2 1/2) feet and ten (10) feet above the grade at the two street center lines. No fence, structure, structural support or planting shall be erected or maintained within this triangular clear vision zone that would materially affect visibility.

This triangle area of clear vision shall be formed by the street right-of-way lines on the near side of the streets and a diagonal across the corner intersection these street right-of-way lines twenty (20) feet from their corner intersection as measured along the right-of-way lines. If no established right-of-way line exists the assumed right-of-way line shall be located not less than twenty-five (25) feet from the centerline of each street. (See diagram on page 2-9)

242 Essential services

Essential services, such as the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, main drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public health or safety or general welfare, but not including buildings, shall be permitted as authorized and regulated by law and other resolutions of the Township Trustees, it being the intention hereof to exempt such essential services from the application of this Resolution.

244 Pending application for building permit

Nothing herein obtained shall require any change in the overall layout, plans, construction, size or designated use of any development, building, structure, or part thereof, for which official approvals and/or required building permits have been granted before the enactment of this Resolution, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution and completion thereof carried on in a normal manner within the subsequent six (6) month

period and not discontinued until completion, except for reasons beyond the builder's control.

246 Private streets

For developments served by private streets, the minimum yard, lot widths, parking spaces, open spaces, including lot area per family required by the Resolution based upon a private street right-of-way width of fifty (50) feet shall conform to the requirements of this Resolution for the district in which such lot is located exclusive of three (3) or more dwelling units, or business, commercial, industrial or other such areas.

248 Drive-in service

Commercial establishments, which by their nature create lines of customers waiting to be served within vehicles, shall be provided with off-street waiting areas based upon at least twenty (20) feet in length for each vehicle and at least ten (10) feet lane width with a minimum of the following:

- A. Drive-through restaurants, drive-through beverage docks, and similar commercial establishments shall provide no less than twelve (12) window approach waiting areas per pick-up window.
- B. Commercial establishments such as banks, savings and loan offices or other similar money windows shall provide no less than seven (7) window approach waiting areas per window or transaction point.
- C. Self-serve automobile washing facilities shall provide no less than five (5) waiting areas per stall. All other automobile washing facilities shall provide a minimum of ten (10) waiting areas.
- D. Automobile service stations and other establishments that disperse motor fuel at retail shall provide no less than two (2) waiting areas for each accessible side of fuel pump island. Fuel pumps shall not be located closer than fifteen (15) feet of a clear visibility area at a corner lot as defined in Section 240, this Article. The minimum required waiting area shall not be within the clear visibility area.

250 Required trash area

All commercial, industrial, business and multi-family residential buildings of more than four (4) units that have exterior trash or garbage collection area shall enclose at least three (3) sides by a solid wall or solid fence adequate in height to screen the containers and provide for vehicular access to and from such areas. Certificate is required.

254 Temporary amusement parks

A. Temporary amusement parks shall be permitted in the "A" Agricultural district by the Board of Zoning Appeals and guided by the requirements of this section and by the general purposes of this Resolution.

B. Temporary amusement parks shall be allowed only when shown that the atmosphere and weather conditions are such that no danger would result to the public from their erection and usage. Certification of the safety of such devices and equipment must be made in writing to said Board of Zoning Appeals.

C. No operation of such use shall be allowed after 11:30 p.m. on weekends and 9:30 p.m. during the week.

D. No usage shall be allowed to continue for a period in excess of ten (10) days.

256 Roadways

For the purpose of this Resolution, no street or road right of way shall be considered to be part of a lot. The right of way of any street, except as otherwise specified in the official highway plan for Clermont County, Ohio, shall be deemed to be fifty (50) feet in width.

258 Permitted uses revoked

Any use permitted in this resolution shall be revoked and discontinued if because of lighting, dust, odors, smoke, gas, noise, fumes, flame, vibration, or physical deterioration it becomes a hazard to the neighborhood in which the use is located.

260 Frontage

Every lot with an area of less than five (5) acres shall front on a public street, and shall have a minimum street frontage of twenty-five (25) feet. Lot width at the building line shall be a minimum of one hundred and fifty (150) feet. This section shall not apply to any lot five (5) acres or more in size.

262 Radioactivity or electrical disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbances.

Article 3

Enforcement

300 General

This article stipulates the procedures to be followed in obtaining certificates, and other legal administrative approvals under this Resolution.

310 Zoning certificates required

A zoning certificate shall be required as set forth in A and B, this paragraph. The applicant shall make application on forms provided by the Zoning Administrator.

- A. For the construction and/or alteration of any permanent and or temporary building, dwelling, or other structure in excess of twenty-seven (27) cubic feet.
- B. To establish or change the use of any land, building, dwelling or other structure.

Zoning certificates shall be issued only in conformity with the provisions of this Resolution unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

311 Contents of application for zoning certificate

The application for zoning certificate shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the certificate shall expire and may be revoked if work has not begun within one (1) year from the date of the issuance of certificate or completed within two (2) years from the date of issuance of certificate. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- A. Name, address, and phone number of applicant:
- B. Legal description and plat number of property for new use or new construction; or house number and street name for alterations;

- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building (s) or alteration;
- G. Building heights;
- H. Number of off-street parking spaces or loading berths and their layout;
- I. Location and design of access drives;
- J. Number of dwelling units;
- K. If applicable, application for a sign certificate or a conditional, special, or temporary use certificate, unless previously submitted;
- L. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Resolution.

312 Approval of zoning certificate

Within ten (10) working days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Resolution. All zoning certificates shall, however be conditional upon the commencement of work within one (1) year from the issuance of the permit and completion within two (2) years from the issuance of the permit. The Zoning Administrator shall return one (1) copy of the plans to the applicant, after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his/her signature on such copy. One (1) copy of plans, similarly marked shall be retained by the Zoning Administrator.

313 Submission to Director of Transportation

Before any zoning certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give notice by registered mail to the Director of Transportation that he or she shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Administrator that he/she shall proceed to acquire the land needed, then the Zoning Administrator shall not issue the zoning certificate.

If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period or of any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this resolution, issue the zoning certificate.

314 Expiration of zoning certificate

If the work described in any zoning certificate has not begun within one (1) year from the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Administrator; and written notice shall be given to the people affected. If the work described in any zoning certificate has not been completed within two (2) years of the date of issuance thereof, said certificate shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the people affected, together with notice that further work as described in the canceled certificate shall not proceed unless and until a new zoning certificate has been obtained or an extension granted.

341 Construction and use to be as provided in applications, plans and certificates

Zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement; or construction. Use, arrangement or

construction contrary to that authorized shall be deemed a punishable violation of this Resolution.

350 Complaints regarding violations

Whenever a violation of this Resolution occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate and take action thereon as provided by this Resolution.

351 Entry and inspection of property

The Zoning Administrator is authorized to make inspection of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Resolution. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect.

352 Stop work order

Subsequent to his/her determination that work is being done contrary to this Resolution, the Zoning Administrator may write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Resolution.

353 Zoning certificate revocation

The Zoning Administrator may issue a revocation notice to revoke a certificate or administrative approval which was issued contrary to this Resolution or based upon false information or misrepresentation in the application.

354 Notice of violation

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Jackson Township. Any person, firm, or corporation violating any regulations or provisions of this resolution or any amendment or supplement thereto and not correcting same after

notice as provided herein shall be referred to a Court of Law. Refer to Article 3, Section 360, Penalties and fines for possible actions.

Whenever the Zoning Administrator or his agent determines that there is a violation of any provision of this Resolution, a notice shall be issued and shall serve as a notice of violation. Such order shall:

- A. Be in writing;
- B. Identify the violation;
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Resolution being violated; and
- D. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or people responsible, or by leaving the notice at the usual place of residence of the owner with the person of suitable age and discretion; or
- B. By certified mail deposited in the United States Post Office addressed to the person or people responsible at a last known address. The violator shall be given fourteen (14) days after receipt to correct or eliminate the violation. If a certified mail envelope is returned with endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

355 Court summons procedure

If upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or people responsible shall be issued a court summons in the following manner:

- A. Be served personally;

- B. Be in writing;
- C. Identify the violation;
- D. State the time, date and place for appearance in court.

If the court summons cannot be served personally, the Zoning Administrator shall request that the summons be served by an Officer of the Court.

360 Penalties and fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provision of this Resolution or any amendment thereto. Any person, firm or corporation who violates this Resolution or fails to comply with any of its requirements shall upon conviction thereof be fined by the Court and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

365 Violations – remedies

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereof the Zoning Administrator, the County Prosecutor, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

370 Additional remedies

Nothing in this Resolution shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Resolution, or in the case of an imminent threat of such a violation, the Zoning Administrator, the township attorney, or the owner of any neighboring property who would be

especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, search warrant or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violations.

380 Interpretation, purpose and conflict

In interpreting and applying the provisions of this Resolution, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. Wherever the regulations of this Resolution require a greater width or size of yard or other open spaces or require a lower height of building or less number of stories or require greater percentages of lot to be left unoccupied or require a lower density of population, or require a more restricted use of land, or impose other higher standards than are required in any other resolution or regulations, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolution, regulation, private deed restriction or private covenant is the more restrictive, then those requirements shall govern.

385 Uses not provided for

Any uses specifically not mentioned in this resolution shall be assumed prohibited.

390 Validity

Each section, subsection, provision, requirement, regulation, or restriction established by this Resolution or any amendment thereto is hereby declared to be independent and the holding of any part to be unconstitutional, invalid or ineffective for any cause shall not affect or render invalid the Resolution or amendments thereof as a whole or any other part thereof except the particular part so declared to be invalid.

Article 4

Administration

400 Purpose

This article sets forth the powers and duties of the Zoning Commission, the Board of Zoning Appeals, Board of Township Trustees, and the Zoning Administrator with respect to the administration of the provisions of this Resolution.

401 General provisions

The formulation, administration and enforcement of this Zoning Resolution is hereby vested in the following offices and bodies within Jackson Township, Clermont County, government:

- A. Zoning Administrator
- B. Zoning Commission
- C. Board of Zoning Appeals
- D. Township Trustees
- E. Legal Counsel
- F. Township Clerk

410 Zoning Administrator

A Zoning Administrator designated by the Board of Township Trustees shall administer and enforce this Resolution. He may be provided with the assistance of such other people as the Board of Township Trustees may direct.

411 Responsibilities of Zoning Administrator

For the purpose of this Resolution, the Zoning Administrator shall have the following duties:

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provision.
- B. Respond to questions concerning applications for amendments to the Zoning Resolution text and the Official Zoning District Map.
- C. Issue zoning permits as provided by this Resolution and keep a record of same with a notation of any special conditions involved.

- D. Act on all applications upon which he is authorized to act by the provisions of this Resolution within the specified time or notify the applicant in writing of his refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit his request to the Board of Zoning Appeals.
- E. Conduct inspections of buildings and uses of land to determine compliance with this Resolution and, in the case of any violation, to notify in writing the person (s) responsible, specifying the nature of the violation and ordering corrective action.
- F. To maintain, or cause to be maintained, in current status the Official Zoning District Map which shall be kept on permanent display in the Township Offices.
- G. Maintain permanent and current records required by this Resolution, including but not limited to zoning certificates, inspection documents, and records of all variances, conditional uses, amendments and special uses.
- H. Make such records available for the use of the Township Trustees, the Zoning Commission, the Board of Zoning Appeals and the public.
- I. Review and approve site plans pursuant to this Resolution.
- J. Determine the existence of any violations of this Resolution, and cause such notifications, revocation notices or stop orders to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- K. Prepare and submit a bi-weekly and annual report to the Township Trustees and Zoning Commission on the administration of this Resolution, setting forth such information as may be of interest and value in advancing and furthering the purpose of this Resolution. Such report shall include recommendations concerning the Schedule of Fees.
- L. Delegate any of the aforementioned tasks to any and all assistants that might be provided to him by the Board of Trustees. He shall personally supervise any and all delegated tasks and shall remain personally responsible for the proper conduct of all tasks conducted under the terms of this resolution.
- M. Act as principal liaison with any and all planning or other consultants retained by the Board of Trustees for any purposes or task pertaining to this Resolution.

412 Zoning Administrator's bond

The Township Zoning Administrator, before entering upon the duties of his/her office, shall give bond, signed by a bonding or surety company authorized to do business in this State, or at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, over and above all encumbrances to the State, in the sum of not less than one thousand (1,000) or more than five thousand (5,000) dollars as fixed by the Board of Township Trustees. Such surety company or real estate bond shall be approved by the Board of Township Trustees and the bond shall be conditioned upon the faithful performance of such Zoning Administrator's official duties. Such bond shall be deposited with the Township Clerk.

420 Organization of the Township Zoning Commission

A Township Zoning Commission composed of five (5) members shall be appointed by the Board of Trustees. All members shall be residents of the unincorporated area of the Township. The terms of said members shall be of such length, and so arranged, so that one (1) member's term shall expire each year. Each member shall serve until his successor is appointed and seated. Members shall be removed from office for non-performance of duty, misconduct in office, or other necessitating cause, by the Board of Trustees, after a public hearing has been held on the charges. A copy of the charges shall be delivered to the offending member at least ten (10) days prior to the scheduled public hearing either personally, via registered mail, or by leaving same at his address of record; and the member shall be afforded the privilege of responding to the charges at the hearing. Vacancies thus created shall be filled by an appointment from the Board of Trustees and shall be for the unexpired term.

421 Duties of Township Zoning Commission

- A. Recommend to the Board of Trustees advisable changes or amendments to the text or map of this Resolution which will promote the best interest of the public in general.
- B. Review all proposed special uses, changes or amendments to the text or map of this Resolution and make appropriate recommendations to the Board of Trustees.
- C. Review all Planned Development (PD) preliminary plans, and make appropriate recommendations to the Board of Trustees.
- E. Conduct an annual review of the fee schedules contained in this Resolution, and make appropriate recommendations to the Board of Trustees.
- F. Carry on a continuous review of the effectiveness and appropriateness of this Resolution and recommend any and all appropriate amendments or changes to

improve the effectiveness and to maintain the currency and appropriateness of this Resolution to the Board of Trustees.

422 Proceedings of the Township Zoning Commission

The Commission shall adopt rules necessary for the conduct of its affairs in keeping with the provisions of this Resolution. Commission meetings shall be held at a regularly scheduled time and place known to the general public. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of examinations and other official actions, all of which shall become a public record and be immediately filed in the office of the Commission. The presence of three (3) members shall constitute a quorum. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

430 Township Board of Zoning Appeals, compensation and expenses

The Board of Township Trustees shall appoint a Township Board of Zoning Appeals of five (5) members who shall be residents of the unincorporated territory in the Township. 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 shall be removable for the same causes and in the same manner as provided by Section 420 of this Resolution. Vacancies shall be filled by the Board of Township Trustees and shall be for the unexpired term. The members may be allowed their expenses, or such compensation, or both, as the Board of Township Trustees may approve and provide.

The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Township Trustees for the purpose, employ such executive, professional, technical, and other assistants as it deems necessary.

431 Powers of Township Board of Zoning Appeals

The Township Board of Zoning Appeals may:

- A. Hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Resolution;
- B. Authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done;

- C. Grant conditional zoning certificates for the use of land, buildings, or other structures if such certificates for specific uses are provided for in the Zoning Resolution;
- D. Revoke an authorized variance or conditional zoning certificate if any condition of the variance or certificate is violated.

The Board shall notify the holder of the variance or certificate by certified mail of its intent to revoke the variance or certificate by under item D of this section and of his right to a hearing before the Board, within thirty (30) days of the mailing notice, if he so requests. If the holder requests a hearing, the Board shall set a time and place for the hearing, and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and examine witnesses appearing for or against him. If no hearing is requested, the Board may revoke the variance or certificate without a hearing. The authority to revoke a variance or certificate is in addition to any other means of zoning enforcement provided by law.

In exercising the above-mentioned powers, the Board may, in conformity with the sections, 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 has all powers of the officer from whom the appeal is taken.

432 Rules, organization and meeting of the Board of Zoning Appeals

The Township Board of Zoning Appeals shall organize and adopt rules in accordance with the Zoning Resolution. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, or at such other times as the Board determines. 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 of the Board of Zoning Appeals shall be open to the Public. The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be immediately filed in the office of the board of Township Trustees and be a public record. The presence of three (3) members shall constitute a quorum.

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Township affected by any decision of the administrative officer. Such appeal shall be taken within twenty (20) days after the decision by filing, with the officer from whom the appeal is taken with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The officer from whom the appeal is taken shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the actions were appealed.

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of the appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by publication in (1) one or more newspapers of general circulation in the county at least ten (10) days before the date of such hearing and

decided the appeal within a reasonable time after it is submitted. Upon the hearing, any person may appear in person or by attorney.

440 Duties of Zoning Administrator, Board of Zoning Appeals, legislative authority and courts on matters of appeal

It is the intent of this Resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Resolution that the duties of the Township Trustees in connection with this Resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Resolution. Under this Resolution the Board of Township Trustees shall only have the duties of this Resolution as provided by law, and of establishing a schedule of fees and charges as stated in Section 451 of this Resolution. Nothing in this Resolution shall be interpreted to prevent any officials of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within thirty (30) days of the Board's written decision.

450 Board of Township Trustees

The powers and duties of the Township Trustees pertaining to the Zoning Resolution are as follows:

- A. Approve the appointments of members to the Zoning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. Initiate or act upon suggested amendments to the Zoning Resolution text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- D. Override a written recommendation of the Zoning Commission on a text or map amendment provided that such legislative action is passed by a unanimous vote of the Township Trustees.

451 Schedule of fees

The Board of Township Trustees shall by resolution establish a schedule of fees for zoning certificates, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Resolution, after considering the recommendations of the Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Administrator, and may only

be altered or amended by the Board of Township Trustees. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

460 Responsibilities of Township Clerk

The Township Clerk shall have the responsibilities of maintaining the "official" text of this Zoning Resolution which shall be maintained on display in the Township Office and be made available to any citizen of the Township during normal business hours.

Article 5

Amendments, Appeals and Variances

500 Procedure for amendments of district changes

This Resolution may be amended by utilizing the procedures specified in Section 501 to Section 514, inclusive, of this Resolution and Section 519.12 of the Ohio Revised Code.

501 General

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Board of Township Trustees may by resolution, after receipt of recommendation thereon from the Zoning Commission and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

502 Initiation of zoning amendments

Amendments to this Resolution may be initiated in one of the following ways.

- A. By adoption of a motion by the Zoning Commission.
- B. By adoption of a resolution by the Board of Township Trustees.
- C. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

503 Contents of application for zoning map amendment

Applications for amendments to the Official Zoning Map adopted as part of this Resolution shall contain at least the following information.

- A. The name, address and phone number of applicant;
- B. A statement of the reason(s) for the proposed amendment;
- C. Present use;
- D. Present zoning district;
- E. Proposed use;
- F. Proposed zoning district;
- G. A vicinity map at a scale approved by the Zoning Administrator showing property lines of the property to be rezoned and all abutting properties; thoroughfares,

existing and proposed zoning, and such other items as the Zoning Administrator may require;

- H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
- I. A statement on the ways in which the proposed amendment relates to the comprehensive plan;
- J. A fee as established by Resolution of the Board of Township Trustees.

504 Contents of application for zoning text amendment

- A. The name, address, and phone number of the applicant;
- B. The proposed amendment to text in a form consistent with the existing Zoning Resolution;
- C. A statement of the reason(s) for the proposed amendment;
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
- E. A fee as established by Resolution of the Board of Township Trustees.

505 Transmittal to Zoning Commission

Immediately after the adoption of a Resolution by the Board of Township Trustees or the filing of an application by at least one (1) owner or lessee or property, said resolution or application shall be transmitted to the Commission.

506 Submission to County Planning Commission

Within five (5) days after the adoption of a motion by the Commission, transmittal of a Resolution by the Board of Township Trustees, or the filing of an application by at least one (1) owner or lessee, the Zoning Commission shall transmit a copy of such motion, resolution, or application, together with the text and/or map pertaining to the case in question, to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or the approval of some modification thereof and shall submit such recommendation to the Zoning Commission. Such recommendation shall be considered at the public hearing held by the Zoning Commission.

507 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the center line of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Zoning Commission may proceed as required by law; however, the Board of Township Trustees shall not approve the amendment for one hundred twenty (120) days from the date of the notice is received by the Director of Transportation. If the Director of Transportation notifies the Board of Township Trustees that he shall proceed to acquire the land needed, then the Board of Township Trustees shall refuse to approve the rezoning. If the Director of Transportation notifies the Board of Township Trustees that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Board of Township Trustees shall proceed as required by law.

508 Public hearing by Zoning Commission

The Zoning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Board of Township Trustees, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) nor more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

509 Notice of public hearing in newspaper

Before holding the public hearing as required in Section 508, notice of such hearing shall be given by the Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the township at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Board of Township Trustees for further determination.

510 Notice to property owners by Zoning Commission

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the

Zoning Commission by first-class mail, at least ten (10) days before the date of the public hearing, to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the list furnished by the applicant in Section 503 H of this Resolution, or the County Auditor's current tax list or the Treasurer's mailing list and/or such other list or lists that may be specified by the Board of Township Trustees. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 509.

511 Recommendation by Zoning Commission

Within thirty (30) days after the public hearing required by Section 508, the Zoning Commission shall recommend to the Board of Township Trustees that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be not granted. The written decision of the Zoning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

512 Public hearing by Board of Township Trustees

Within thirty (30) days from the receipt of the recommendation of the Zoning Commission, the Board of Township Trustees shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Board of Township Trustees as specified in Section 509.

513 Action by Board of Township Trustees

Within twenty (20) days after the public hearing required by Section 512, the Board of Township Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof. In the event the Board of Township Trustees denies or modifies the recommendation of the Commission, the unanimous vote of the Board of Township Trustees is required.

514 Effective date and referendum

Such amendment adopted by the Board of Township Trustees shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Board of

Township Trustees to submit the amendment to the electors of such area, for approval or rejection, at the next primary or general election.

The petition shall be filed, accompanied by an appropriate map of the area affected by the zoning proposal, with the Board of Township Trustees, which shall then transmit the petition within two (2) weeks of its receipt to the Board of Elections, which shall determine the sufficiency and validity of the petition. The only responsibility of the Township Board of Trustees is to transmit said petition to the Board of Elections.

No amendments for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

520 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which action appealed from was taken.

521 Stay of Proceedings

An appeal, stays all proceedings in furtherance of the actions appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by a court of record on application, on notice to the Zoning Administrator from whom the appeal is taken on due cause shown.

530 Variances

A variance is a modification by appeal of the strict terms of the relevant regulations, authorized by the Board of Zoning Appeals, where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience

or profit, but only where strict application of the provisions of this Resolution would result in unnecessary hardship.

531 Application and standards for variances

Except as otherwise permitted in this Resolution, no variance in the strict application of the provisions of this Resolution shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address and telephone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A fee as established by Resolution.
- E. Narrative statements establishing and substantiating that the variance conforms to the following standards.
 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Resolution on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings in the area, and which are such that the strict application of the provisions of this Resolution would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 4. There must be proof of hardship created by the strict application of this Resolution. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Resolution; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.

5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

532 Additional conditions and safeguards

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objective of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Resolution.

533 Term of variance

No order of the Zoning Board of Appeals granting a variance shall be valid for a period of longer than twelve (12) months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period. Construction is to be completed within twenty-four (24) months of the date of issue of the permit.

534 Authorized variance

Variances from the regulations of this Resolution shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 531, and Section 532, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.

- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five (25) percent.

540 Conditional uses

A Conditional Use is a use, other than a principally permitted use within a district requiring a conditional use permit and approval of the Board of Zoning Appeals.

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Resolution should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Section 541 to Section 545 of this Resolution.

541 Contents of conditional use permit application

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall, within seven (7) days, transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- A. Name, address and telephone number of the applicant.

- B. Legal description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features and such other information as the Board may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and vibration.
- H. A List containing the names and mailing addresses of all owners of property adjacent to property in question.
- I. A fee as established by Resolution.
- J. A narrative addressing each of the applicable criteria contained in Section 542.

542 General standards for all conditional uses

In considering an application for a conditional use the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation for the particular conditional use as the Board may deem necessary for the protection of adjacent properties and the public interest.

In addition to the above and to the specific requirements for conditionally permitted uses as specified elsewhere in this Resolution, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of this Resolution and appears on the Schedule of District Regulations adopted for the zoning district involved.
- B. Will be in accordance with the general objectives, or with any specific objective, of the Township's comprehensive plan and/or the Zoning Resolution.

- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- D. Will not be hazardous or disturbing to existing or planned future neighboring uses.
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
- I. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

543 Action on conditional use applications

Within thirty (30) days after the date of the public hearing required in Section 550, the Board shall take one of the following actions.

- A. Approve issuance of the conditional use by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 544. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use for such use which shall list all conditions and safeguards specified by the Board for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding

shall specify the information and/or modifications which are deemed necessary.

- C. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

544 Violation of conditions

Any violation of conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Resolution.

545 Expiration of conditional use permit

A conditional use permit shall be deemed to authorize only one (1) particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date that the Board approved the conditional use, or if for any reason such use shall be discontinued for more than two (2) years.

550 Public hearing by the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal, variance or conditional use from the Zoning Administrator or an applicant.

551 Notice of public hearing in newspaper

Before conducting the public hearing required in Section 550, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed action.

552 Notice of parties in interest

Before conducting the public hearing required in Section 550, written notice of such hearing shall be mailed by first-class mail, at least ten (10) days before the date of said hearing, to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 551.

553 Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 550, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 532, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in Section 440.

554 Rules where uncertainty may arise

Where uncertainty exists with respect to the boundaries of the various districts as shown on the maps accompanying and made a part of this Resolution, the following rules apply:

- A. The district boundaries are the centerline of streets and alleys, unless otherwise shown, and where the districts designated on the maps accompanying and made a part of this Resolution are bounded approximately by street or alley centerline, such centerline shall be construed to be the boundary of the districts.
- B. Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the districts' boundaries shall be construed to be the lot lines, and where the district designated on the maps accompanying and made a part of this Resolution are bound approximately by lot lines, the lot line shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the maps.
- C. The district boundary lines of un-subdivided property on the maps accompanying and made a part of this Resolution shall be determined by dimensions or the use of the scale appearing on the map.

Article 6

Manufactured Homes

600 Definition of manufactured homes

A permanently sited manufactured home means manufactured home as defined in Ohio Revised Code 519.212 as amended and approved as meeting acceptable similarity appearance standards and performance standards as specified in this Section.

610 Manufactured homes on individual lots or parcels of land

Manufactured homes either individually or by specific model shall be permitted in all districts permitting single-family dwellings and shall be designated as a single-family residential use in such districts, subject to the requirements and limitations applying generally to residential use including minimum lot size, lot width, yard and off-street parking, acceptable similarity appearance standards and such other requirements of this Resolution that apply to such residential uses.

620 Standards for manufactured homes

The following standards shall be used in the determination of acceptable similarity of appearance between manufactured homes and residences constructed on site to assure that such manufactured homes placed on a visible, permanent foundation will be comparable in appearance with site built housing that has been or may be constructed on adjacent or nearby locations.

- A. Manufactured homes shall have a minimum usable floor area of one thousand (1,000) square feet excluding garage, deck, unenclosed porch or basement.
- B. Manufactured homes shall be located on lots such that the portions of the manufactured home nearest the street frontage are at least thirty four (34) feet in total dimension parallel to the street. Such dimension shall be measured from outer portions, including eaves, and shall include any additions to the main body of the manufactured home, such as garages, carports, utility or living rooms, recreation rooms, etc.
- C. The wheel, axles, and metal frame members shall be screened from the bottom of the manufactured home to the ground by concrete or masonry wall. The wall must be installed prior to the occupancy of the manufactured home being placed on site. Wall must be maintained at all times while the manufactured home is on the lot.

650 Removal of manufactured homes

If manufactured homes are removed for more than twenty-four (24) months, all foundation and block walls above ground grade must be removed and restored to original grade.

660 Unpermitted parking of manufactured home

Parking of a house trailer or manufactured home in any district forty-eight (48) hours or longer period of time shall be prohibited, except for small utility trailers and except that one (1) trailer may be stored in an enclosed garage, or other accessory building, provided that such shall not be occupied as residences or any business conducted in connection therewith, while such trailer is parked or stored, and to insure compliance therewith, a zoning certificate shall be required.

Article 7

Signs

700 Purpose

The purpose of this Section is to permit signs that will not by their reason, size, location, construction, or manner of display endanger the public health, safety, and general welfare and to permit and regulate signs in such a way as to support and complement land use objectives set forth in the purpose of this Zoning Resolution.

701 Definitions

Sign: Any surface, fabric, device or display which bears lettered, pictured or sculptured matter, including forms shaped to resemble any human, animal, or product, designed to convey information visually and which is exposed to public view. The term sign shall include all structural members. A sign shall be constructed to be a display surface or device containing organized and related elements composed to form a single unit. In cases where matter is displayed in a random or unconnected manner without organized relationship of the components, each such component shall be considered to be a single sign.

Sign area: That area enclosed by one continuous line, connecting the extreme points or edges of a sign. The area shall be determined using the largest sign area or silhouette visible at any one time from any one point. This area does not include the main supporting sign structure, but all other ornamented attachments, inner connecting links, etc., which are not a part of the main supports of the sign are to be included in determining sign area.

- A. Any sign with three (3) or more sign faces shall have the area calculated by summing the area of the sign faces and dividing by two (2).
- B. On a two-sided (2) sign, only one (1) face is counted in computing the sign's area.
- C. Painted upon or applied to a building: The area includes all lettering, wording, and accompanying designs or symbols together with any background of a different color than the natural color of the building.
- D. Individual letters or figures: When attached or painted on a surface - a building, canopy, awning, wall, or window - the area is that of the smallest rectangle or other geometric shape that encompasses all of the letters or symbols.
- E. Sign frontage: The length in feet of the ground floor level of a building front or side facing a street (or facing a right-of-way accessible from a street) that is occupied by an individual business.

Sign, Abandoned: A sign the use for which it represents having been discontinued for any period of time.

Sign, Banner: A sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plaster, or fabric of any kind. National flags, flag of political subdivisions, and symbolic flags of any institution or business shall not be considered banners.

Sign, Billboard: A non point-of-sale sign which advertises a business, organization, event, person, place or thing, unless such sign is more specifically defined herein.

Sign, Changeable copy (bulletin board): A sign designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copy on a billboard.

Sign, Construction: A sign giving the project name, architect, engineer, contractor, lending institutions, material supplier, or others engaged in work on the construction site on which the sign is located.

Sign, Directional: A noncommercial sign of an instructional nature, such as "parking," "exit," or "entrance," displayed solely for the convenience of the public. No more than twenty-five percent (25 percent) of such sign shall be devoted to the name or logo of the property, business, or profession on the site and shall contain no business advertising, product trade name identification, or listing of any product sold or offered on the premises.

Sign, Freestanding: A sign which is supported by structures or supported in or upon the ground and independent of support from any building not to include portable or mobile signs.

Sign, Home occupation: A sign not to exceed two (2) square feet in area, have no artificial lighting, and have no display that indicates from the exterior of the building that it is being utilized for any purpose other than a dwelling, maximum of one (1) sign. Not permitted in the public right-of-way.

Sign, Illuminated: A sign illuminated in any manner by an artificial light source.

Sign, Mobile or portable: A sign which is affixed to a frame having wheels or capable of being carried, or otherwise portable which does not have a permanent foundation and cannot withstand the stress and wind loads of the building code and designed to stand free from a building or structure. Signs to be affixed to the surface of real estate shall be deemed freestanding signs and not mobile signs, but the mere removal of wheels or temporary securing of a sign to the surface of real estate shall not prevent its being a mobile sign.

Sign, Marquee: A sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an

entrance to a building or extending along and projecting beyond the building wall and generally designed and constructed to provide protection against the weather.

Sign, Off-premise: A sign that advertises goods, products, services, or facilities or diverts people to a different location from where the sign is installed.

Sign, On-premise: A sign identifying or advertising a business, person, activity, goods, products, or services located on the premises where the sign is installed and maintained.

Sign, Projecting: A sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Sign, Real estate: A sign which is used to offer for sale, lease, or rent the property upon which the sign is placed.

Sign, Roof: A sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Sign, Snipe: A sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on public or private property.

Sign, Wall: A sign painted on or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Sign, Window: A sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

705 General provisions

- A. No sign except as specifically exempted herein shall be erected, displayed, relocated, or altered until a permit has been issued by the Zoning Administrator. The following are the requirements to obtain a permit:
1. A completed application form.
 2. A site plan and/or building elevation drawn showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
 3. Drawing of sign including type of construction, method of illumination, method of mounting and/or erecting.
 4. The written consent of the owner or authorized agent of the underlying property.
 5. A permit fee as required.

710 General requirements for all signs and districts

- A. All signs shall be designed and constructed in conformity with the provisions of

Article 14 of the Ohio Basic Building Code and the with the National Electric Code.

- B. All wiring, fittings and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with all applicable regulations of the currently adopted and enforced electrical and building code(s) of the Clermont County Building Department.
- C. All signs shall be as designated and supported as to carry the weight of the sign, and shall comply with the local building code in effect.
- D. All signs shall be secured in such a manner as to prevent significant movement due to wind or other natural elements.
- E. Outdoor advertising signs shall be classified as a business use and only be permitted in business, commercial, industrial, and agricultural districts. Signs along interstate and primary highways shall conform to the regulations of the Ohio Revised Code, Chapter 5589.33, and the regulations adopted pursuant thereto.
- F. Any illuminated sign shall employ only light emitting a light of constant intensity; no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, and no sign shall be placed so as to direct or permit beams to be cast directly upon a public right-of-way or adjoining property.
- G. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or prohibition of trespassing, except as otherwise herein permitted.
- H. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
- I. No vehicle or trailer may be parked or stored on a business premises or a lot for the purpose of advertising a business product, service, event, object, location, organization, or the like.
- J. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.
- K. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise use motion to attract attention. Paragraph E and F shall not apply to that position of any sign indicating time, temperature, day or date.
- L. No sign shall be placed on the roof of any building except those whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

- M. No sign shall contain banners, posters, pennants, ribbons, spinners, streamers, or other moving devices. No strings or lights shall be used to attract attention.
- N. No sign of any type shall be installed or attached in any form to a fire escape or fire exit.
- O. All signs, permanent or temporary, shall be clearly marked with the person or firm responsible for maintaining the sign.
- P. No sign shall be placed in any public right of way except publicly owned signs, such as traffic control signs.
- Q. No sign shall be placed in the required sight triangle of any intersection except publicly owned signs.
- R. No sign shall be attached to or painted on the surface of any tree, utility pole, street light, standard, or dilapidated structure.
- S. No light or sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device, phrase, symbol or character.
- T. No sign or combination of wall, overhang, roof, or freestanding signs shall be in excess of one hundred (100) square feet per required street frontage.
- U. No sign is to project into the setback line.
- V. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy a total of more than fifty (50) percent of the window surface.
- W. Should any sign become unsafe or abandoned, the person maintaining the same shall upon written notice from the Zoning Administrator proceed at once to remove or repair the sign.
- X. Outdoor advertising off premise signs shall be classified as a business use and be permitted in all districts zoned for business, commercial, or industrial purposes. Regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5589.33, and the regulations adopted pursuant thereto.
- Y. Temporary Sign - which is not permanently affixed or mounted and which advertises community, civic projects, charitable, nonprofit organizations or other temporary business promotion.
 - 1. A temporary permit will be given for up to fourteen (14) days. No group or business may receive such a permit within three (3) months of previous issuance.

2. Sign shall not exceed fifty (50) square feet in area and must meet all the general requirements in Section 710 of this Resolution.

720 Signs permitted in all districts, certificate not required

- A. These signs shall not require a certificate but are subject to all applicable restrictions contained in this resolution:
 1. Signs erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance, resolution, or governmental regulation.
 2. Signs not exceeding two (2) square foot in area and bearing only property numbers, name of street, post box number, or names of occupants on the premises.
 3. Real Estate Sign

One unlighted sign advertising the sale, lease, or rental of the premises shall be permitted and shall not exceed eight (8) square feet in area except in Residential Districts where the display area is not to exceed four (4) square feet in area.
 4. Political Sign
 - a. May be erected with property owner's permission.
 - b. No snipe signs may be used.
 - c. All signs must be removed by the individual or organized group posting the sign within five (5) days of the event.
 - d. Signs may only be erected a maximum of sixty (60) days prior to the event.

730 Signs prohibited in all districts

- A. Mobile signs (except as permitted and regulated in business zones).
- B. Overhanging signs.
- C. Flashing or blinking signs.
- D. Rotating or moving signs.
- E. Streamers, pennants, and tag signs or similar signs or devices.
- F. Abandoned signs.

- G. Any sign which emits any noise, odor, or visible matter for the purpose of attracting attention to the sign.

740 Permitted signs in all districts, requiring a certificate

- A. These signs require a certificate and are subject to the restrictions as specified.
 - 1. Signs or bulletin boards customary to places of worship, libraries, museums, social clubs, or societies shall not exceed sixteen (16) square feet and must be located on the premises of such institution. These signs may explain the name, activities, or services, and may not project into the public right-of-way.
 - 2. Any sign advertising a commercial enterprise, including real estate developers or subdivisions in a district zoned residential shall not be illuminated, and shall not exceed four (4) square feet in area.
 - 3. One (1) sign for lots or houses in a new residential subdivision may be erected facing each street in or abutting such subdivision. The display surface shall not exceed thirty-two (32) square feet in area, shall not be illuminated, and shall be set back from the right-of-way line of each abutting street according to the requirements for the district in which it is located. The sign must be removed by the developer as soon as the project is complete.
 - 4. Signs directing property purchasers to houses provided they do not exceed four (4) square feet in area, do not include an advertisement, and are located more than one (1) mile from the entrance. Signs must be removed by the developer upon completion of the project.
 - 5. One sign is permitted at the entrance to a subdivision indicating the name of the subdivision. No display surface shall exceed thirty-two (32) square feet in area. There shall be no more than two (2) display surfaces and they shall not be illuminated.
 - 6. Any sign in this section, being replaced, must have a new certificate.

750 Signs permitted by districts, requiring a certificate

- A. Agriculture and Residential (R1), and Residential (R2)
 - 1. Bulletin boards and signs not exceeding an aggregate area of twenty (20) square feet, bearing notice only or pertaining only to the sale of the products grown or produced or services rendered upon the premises, or advertising only the lease, hire or sale of only the particular property upon which displayed; provided, further, that no bulletin board or other sign exceeding four (4) square feet in area shall be erected or constructed into the set back line area as established by this Resolution for Agricultural District. They shall not be located closer than fifty (50) feet from the right-of-way line and not closer than thirty (30) feet to any lot line. Top of sign,

or bulletin board, shall not exceed a height of twenty five (25) feet above grade and may not be illuminated.

2. Home based businesses may display one (1) sign which shall not exceed four (4) square feet in area or have any artificial lighting nor any display that indicates from the exterior of the building that it is being utilized for any purpose other than a dwelling. Sign is not permitted in the public right-of-way.

B. Business (B1), Commercial (C1), and Industrial (I1)

1. Freestanding On Premise Sign – every commercial or business use may erect and maintain one freestanding on premise sign with two (2) square feet per side of sign display area for one (1) foot of lineal road frontage per establishment.
 - a. In a multiple development, shopping center or any other development involving two (2) or more separate uses in one (1) building or a collection of buildings located on one (1) tract, parcel or real estate there shall be only one (1) freestanding sign for the entire development.
2. Individual letters or figures may be used as part of the total square footage.
3. Directional Sign - as part of the total square footage.
4. Wall Sign - one (1) wall sign per business not to project more than two (2) feet from the face of the building as part of the total square footage.
5. Window Sign - as part of the total square footage.
6. Marquee Sign - as part of the total square footage.
7. Roof Sign - as part of the total square footage.
8. Freestanding Off Premise Sign - every commercial or business use may erect and maintain one off premise sign with a maximum of one hundred (100) square feet display area. Sign may not be more than thirty five (35) feet in height and shall be set back not less than one hundred (100) feet from all road right-of-way lines except as required by the Ohio Revised Code, Chapter 5589.33 which may require a greater set back on highways.
 - a. Off Premise Signs - shall be placed four hundred (400) feet from any Residential or Recreational District and no closer than one hundred (100) feet to any property line.
 - b. Off Premise Signs - shall be spaced two thousand (2000) feet between signs on any single road. In the event of intersections, the

signs may not be spaced closer than one thousand (1000) feet to each other.

- c. Off Premise Signs - must be at least five hundred (500) feet from any freestanding on premise sign.
9. Mobile Signs - limited to one (1) mobile sign for each commercial or business use, not exceed fifty (50) square feet in area, announcing grand openings, special sales, community or civic events or other temporary business promotion for a period of up to sixty (60) days.
 - a. Mobile Signs - must meet all general requirements in Section 710 of this Resolution and maintain the required set backs for the district in which it is located. No mobile sign may be placed in the right-of-way or in such a manner so as to block the necessary sight triangle at any intersection.
 10. Wall Signs Pertaining to Non-Conforming Uses – On-premises wall signs pertaining to a non conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet. This is the only sign permitted for a nonconforming use.
 11. Nonconforming Signs and Structures – Advertising signs and structures in existence prior to the effective date of this Resolution which violate or are otherwise not in conformity with the provisions of this Article shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.
 12. Loss of Legal Non-Conforming Status – A legal non-conforming sign shall lose its legal non-conforming status and therefore must be brought into conformity with this Article or be removed if the sign is altered in structure; or if it is enlarged, relocated, or replaced; or if it is associated with an establishment which voluntarily discontinues operation for two (2) years. To avoid loss of non-conforming status, a sign owner may contract for minor (up to seventy-five (75) percent) of the replacement cost of the sign reconstruction, or restoration, of damaged signs within ninety (90) days of the damage and complete reconstruction, or restoration, must be completed within one hundred eighty (180) days of the damage. A sign owner may extend a non-conforming sign provided such extension does not enlarge the sign by more than ten (10) percent. A sign owner may substitute a new sign for a non-conforming sign provided the new sign is of the same size, quality and durability as the existing non-conforming sign.

760 Compliance with these regulations

- A. All new signs must comply with these regulations.
- B. All signs erected prior to the effective date of this regulation and which do not meet the requirements will be given a nonconforming status provided they have received the proper permit and said sign otherwise conforms with all provisions of the current Zoning Resolution.
- C. Should a nonconforming sign or signs collapse, burn, be removed, or require major repair, such sign shall not be replaced, repaired or altered or reconstructed except in full compliance with all the provisions of this amendment. Major repair will constitute seventy-five (75) percent of the replacement cost of the sign.

770 Violation

- A. Any sign or device located within a public right-of-way shall be deemed a public nuisance and the Zoning Administrator shall give twenty-four (24) hours notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land abutting the public right-of-way on which the sign or device is located to remove such sign or device.
- B. Any permanent sign or device in violation shall be deemed a public nuisance and the Zoning Administrator shall give fourteen (14) days notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land such sign is erected upon to remove said sign or device.
- C. Any temporary sign in violation shall be deemed a public nuisance and the Zoning Administrator shall give twenty-four (24) hours notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land such sign is erected upon to remove said sign or device.
- D. If any such sign or device has not been removed on or before the expiration date, it shall be deemed a violation and the Zoning Administrator shall take action for removal of the sign or device.

771 Illustration

See page 7-11 for examples of different types of signs.

Article 8

Zoning Resolution Districts

810 Agricultural Districts

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Agricultural “A1” District.

811 Principal permitted uses

A building or premises shall be used only for the following purposes:

- A. Agriculture, including greenhouses and the agricultural building and structures.
- B. Churches and other places of worship, Sunday school buildings and Parish houses.
- C. Public elementary and high schools or private schools with a curriculum the same as ordinarily given in public elementary and high schools, and having no rooms regularly used for housing and sleeping rooms.
- D. Public owned and operated properties.
- E. Public and private forests, wildlife reservations or similar conservation projects, fishing lakes, recreational areas including the usual building therefor and the sale of food and refreshments.
- F. Cemeteries.
- G. Golf courses, including such buildings, structures and uses as are necessary for their operation.
- H. Hospitals and institutions of an educational, religious, charitable or philanthropic nature, provided however, that such buildings shall be located upon sites containing an area of five (5) or acres and occupy no more than ten (10) per cent of the total area of the lot.
- I. Public recreational buildings, public community buildings and public community fire houses, including such structures and uses as are necessary for their operation.
- J. The keeping of farm animals or poultry.
- K. Single and two (2) family residences including manufactured homes having a minimum usable floor area of one thousand (1,000) square feet excluding

garage, basement, decks, porches, an unenclosed porches on individual lots if such lots contain:

1. Thirty-two thousand, six hundred seventy (32,670) square feet or three fourths ($\frac{3}{4}$) acre when served by public sanitary sewers or forty-three thousand, five hundred sixty (43,560) square feet or one (1) acre when not served by sanitary sewers.
 2. Lots shall also have a minimum of fifty (50) feet of frontage on a public or private road or street.
- L. Private grass landing fields shall be permitted in agriculture areas if not in conflict with county or state laws.

812 Conditional uses requiring Appeals Board authorization

The following uses shall be considered conditional uses and will require written approval of the Board of Appeals. The Board of Appeals may attach such conditions and safeguards as it deems necessary to protect the character of the District.

- A. The extraction of minerals by a landowner for the landowner's own noncommercial use where such material is extracted and used in an unprocessed form on the same tract of land. The Appeals Board may grant approval if it determines that the removal of minerals does not exceed one acre of land excavated during twelve successive calendar months. Also, proposed use shall not constitute a fire hazard, nor emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties. The land owner shall also submit a plan for the restoration of the disturbed area.
- B. Commercial radio and television transmitters and antennas.
- C. Beauty parlor, barber shop, home occupations, music school, dancing school, business school or school of any kind with organized classes or similar activity
- D. Rear Residences located on the same, undivided parcel as a primary residence (See Article One, Section 190, "Definitions").
- E. Private Clubs, lodges, private recreational buildings, and private community buildings, including such structures and uses as are necessary for their operation to assure such uses do not infringe upon the general welfare of the people in the district in which such operations are proposed to be located.
- F. Bed and Breakfast Facilities
- G. Group Homes; as licensed under State Law.

813 Accessory building and uses customarily incidental to any of the above uses including:

- A. A private garage/car port.
- B. The keeping of customary household pets.
- C. Roadside stands, offering for sale only agricultural products. Stands shall be removed during any season for the period when they are not in use.

814 Height regulations

- A. No building shall exceed two and one half (2½) stories or thirty-five (35) feet in height.
- B. Public, semi-public service buildings, hospitals, institutions or schools, may be erected to a height not exceeding sixty (60) feet and churches and temples seventy five (75) feet if the building is set back from required yard line at least one and one half (1.5) feet for each foot of building height.
- C. Church spires, domes, flagpoles, aerials, windmills, fire towers, belfries, monuments, tanks, watch towers, or necessary mechanical appurtenances may be erected if set back from the required yard line at least one and one half (1.5) feet for each foot of height.

815 Setbacks

- A. Front Yard
 - 1. There shall be a minimum set back of seventy-five (75) feet from the right-of-way line of any road or street for any house or building. If the average setback distance of three (3) or more houses within five hundred (500) feet on each side is greater than the above distance, then any new home must be set back the average of said houses, except that no house shall be required to set back more than one hundred (100) feet.
 - 2. In the residence districts when forty (40) per cent or more of the frontage on the same side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line having a variation in depth of not more six (6) feet, no building shall project beyond the average front yard so established, but this Resolution shall not be interpreted to require a front yard of more than one hundred (100) feet.
 - 3. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements, the Board shall affix, at determined high density traffic areas, special set backs.

4. Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each side of the corner lot, except that the buildable width of such lot shall not be reduced to less than forty (40) feet, and any accessory building shall not project beyond the front yard line on either street. (Refer to paragraph 3 above.)
5. On any corner lot, no fence, structure, or planting shall be permitted within twenty (20) feet of any "corner" or stop line marker so as to interfere with visibility of the cross street. (See Traffic Visibility Diagram on page 3-8.)

B. Side Yard

There shall be a side yard on each side of a single-family dwelling; each yard shall have a width of not less than thirty (30) feet.

C. Rear Yard

There shall be a rear yard having a depth of not less than thirty (30) feet.

D. Reference Article 2 also for any General Provisions regarding area setbacks.

816 Detached Garages

Detached garages, located no more than twelve (12) feet from the main structure, and used for the sole purpose of storing up to two (2) private vehicles may be built in the side yard next to a main building. A detached garage shall not be more than five hundred and seventy-six (576) square feet, and shall not be less than three hundred (300) square feet, and shall not be more than twelve (12) feet at the peak; must be totally enclosed on all four sides with one double, or two single overhead doors and may not encroach into the front setback line. A detached garage shall not be less than thirty feet from any side or rear lot line. Any other type of structure shall be regulated as an Accessory Building.

818 Accessory building regulations

Accessory buildings, except roadstands, and temporary buildings which are not part of the main building, shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not part of the main building shall not occupy more than thirty (30) percent of the required rear yard. Busses, mobile homes, and semi-tractor trailers shall not be permitted as an accessory use.

819 Projections

- A. Terraces, uncovered porches, platforms and ornamental features which do not

extend more than three (3) feet above the floor level of the ground of the first story may project into a required yard, provided these projections are at least five (5) feet from the adjacent side lot line.

- B. Open or lattice enclosed fire escapes, fireproof stairways and balconies opening upon fire towers may project into a yard not more than five (5) feet. The ordinary projections of chimney and flues are permitted.
- C. An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

820 Residential “R1” District

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Residential “R1” District.

821 Principal permitted uses

- A. Any use or structure permitted and as regulated in the Agricultural District except as hereinafter modified.
- B. Single and two (2) family dwellings.

822 Conditional uses requiring Appeals Board authorization

- A. Beauty parlor, barber shop, home occupations, music school, dancing school, business school or school of any kind with organized classes or similar activity.
- B. Specialized animal raising: Pigeon, rabbit and other similar animals.
- C. Cemeteries provided they are adjacent to or are an extension of existing cemeteries.
- D. Private radio and television transmitters and antennas extending above the peak of the residence.

823 Irregularly shaped parcels of ground

On applications where a parcel of ground with an irregular shape having more than the required acreage necessary within this district, but having less than the necessary road frontage required for placement of a residence is submitted, the required frontage width shall begin at that point in depth where the irregular parcel meets the minimum building frontage requirements. The setback, side and rear area requirements of this District shall begin at said point.

824 Minimum floor area

The minimum useable floor area of a single family residence shall not be less than one-thousand (1000) square feet, excluding garage, basement, decks, porches and unenclosed porches.

825 Accessory uses

- A. Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry or any private way or walk giving access to such activity. The boarding of animals or the keeping of fowl or farm animals is permitted in a building at least one hundred (100) feet distant from every lot line.
- B. Gardening, the raising of vegetables or fruits and the keeping of domestic or farm animals exclusively for the use of personal enjoyment of residents of the premises and not for commercial purposes, provided that any heating plant and any structure in which farm animals are kept shall be located not less than one hundred (100) feet from every lot line.
- C. Summer houses and living quarters, without kitchen facilities, of persons employed on the premises and not rented or otherwise used as a separate building.
- D. Any accessory use of structures permitted and as regulated in the Agricultural District, except that the raising or keeping of fowl, domestic or farm animals shall not be permitted on any lands used or platted for residential purposes except as stated in Article 825, Paragraphs A and B.
- E. The office or studio in the residence of a physician or surgeon, dentist, artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, but not including a beauty parlor, barber shop, music school, dancing school, business school or school of any kind with organized classes or similar activity, provided that not more than one half ($\frac{1}{2}$) of the floor area of one (1) floor of the dwelling is devoted to such office or studio: that no such use shall require internal or external alterations or involve construction features not customary in dwellings: that the entrance to such office or studio shall be from within the dwelling.
- F. Customary home occupation such as handicraft, dressmaking, millinery, laundering, preserving and home cooking, provided that such occupations shall be converted solely by residence occupants in their residence and provided that not more than one quarter ($\frac{1}{4}$) of the area of one (1) floor of said residence shall be used for such purpose. That no such use shall require internal or external alterations or involve construction features or the use of mechanical equipment

not customary in dwellings and that the entrance to the space devoted to such use shall be from within the dwelling.

- G. The keeping of not more than two (2) roomers or boarders by a resident family.

830 Residential "R2" District

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Residential "R2" District.

831 Principal permitted uses

- A. Any use of structures permitted and as regulated in the Residential (R1) District.
- B. Single family, two (2) family and multiple dwellings on lots within an area served by a public or community sewage disposal system and provided the following minimum lot width and area requirements shall be completed.
 - 1. Single Family Dwellings: One hundred fifty (150) feet width; thirty-two thousand six hundred seventy (32,670) square feet or three fourths (3/4) of one (1) acre of lot area.
 - 2. Two (2) Family Dwellings: One hundred fifty (150) feet width; thirty-two thousand six hundred seventy (32,670) square feet or three fourths (3/4) of one (1) acre of lot area.
 - 3. Multi-Family Dwellings: One hundred fifty (150) feet width with a minimum of five thousand (5,000) square feet of lot area per unit and a minimum lot area of forty three thousand, five hundred sixty (43,560) square feet or one (1) acre.
- C. Conversion of single family dwellings into two family dwellings provided these conform with the lot area frontage and yard requirements for such two family dwellings in the Article, (refer to height and area requirements).

832 Accessory uses

Any accessory use of structures permitted and as regulated in the Residential "R1" District.

833 Irregularly shaped parcels of ground

On applications where a parcel of ground with an irregular shape having more than the required acreage necessary within this district, but having less than the necessary road frontage required for placement of a residence is submitted, the required frontage width shall begin at that point in the depth where the irregular parcel meets the minimum building frontage requirements. The setback, side and rear area requirements of this

District shall begin at said point.

840 Retail business “B1” District

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the district's regulations in the Retail Business "B1" District.

841 Intent

The intent of the Retail Business District is to provide for the establishment of areas for retail convenience goods and services which would tend to meet the daily needs of local residents of one (1) or more neighborhoods.

842 Principal permitted uses

The following uses shall be permitted:

- A. Barber shops
- B. Beauty shops
- C. Opticians
- D. Photographers
- E. Tailor and dressmaking shops
- F. Pharmacies
- G. Medical and dental offices
- H. Self service laundry and dry cleaning station, (not including commercial laundries and dry cleaning plants)
- I. Non-profit clubs, lodges, and community halls
- J. Banks
- K. Garden centers and hardware stores
- L. Farm produce stands
- M. Food stores
- N. Liquor stores

- O. Retail bakery, (not including commercial bakeries serving other areas)
- P. Specialty shops including:
 - 1. Art supplies
 - 2. Books and stationary
 - 3. Dry goods and notions
 - 4. Sporting goods
 - 5. Jewelry and gifts
 - 6. Music supplies
 - 7. Antiques and crafts
- Q. Offices, professional and business
- R. Restaurants, including drive-in and fast food types
- S. Gasoline stations - providing tanks are buried beneath the ground. Automobile minor repairs when conducted inside the building.

843 Conditional uses requiring Appeals Board authorization

Any use not specifically permitted in this District, but which is of the same general character and intent of this District, shall be considered to be a conditional use and will require a conditional use permit from the Board of Zoning Appeals.

844 Setbacks

- A. The front setback for all uses permitted in this District shall be seventy-five (75) feet from right-of-way line.
- B. A minimum side yard of three (3) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of thirty (30) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except that no rear yard shall be less than twenty (20) feet.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be setback from the proposed right-of-way line.

- E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent Agricultural or Residential Districts. Landscape buffer screens shall be provided and maintained in accordance with Article 2, Section 220.
- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix special setbacks at determined high density traffic areas to coincide with changing highway requirements.
- G. There shall be no projection beyond the setback lines as determined above.

845 Intensity of use

No minimum lot width or size shall be required in the Retail Business "B1" District for business use provided that public sewers are utilized. If public sewers are not available, a lot size of one (1) acre with a lot width at the building line of one hundred fifty (150)

850 Commercial "C1" District

The regulations set forth in this Section, or set forth elsewhere in this Resolution, when referred to in this Section, are the District Regulations for the Commercial "C1" District.

851 Intent

The purpose of the Commercial District is to establish areas with adequate facilities and access to major transportation corridors for light manufacturing, wholesale and community retail businesses which would not be incompatible with the overall, rural atmosphere of Jackson Township.

852 Principal permitted uses

- A. Establishments, including sales lots, for the display, hire, sale, and major repair of automobiles, trucks, trailers, and farm implements. All operations other than display and sales shall be within an enclosed building.
- B. Trucking and truck terminals, including storage warehouses and transfer facilities.
- C. Motels, provided that access is from a state or federal highway.
- D. Full service laundry and dry cleaning establishments.

- E. Lumber and building material sales yards, millwork and prefabrication; building material sales, storage yards, and woodworking plants.
- F. Appliance, small engine and small tool repair.
- G. Commercial food processing and packaging.
- H. Agricultural feed mill and related product sales.
- I. Machine shops and light manufacturing of precision instruments.
- J. Commercial baseball fields, swimming pools and similar open air recreation uses, and structures and facilities if located at least one hundred and fifty (150) feet from any residence.
- K. Contractor equipment storage yard or plant such storage yard and plant shall be located at least two hundred (200) feet from Residential Districts and one hundred (100) feet from adjoining property lines.
- L. Drive-in, eating and drinking establishments, summer gardens and roadhouses, including entertainment and dancing.
- M. Bar, cocktail lounge, night club, billiard and pool halls, bowling alleys, dance hall, roller skating rink and similar establishments.
- N. Miniature golf courses and golf driving ranges.

853 Conditional uses requiring Appeals Board authorization

The following uses and any use not specifically permitted in this District, but which is of the same general character and intent of this District, shall be considered conditional uses in the Commercial "C1" District and will require conditional use permit from the Board of Zoning Appeals.

- A. Neighborhood shopping centers and other groupings of commercial buildings where there is a development of five (5) or more retail or service establishments under single ownership, provided:
 1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.
 2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.
 3. The entrance 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.

4. All other applicable provisions of this Resolution are met.
- B. Drive-in theaters subject to the same conditions and restrictions as follows:
1. The applicant presents plans and specifications for the proposed use in a form suitable for making the determination required herein.
 2. There is approval of a plan of access to the highway from the agency responsible for the maintenance of the highway.
 3. The entrance 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.
 4. All buildings and structures (except fences) shall be at least one hundred (100) feet from any property line.
 5. The picture screen shall not face or be placed so it may be viewed from any major highway and shall be screened from view by trees or fences from adjacent roads.
 6. Provisions shall be made to subdue speaker sounds when the theater abuts a Residential District.
 7. All other applicable provisions of this resolution are met.
- C. Equipment rental
- D. Self Storage in a totally enclosed structure

854 Setbacks

- A. The front setback for all uses permitted in this district shall be seventy-five (75) feet from right-of-way line.
- B. A minimum side yard of three (3) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of thirty (30) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except that no rear yard shall be less than twenty (20) feet.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be set back from the proposed right-of-way line.
- E. There shall be a landscape buffer screen area providing an adequate site, noise

and air pollution barrier between the uses permitted in this District and any adjacent and Agricultural or Residential District. Landscape buffer screen shall be provided and maintained in accordance with Article 2, Section 220.

- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix special setbacks at determined high density traffic areas to coincide with changing highway requirements.
- G. There shall be no projection beyond the setback lines as determined above.

855 Intensity of use

A minimum lot size of three fourths (3/4) of an acre with sewers, one (1) acre without sewers and a minimum lot width at the building line of one hundred fifty (150) feet shall be required in the Commercial "C1" District for uses permitted in this Section.

860 Industrial "I1" District

The regulations set forth in the following sections, or set forth elsewhere in this Resolution, when referred to in this, Section, are the district regulations in the Industrial "I1" District.

861 Intent

The intent of the Industrial "I1" District is to provide for planned industrial or manufacturing uses which require extensive community facilities and direct or marginal access; or industrial roads to primary thoroughfares; and which are not incompatible with the overall rural atmosphere of Jackson Township

862 Principal permitted uses

All permitted uses in the Industrial "I1" District are subject to the standards listed in Section 863 as well as conditions of use which may be imposed by the Jackson Township Board of Zoning Appeals.

- A. Major manufacturing, processing, warehousing and major research or testing operations.
- B. Sexually Oriented Businesses as described and regulated in Article 13.
- C. Quarries, Mining, and Gravel Pits as described and regulated in Article 11, Section 1160.

863 Conditional uses requiring Appeals Board authorization

The conditional uses in the Industrial "I1" District shall include but not be limited to other uses similar to storage, repair, manufacturing or industrial processes including food processing which by the nature of materials, equipment and processes utilized, are not objectionable.

866 Standards

Before the issuance of a certificate for the construction of an industrial building, structure or usage in the Industrial "I1" District, plans for such building, structure, or any type of uses above, on, and/or below the surface, along with an outline of the process utilized in the manufacturing or assembly of the product or an explanation of the nature of the business to be conducted, shall be presented to the Board of Zoning Appeals. In determining if the proposed use is in compliance with the intent of this Section, the Board of Appeals shall be guided by the following standards:

A. Fire Hazards:

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved (refer to the State of Ohio Fire Code).

B. Radioactivity or Electrical Disturbance:

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

C. Noise:

Objectionable noise which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Disaster, emergency or warning sirens or related apparatus used solely for public purposes are exempt from this requirement.

D. Vibrations:

No vibration shall be permitted which is discernible without instruments on any lot or property, other than the lot or property on which the vibration is generated.

E. Air Pollution:

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

F. Glare:

No direct or reflected glare shall be permitted which is visible from any property outside the "I1" Industrial District or from any street.

G. Erosion:

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

H. Water Pollution:

Water pollution shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency. The Board of Zoning Appeals, in making its determination, may solicit advice from the U.S. Soil Conservation Service, Clermont County Planning Commission, Ohio Environmental Protection Agency and such other agencies as it may deem necessary.

868 Setbacks

- A. The front setback for all uses permitted in this District shall be one hundred (100) feet from the right-of-way line.
- B. A minimum side yard of twenty (20) feet shall be required, unless a lot or parcel of land adjoins an Agricultural or Residential District, in which case a side yard of one hundred (100) feet shall be required.
- C. A rear yard having a depth of not less than twenty (20) percent of the lot depth shall be provided, except where the lot adjoins a Residence District, in which case a rear yard of one hundred (100) feet shall be required.
- D. Whenever a plan for Clermont County shall have been adopted showing proposed future widths of streets or proposed widening of an existing highway or street, structures or buildings shall be set back from the proposed right-of-way line.
- E. There shall be a landscape buffer screen area providing an adequate site, noise and air pollution barrier between the uses permitted in this District and any adjacent Agricultural or Residential District. Landscape buffer screens shall be provided and maintained in accordance with Article 2, Section 220.
- F. Where lots have double frontage, the required front yard shall be on both streets and to allow for the maximum state highway requirements the Board shall affix

special setbacks at determined high density traffic areas to coincide with changing highway requirements.

G. There shall be no projection beyond the setback lines as determined above.

869 Intensity of use

A minimum lot size of three (3) acres and a minimum lot width at the building line of two hundred fifty (250) feet shall be required in the Industrial "I1" District for industrial uses permitted in this Section.

Article 9

Nonconformities

900 Purpose:

Within the districts established by this Resolution, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist, which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Resolution, are deemed to be legal nonconformities. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, or substitution. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Resolution, or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the District, without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Resolution.

910 Uses under conditional use provisions not nonconforming uses

Any use which is permitted as a conditional use in a District under the terms of this Resolution shall not be deemed a nonconforming use in such District, but shall, without further action, be considered a conforming use.

915 Incompatibility of nonconformities

Nonconformities are declared by this Resolution to be incompatible with permitted uses in the Districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination, shall not be extended or enlarged after passage of this Resolution by attachment on a building or premises or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the District in which such use is located.

920 Avoidance of undue hardship

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

925 Certificates for nonconforming uses

The Zoning Administrator may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

930 Substitution of nonconforming uses

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the District than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Resolution. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

In determining the appropriateness for a "substitution of nonconforming uses" the Board of Zoning Appeals shall, to the best of its ability, examine the degree of positive or negative change in degree of risk to, or impact upon, the Township from factors in, but not necessarily limited to, the following list:

- A. Frequency of or magnitude of fire services.
- B. Frequency of or magnitude of need for law enforcement services.
- C. Danger from chemical or other hazardous materials.
- D. Danger to human life from operations or use of land.
- E. Danger to community from air, water, and/or land pollution.
- F. Density of population residing in, employed in, or visiting the land or buildings.
- G. Impact upon pedestrian traffic.
- H. Impact upon vehicular traffic.
- I. Impact upon parking within and without the premises.
- J. Impact of noise upon neighboring properties.
- K. Impact of lighting upon neighboring properties.
- L. Interference to the circulation of air, light, and/or water.
- M. Impact upon water supply.
- N. Impact upon sewer system.
- O. Visual impact upon surrounding properties.
- P. Economic impact upon surrounding properties and/or the Township.
- Q. Compatibility with surrounding community character.
- R. Impact on the general health, safety and welfare of the surrounding properties and Township as a whole.

935 Single nonconforming lots of record

In any District in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Resolution, notwithstanding limitations imposed by other provisions of this Resolution. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the District.

940 Nonconforming lots of record in combination

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Resolution, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements by this Resolution, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Resolution.

945 Nonconforming uses of land

Where, at the time of adoption of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution;
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
- C. If any such nonconforming uses of land are voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the District in which such land is located;

- D. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

950 Nonconforming structures

Where a lawful structure exists at the effective date of adoption or amendment of this Resolution that could not be built under the terms of this Resolution by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
- C. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the District, and the nonconforming use may not thereafter be resumed;
- D. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the District in which it is located.

960 Termination of nonconforming use through discontinuance

When any nonconforming use is voluntarily discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the District in which it is located, and the nonconforming use may not thereafter be resumed.

965 Termination of nonconforming use by damage or destruction

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Resolution. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Resolution and the following conditions:

- A. A zoning certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- B. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

970 Repairs and maintenance of nonconforming structures

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

Article 10

Off-Street Parking Space Requirements

1000 General requirements

In all districts, in connection with every industrial, business, institutional, recreational, residential, or any other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:

- A. Each off-street parking space shall have an area of not less than one hundred sixty-two (162) square feet exclusive of access drives or aisles, and shall be of usable shape and condition. Except in the case of dwellings, no parking area provided hereunder shall be less than one thousand (1,000) square feet in area.
- B. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does not abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width.
- C. Permits are required for all parking spaces.

1010 Number of spaces to be provided

In all districts, there shall be provided at the time any building or structure is erected or structurally altered, off-street parking spaces in accordance with the following requirements:

Use	Minimum parking spaces
Dwellings, including one (1), two (2) and summer cottages.	Two (2) for each dwelling unit.
Dwelling, multiple.	Two (2) for each dwelling unit.
Rooming or boarding house.	One (1) for each sleeping room.
Private club or lodge.	One (1) for each five (5) members.
Church or temple.	One (1) for each three (3) seats in auditorium or main assembly room, whichever is greater.
School, college or high school.	One (1) for each eight (8) seats in main auditorium or three (3) for each classroom whichever is greater.
Country club or golf club.	One (1) for each three (3) members.
Community center, library, museum or art gallery.	Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in

	excess of two thousand (2,000) square feet.
Hospital, sanitarium, convalescent home, home for the aged or similar institution.	Two (2) for each bed.
Hotel or motel.	One (1) for each sleeping room or suite plus one (1) for each two hundred (200) square feet of commercial floor area contained therein.
Tourist home or cabin.	One (1) for each sleeping room or suite.
Dance hall, assembly or exhibition hall without fixed seats.	One (1) for each one hundred (100) square feet of floor area used therefor.
Business or professional office, studio, bank, medical or dental clinic.	Three (3) plus one (1) additional for each four hundred (400) square feet of floor area over one thousand (1,000) square feet.
Bowling alley.	Five (5) for each alley.
Mortuary or funeral home.	One (1) for each fifty (50) square feet of floor space in parlors or individual funeral service room.
Restaurant, nightclub, café or similar recreation or amusement establishment.	One (1) for each one hundred (100) square feet of floor area.
Retail store or personal service establishment except as otherwise specified herein.	One (1) for each two hundred (200) square feet of gross floor area.
Furniture or appliance store, hardware store, wholesale establishments, machinery or equipment sales and service, clothing or shoe repair or service shop.	Two (2) plus one (1) additional for each three hundred (300) square feet of floor area over one thousand (1,000) square feet.
Printing or plumbing shop or similar service establishment.	One and one-half (1.5) for each person employed therein.
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.	One and one-half (1.5) for each employee on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

1020 Rules governing the determination of the number of spaces

In computing the number of spaces required in subparagraph B of this section, the following rules shall govern:

- A. "Floor Area" shall mean the gross floor area of the specified use.
- B. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
- C. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- D. Whenever a building or use constructed or established after the effective date of

this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Off-street parking facilities may be located within the required front yard of any "B1", "C1" and "I1" District but shall not be nearer than fifty (50) feet to any "A1", "R1" and "R2" District. No off-street parking shall be permitted in the required front yard of any "A1", "R1" and "R2" District except on a paved driveway of no greater width than twenty four (24) feet leading from the street to a garage.

1030 Special parking provisions for B1, C1, and I1 Districts

- A. All parking spaces required herein shall be located on the same premises with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not to exceed three hundred (300) feet from the institutional building served and not to exceed five hundred (500) feet from any other non-residential building served.
- B. Not more than fifty (50) percent of the parking spaces required for:
 - 1. Theaters, bowling alleys, dance halls, nightclubs, or cafes and up to one hundred (100) percent of the parking spaces required for a church or school auditorium may be provided and used jointly by:
 - 2. Banks, offices, retail stores, repair shops, service establishments and similar uses not normally open, used or operated during the same hours as those listed in A. hereof, provided however, that written agreement thereto is properly executed and filed as specified in paragraph C. hereof.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes, shall be properly drawn and executed by the Board of Trustees and shall be filed with the application for a building permit.

1040 Development and maintenance of parking areas

Every parcel of land hereafter used as a public, commercial, or private parking area, shall be developed and maintained in accordance with the following requirements:

- A. Screening and Landscaping. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R1" or "R2" District, or institutional premises, by a masonry wall or solid fence of acceptable design. Such wall or fence shall not be less than four (4) feet or more than six (6) feet in height and shall be maintained in good condition without any advertising thereon. The space between such wall or fence and the lot line of the adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs or evergreen ground cover and maintained in good condition. In lieu of such wall, or fence, a strip of land not less than fifteen (15) feet in width and planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height, may be substituted, and this shall be maintained in good condition.
- B. Minimum distances and setbacks. No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by an un-pierced masonry wall of acceptable design. If on the same lot with a main building, the parking area shall not be located within the front yard or side yard required for such building. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way. The wall or hedge required in subparagraph A hereof shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side yard requirements of this Resolution.
- C. Surfacing. Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface, and shall be so arranged and marked as to provide for orderly and safe parking and storage of self-propelled vehicles. The foregoing surfacing requirements shall not apply to a parking area in an Agricultural District if more than two hundred (200) feet distant from any Residential District.
- D. Lighting. The lighting shall be shown on the required sketch or diagram of the premises. All off-street parking areas and entries to sexually-oriented businesses shall be illuminated from dusk to closing hours of operation with a lighting system providing an average maintained horizontal illumination of one (1) foot candle on the parking surface and/or walkways. This required lighting level is established to provide sufficient illumination of the parking areas and walkways serving the businesses for the personal safety of patrons and employees, and to reduce the incidence of vandalism and criminal conduct. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any District.

Article 11

Special Provisions

1100 Drive-in service

Commercial establishments, which by their nature create lines of customers waiting to be served within vehicles, shall be provided with off-street waiting areas based upon at least twenty (20) feet in length for each vehicle and at least ten (10) feet lane width with a minimum of the following:

- A. Drive-through restaurants, drive-through beverage docks, and similar commercial establishments shall provide no less than twelve (12) window approach waiting areas per pick-up window.
- B. Commercial establishments such as banks, savings and loan offices or other similar money windows shall provide no less than seven (7) window approach waiting areas person window or transaction point.
- C. Self-serve automobile washing facilities shall provide no less than five (5) waiting areas per stall. All other automobile washing facilities shall provide a minimum of ten (10) waiting areas.
- D. Automobile service stations and other establishments that disperse motor fuel at retail shall provide no less than two (2) waiting areas for each accessible side of fuel pump island. Fuel pumps shall not be located closer than fifteen (15) feet of a clear visibility area at a corner lot as defined in Article 2, Section 240. The minimum required waiting area shall not be within the clear visibility area.

1101 Temporary amusement parks

- A. Temporary amusement parks shall be permitted in the "A" Agricultural District by the Board of Zoning Appeals and guided by the requirements of this Section and by the general purposes of this Resolution.
- B. Temporary amusement parks shall be allowed only when shown that the atmosphere and weather conditions are such that no danger would result to the public from their erection and usage. Certification of the safety of such devices and equipment must be made in writing to the Board of Zoning Appeals.
- C. No operation of such use shall be allowed after 11:30 p.m. on weekends and 9:30 p.m. during the week.

- D. No usage shall be allowed to continue for a period in excess of ten (10) days.

1102 Temporary recreational vehicle occupied

In the Agricultural district, Residential "R-1" and Residential "R-2" districts, storing a trailer, camper, recreational vehicle or boat shall be permitted providing that no habilitation be maintained and no business conducted therein while such vehicle is so parked or stored, however, occupying such vehicles for short periods of time deemed vacationing or recreation shall not be prohibited. Should the occupation of such a vehicle extend beyond a thirty (30) day period a permit will be required from the Zoning Administrator for an additional period of occupancy and if he so deems it necessary may seek a ruling of the Board of Zoning Appeals.

1103 Cemetery

Any cemetery established after the effective date of this Resolution must contain no less than twenty (20) acres. Grounds must be landscaped so as to be an asset to the District in which is located.

1104 Temporary buildings

In all Districts, a certificate shall be obtained from the Zoning Administrator for placement of a construction trailer or temporary building for uses incidental to construction work for a period of one (1) year, providing the owner has a building permit and shows evidence of continued progress. The unit shall be removed upon completion or abatement of the construction work or at the end of the year period.

1110 Private swimming pools

Private swimming pools which meet the following conditions may be allowed in the Agricultural "A" or any Residential "R" district as an accessory use.

- A. The pool is intended for, and is used solely for, the enjoyment of the occupants and/or guests of the principal use of the property on which it is located.
- B. It shall not be located closer than twenty (20) feet to any property line and shall be located behind the building set-back line.
- C. The depth of the swimming pool shall be clearly marked at each end of the pool and the depth in feet shall be clearly marked along the side of the pool for each foot of depth.
- D. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet

in height, must be constructed of a substantial material, be a minimum of five (5) feet from the edge of the pool, and shall be maintained in good condition with a gate and lock except for above-ground pools with fencing which meets the provisions of subparagraph E below.

- E. The fencing for an aboveground pool under four (4) feet may be located on the outer pool walls. The combined height of the pool wall and fence shall be a minimum of four (4) feet above ground, the four (4) foot wall of the above-ground pool shall fulfill the requirement of a four (4) foot wall. All pool access points are to be provided with a lockable fence gate and a removable or retractable ladder to prohibit access to the pool when not in use.
- F. An Automatic Safety Cover, permanently installed on an in-ground pool, and meeting all the ASTM F 1346-91 standards governing such installations, shall be permitted in lieu of a traditional four (4) foot high fence. A professional plan detailing the installation shall be presented to the Zoning Administrator for approval before a pool permit can be issued.
- G. The drains for draining the pool shall be so located that the water will not flow onto the property of an adjoining property owner so as to constitute a nuisance or a health hazard.

1120 Community or club swimming pools

Community and club swimming pools are permitted in all districts as a conditional use and shall comply with the following conditions and requirements.

- A. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- B. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line.
- C. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall must be constructed of a substantial material. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

1130 Farm ponds/lakes

- A. Ponds/lakes located at least seventy-five (75) feet from the right-of-way do not require fencing.

- B. Ponds/lakes located less than seventy-five (75) feet from the right-of-way must be completely fenced, minimum four (4) feet high.

1140 Water Source Protection Overlay District

- A. Purpose and intent

It is the purpose of this Article to safeguard the public health, safety and welfare of the citizens and institutions of Jackson Township and Clermont County by reducing risks of contamination. The Water Source Protection Overlay District lies within the watershed of the East Fork of the Little Miami River. Certain land uses and activities within the Overlay District can contaminate water within the watershed.

- B. Extent and designation

These regulations apply to all land uses and activities located or proposed within the area delineated as the Water Source Protection Overlay District on the Jackson Township Zoning Map.

- C. Permitted uses

The permitted uses and regulations within the Water Source Protection Overlay District shall be those of the underlying zoning district unless otherwise regulated or prohibited by the provisions of the Overlay District.

- D. Prohibited uses

The following specific uses are prohibited:

1. Facilities for the permanent storage, disposal, collection or transfer of hazardous wastes (as defined under Federal Resource Conservation and Recovery Act (RCRA), Subpart D, 40 CFR 261.30; 261.31; 261.32; 261.33), infectious wastes, toxic wastes as determined in the Ohio Revised Code, Chapter 3750, or radioactive materials;
2. Sanitary landfills, demolition fills for the disposal of building materials or construction debris, landfills comprised of fly ash or boiler ash, and collection and transfer facilities for solid wastes.
3. Wood-preserving operations using formulations of chrome-copper-arsenate (CCA), pentachlorophenol (PENTA), creosote or other chemicals if disposed of would be defined as hazardous wastes under the Federal Resource Conservation and Recovery Act (RCRA) or hazardous substances under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

4. Battery processing and reprocessing not intended to exclude the collection of batteries for recycling at service stations.
5. Processing, reprocessing, storage and disposal of PCB-containing substances.
6. Manufacturing and production of paving, roofing and other construction materials, using asphalt- or petroleum-based coating or preserving materials.
7. Metal industries that manufacture, produce, smelt or refine ferrous or non-ferrous metals.
8. Manufacturing or production of hazardous materials. These materials include any hazardous substance or hazardous waste as listed in the following federal regulations:
 - a. Superfund Amendments and Reauthorization Act (SARA) of 1986, Section 302, Extremely Hazardous Substances List (40 CFR 300, App. A and B).
 - b. Comprehensive Environmental Response Compensation and Liability Act, Superfund (CERCLA) of 1980, Hazardous Substances List (40 CFR 302, Table 302.4).
 - c. SARA of 1986, Section 313, Toxic Chemicals List (40 CFR Section 372.45).
 - d. Federal Resource Conservation and Recovery Act (RCRA) of 1976 and 1984 Amendments, Hazardous Waste Lists (P and U Categories) (40 CFR Section 261.33 (e) and (f)).
 - e. Radioactive materials or wastes.

E. Exemptions and exceptions

The following exemptions and exceptions to the provisions of Section D, prohibited uses, shall apply within the Water Resource Protection Overlay District.

1. Any non-agricultural or non-residential operation that utilizes, stores, generates or otherwise includes at any given time hazardous substances in quantities greater than the Final Reportable Quantities as provided in the list of Hazardous Substances and Reportable Quantities of the Comprehensive Environmental Response Compensation and Liability Act, Superfund (CERCLA) of 1980, Hazardous Substances List (40 CFR 302, Table 302.4), provided a building, site, and operational plan pursuant to

the requirements of Section F of this article has been reviewed by and approved by the Jackson Township Board of Trustees.

2. The transportation of any hazardous, toxic or infectious substances provided the transporting vehicle is in transit.
3. The use of any hazardous substances solely as a fuel in a vehicle fuel tank or as a lubricant in a vehicle.
4. Agricultural production of crops and livestock.
5. Fire, police, emergency medical services, emergency management center facilities, public utilities, and electrical transformers.
6. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
7. Office uses.
8. Repairing or maintaining of existing facility or improvements on lands within the Overlay District consistent with the provisions of this Resolution with regard to non-conforming uses.
9. Residential activities.

F. Plan review

To screen for such other uses or terms for uses, no use shall be permitted in this district without first submitting a site plan and formal request for a Zoning Resolution change to include the requested use to the Zoning Inspector for Zoning Commission review.

The following information must be written and mapped and submitted with the zoning resolution change:

1. Description of the proposed use including type of use or activity, products produced and Standard Industrial Code (S.I.C.)
2. A complete list of the types and volumes of all hazardous materials and fuels used, stored, processed, handled or disposed, as required to be provided to the Clermont County Local Emergency Planning Committee.
3. Description of types of wastes generated and method of disposal including solid wastes, hazardous wastes, sewage, and non-sewage wastewater discharges. Location of private drinking water supply wells within two hundred (200) feet of the property line and within two hundred (200) feet of a water body or water course.

4. If hazardous materials will be stored onsite, or if hazardous wastes will be generated, the following information shall also be submitted in addition to other required information.
 - a. Location of public water supply sources within one thousand (1,000) feet of the property boundaries.
 - b. A Storm Water Management Plan consistent with the requirements of the Clermont County Water Management and Sediment Control Regulations.
 - c. A site plan and building plan showing hazardous materials loading, storage handling and process areas, floor drains, process vents, sewage disposal and waste storage or disposal areas.
 - d. A spill prevention, monitoring and mitigation plan.
 - e. Other information that is required to determine the potential impact of the proposed use on the drinking water within the East Fork Watershed including hydrogeologic information.

1150 Flood (F) District

The flood district is established to prevent permanent human habitation of lands subject to periodic floods, which because of their nature constitute a threat to life and property.

A. Principal permitted uses

The following uses and no others shall be permitted in the Flood District:

1. Agricultural operations; but not the spreading, accumulation, feeding, or the use of garbage in any manner on the open surface of the ground. Buildings in which animals are housed shall be at least five hundred (500) feet from any residence.
2. Forestry and farm buildings except for human habitation.
3. Public and private recreation areas to include: parks, play grounds, picnic grounds, golf courses, fishing lakes and boat docks. Outdoor rifle or skeet shooting ranges, baseball and football stadiums, and sports areas may be permitted, subject to the approval by the Board of Zoning Appeals. Circus, carnival, and similar portable amusement enterprises, provided no structure, tent, or apparatus may be located closer than five hundred (500) feet to any residence, school, or church.

B. Except as otherwise stipulated in this Section, any and/or all other permitted uses in this District shall be a minimum distance of two

hundred (200) feet from a residence or residence district, dwelling, school, church, or institution for human care. For structure height, yard, and lot sizes see Article 8, Section 815 inclusive.

1160 Quarries, Mining, and Gravel Pits

Quarries, mining, and gravel pits shall be permitted, but only in the Industrial (I1) District and then only when permitted as a conditional use by the Board of Zoning Appeals. In addition to the other requirements imposed by this Resolution, the following requirements shall be met.

A. Submission of additional information

Six (6) copies of the additional information required shall be submitted with the conditional use application and shall include:

1. Name of the owner or owners of land from which the operation is being carried on.
2. Name of the applicant making request for such a permit.
3. Name of the person or corporation conducting the actual operation.
4. Location, description, and size of the area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person, or corporation. The processing plant shall be located as to minimize the problems of dust, dirt, and noise insofar as is reasonably possible.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within four hundred (400) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

B. Development standards

1. No part of the quarrying, mining operation, or gravel pit shall be closer than two hundred (200) feet to any property line, road, or street.
2. For the protection of public safety; the individual, firm, or corporation in charge of the operation shall erect and maintain a metal fence at least eight (8) feet in height around the entire area and said fence shall be suitably posted advising the public of the operation contained herein and stating that no trespassing is permitted. Such fence shall be buffered from public view.
3. Roads leading into the quarry, pit, or mine shall be kept free of dust and mud and in adequate condition for the traffic carried. Roads exiting the quarry, pit, or mine shall be paved with a durable and dustless surface adequate for the traffic carried. Roads exiting the facility shall contain at least two (2) 60° curves and be paved with a durable and dustless surface at least one hundred (100) feet from the public right-of-way to prevent mud and gravel from entering onto the public right-of-way.
4. Any excavated area adjacent to the right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
5. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration
6. The Board of Appeals is authorized to impose such requirements with respect to providing additional adequate conditions as it may deem necessary and appropriate.

Article 12

Telecommunication Towers

1200 Telecommunication towers

The construction, location, erection, reconstruction, alternation, change, use or enlargement of telecommunication towers upon application and compliance with the Ohio Revised Code Section 519.211 and this Resolution, shall be permitted if the Jackson Township Board of Zoning Appeals finds that the applicant has satisfied all of the following standards.

- A. The applicant shall demonstrate by clear and convincing evidence that its tower antennae cannot be located on any other communication tower, building or structure in the geographic area to be served and that all reasonable means have been undertaken to avoid any undue negative impact caused by the clustering of towers within an area.
- B. An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a nonresidential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- C. Monopole installations are required. It is required that any building constructed to service a telecommunication tower be of masonry construction.
- D. The pole, tower, and/or structure placement, shall be on one (1) acre with a maximum height of one hundred fifty (150) feet. Minimum set back is from the right of way and all property lines.

District	Setback	Minimum screening
Any	1.5 times the height, minimum Of 75 feet	20 feet from the base of the tower

- E. For reasons of aesthetics and public safety, such facilities shall be effectively screened on each side of any residence.

Screening shall consist of a solid masonry wall or solid fence six (6) feet in height; a tight screen of hardy evergreen shrubbery or natural or existing screening not less than four (4) feet in height. The use of razor or barbed wire shall be prohibited. Screening walls and fences shall meet the minimum setback requirement as indicated in the table in subsection D. Space between any screening device and adjacent property lines shall be included but not limited to grass, hardy shrubs, evergreen ground cover, etc.

- F. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a cellular or wireless telecommunication tower in an

area zoned for residential use, the public utility shall provide evidence satisfactory to the Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211 (B). When constructing the tower in any other zoning district the applicant must comply with Ohio Revised Code Section 519.211 Paragraph F relating to the requirement that all owners and occupants of residential dwellings within 100 feet of a proposed tower must be notified in writing, of the intent to construct the tower.

The applicant, or its successors shall, within thirty (30) days of ceasing operation of a telecommunication tower, give notice of the cessation to the Jackson Township Zoning Department. Facilities shall be removed from the site within twelve (12) months of the cessation. Resale or renting of facilities is permissible only to other telecommunication systems and requires the buyer or lessee to obtain a zoning certificate from the Jackson Township Zoning Department.

- G. Any special zoning certificate issued under this section shall be revocable and may be revoked after notice and hearing if any continuing conditions of the certificate have been violated and are not remedied within thirty (30) days of written notice from the Zoning Administrator.
- H. The permit application shall list the location of every tower, building or structure, within a half-mile radius, that could support the proposed antenna and allow it to perform its intended function.
- I. An antenna or tower may not be illuminated nor may lighting fixtures or advertising signs be attached to the structure, except such lighting as may be required by law.

Article 13

Sexually-Oriented Businesses

1300 Purpose

It is the purpose and intent of this Article to regulate sexually-oriented businesses for the welfare of the citizens of Jackson Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually-oriented businesses within the Township, thereby, reducing or eliminating any adverse secondary effects, as defined, but not limited to, Ohio Revised Code Sections 503.51 and 503.52 from such businesses. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually-oriented materials. It is not the intent, nor effect of this Article to restrict or deny access by adults to sexually-oriented materials protected by the First Amendment or to deny access by the distributors and exhibitors of sexually-oriented entertainment to their intended market. Neither is it the intent nor effect of the Article to condone or legitimize the distribution of obscene material.

1301 Classification of sexually-oriented businesses

Sexually-oriented businesses are classified and include the following:

- A. Adult arcade.
- B. Adult bookstore, adult novelty store or adult video store.
- C. Adult cabaret.
- D. Adult motel
- E. Adult motion picture theater.
- F. Adult theater.
- G. Massage parlor.
- H. Sexual encounter establishment.
- I. Escort agency.
- J. Nude model studio.

1302 Location restrictions and requirements for sexually-oriented businesses

The sexually-oriented businesses shall be permitted only in Industrial (I) Districts. In addition, any sexually-oriented businesses shall be subject to the following restrictions.

- A. No sexually-oriented business shall be operated within one thousand (1,000) feet of the property line of:
 - 1. Any religious place of worship.
 - 2. Any school, boys club, girls club, dance/gymnastics studio or similar existing youth organization.
 - 3. A public park.
 - 4. Any property zoned for residential purposes.
- B. No sexually-oriented business shall be operated within one thousand (1,000) feet of the property line of another such business, which will include any adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor or any sexual encounter establishment.
- C. No more than one (1) sexually-oriented business shall be operated, established, or maintained within the same building, structure, or portion thereof, as another sexually-oriented business.
- D. Nothing in this Article shall prohibit a person appearing in a state of nudity for a modeling class operated:
 - 1. By a proprietary school, licensed by the State of Ohio, a college, junior college or university supported entirely or partly by taxation.
 - 2. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
 - 3. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing, where to participate in a class a student must enroll at least three (3) days in advance of the class and where no more than one (1) nude model is on the premises at any one time.

1303 Measurement of distance

Regarding Sections 1301 and 1302, distances between any two (2) sexually-oriented businesses shall be measured in a straight line, without regard to intervening structures, from the property line of each business. The distance between any sexually-oriented business and any religious place of worship, public or private elementary or secondary school, boys club, girls club or similar existing youth organization, public park or any properties zoned for residential use shall also be measured in a straight line, without regard to intervening structures or objects from the property line where the sexually-oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls

club, or similar existing youth organization, public park or any properties zoned for residential use.

1304 Application requirements

The completed application shall contain the following information and shall be accompanied by the appropriate documents, including a map drawn to a sufficient scale and marked to indicate all land uses within one thousand (1,000) feet of the property to be certified and the property lines of any residential use zoned area within one thousand (1,000) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

1305 Advertising and lighting

- A. No sign, advertisement, promotional material or display of any type shall be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas nor the public right of way of any street or roadway except as permitted under paragraph B of this Section.
- B. No displays or exhibits of materials and/or performances at such sexually-oriented businesses shall be allowed in advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually-oriented businesses. The business shall not allow any portion of the interior premises to be visible from outside the premises.
- C. Lighting (See Article 10, Section 1040 for lighting requirements.)
- D. Nothing contained in this section of the Article shall relieve the operator (s) of the sexually-oriented business from complying with other requirements of this Resolution as it may be amended.

1306 Definitions

For the purpose of this Article, certain terms and words are defined as follows:

- A. Sexually-Oriented Businesses are those businesses defined as follows:
 - 1. Adult arcade means an establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five (5) or fewer people each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical area.
 - 2. Adult bookstore, adult novelty store, or adult video store means a commercial establishment which 50 percent or more of its stock-in-trade or derives 50 percent or more of its revenues or 50 percent or more of its

interior business or advertising to the sale, or rental, for any form of consideration, of any one (1) or more of the following:

- a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas.
 - b. Instruments, devices or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others.
 - c. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as an adult bookstore, adult novelty store or adult video store, so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
3. Adult cabaret means a night club, bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which people appear in a state of nudity in the performance of their duties.
4. Adult motel means a motel, hotel or similar commercial establishment which:
- a. Offers public accommodations for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually-oriented type of material by means of a sign visible from the public right of way, or by means of any off-premises advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television.
 - b. Offers a sleeping room for rent for a period of time less than ten (10) hours.
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. Adult motion picture theater means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of

specified sexual activities or specified anatomical areas are regularly shown.

6. Adult theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features people who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
7. Escort means a person, who for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a strip tease for another person.
8. Escort agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
9. Massage parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentation, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually-oriented businesses shall not include the practice of massage in any licensed hospital nor by a licensed chiropractor or osteopath nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; nor by trainers for any amateur, semi professional or professional athlete, or athletic team or school athletic program.
10. Nude model studio means any place where a person, who regularly appears in a state of nudity or, displays specified anatomical areas, is provided money, or any form of consideration, to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other people.
11. Sexual encounter establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two (2) or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one (1) or more of the people is in a state of nudity or semi nudity. The definition of sexually-oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

B. Nudity or state of nudity means the showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
 2. The female breast with less than a fully opaque covering on any part of the nipple.
- C. Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
- D. Permitted or licensed premises means any premises that requires a license and/or permit and that is classified as a sexually-oriented business.
- E. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- F. Public park or recreation area means public land which has been designed for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners or other public agency or entity.
- G. Religious place of worship means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- H. Residential District means any District designated "A", "R1" or "R2" in the Jackson Township Zoning Resolution.
- I. School means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, ballet or gymnastics academics or facilities, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation school, special education schools, junior colleges and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
- J. Semi-nude means a state of dress in which clothing covers no more than the genitals, pubic region and areolae of the female breast as well as portions of the body covered by supporting straps or devices.
- K. Sexually-oriented business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, massage parlor, sexual encounter establishment, escort agency or nude model studio.
1. Specified anatomical areas means and includes any of the following:

Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breast below a point immediately above the top of the areole.

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

L. Specified sexual activities means and includes any of the following:

1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus or female breasts.
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy.
3. Masturbation, actual or simulated.
4. Human genitals in a state of sexual stimulation, arousal or tumescence.
5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions 1 through 4 of this Subsection.

Article 14

Alternate Energy

1400 Purpose

The requirements of this Resolution shall apply to all alternate energy facilities and structures as defined in this Article. No Wind Energy Conversion System, or private stand-alone solar panel, or commercial solar panel installation, or any components thereof shall be constructed, erected, installed, or located within Jackson Township, Clermont County until prior siting approval has been obtained pursuant to the Jackson Township Zoning Resolution.

1410 The Power to Regulate Wind Energy Systems

Ohio Revised Code (ORC) section 519.213 confers power on the board of trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

1420 Regulations – Residential Wind Energy Systems

Residential wind energy systems shall be a permitted use in all zoning districts where structures of any kind are permitted and shall be designed for, or capable of, operation at an aggregate capacity of less than five megawatts. A residential wind energy system shall be considered as an accessory use that is intended to primarily serve the needs of the consumer at that site. All proposed residential wind energy systems shall be subject to certain requirements as set forth below and after review by the Board of Zoning Appeals. Upon review by the Board of Zoning Appeals, additional restrictions or conditional uses may be added as warranted.

Minimum Parcel Size: One Acre

Tower Height: For property sizes between 1 and 5 acres the tower height shall be limited to 65 feet including the highest point of the turbine blades.

For property sizes of 5 acres or more, tower heights shall be limited to a height of 80 feet, including the highest point of the turbine blades, except as may be imposed by FAA regulations.

Clearance of Blade: No portion of the wind energy system blade sweep shall extend within twenty feet of the ground. No blade sweep may extend over parking areas, driveways, property lines, or any type of building.

Set- Backs: Set-backs for the system tower shall be no closer from the property line than the height of the tower, provided that that setback also complies with any applicable fire setback requirements. All towers must be located 1.5 times the tower height from the Public Right of Way. Guy wire anchor points may extend to 10 feet from the property line. Building mounted systems shall be setback 30 feet from the property line.

Automatic Over-speed Controls: All wind energy conversion system shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system. Turbine blade systems shall be rated to wind speeds of no less than 110 MPH measured at sea level.

Sound: Residential wind energy systems shall not exceed 60 dBA, as measured at the closest property line to the tower. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.

Approved Wind Turbines: Residential wind turbines must be approved by a small wind certification program recognized by the American Wind Energy Association (American Wind Energy Association, 1501 M Street NW, Suite 1000, Washington, DC 20005. Phone: 202.383.2500, Fax: 202.383.2505. On-line at: www.awea.org).

Compliance with FAA Regulations: Residential wind energy systems must comply with applicable FAA regulations.

Utility Notification: No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected, net metered customer-owned generator. Off-grid systems shall be exempt from this requirement.

1430 Regulations – Utility Grid Wind Energy Systems

A Utility Grid Wind Energy System (UGWES) is designed and built to commercially provide electricity to the electric utility grid. A UGWES shall only be permitted in the Agricultural and Industrial Districts.

Site Approval Application: The applicant must submit an application to the Zoning Administrator for review and approval by the Jackson Township Zoning Commission and must include the following information:

- a.) Name and address of the applicant.
- b.) Evidence the applicant is the owner of the property involved or has written permission of the owner to make such application.
- c.) A plot and development plan drawn in sufficient detail to clearly describe the following:
 - Physical dimensions of the property, existing structures and proposed structures.
 - Location of existing and proposed structures including such structures as anemometer and SCADA towers.
 - Location of existing and proposed electrical lines facilities.
 - Existing topography
 - Existing wetlands
 - Proposed grading, removal of natural vegetations and relocation of wetlands (if applicable).
 - Setbacks
 - Proposed ingress and egress.
 - Proposed safety fencing to prevent trespassing.
 - Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
 - The number of panels to be installed.
 - A description of the method of connecting the array to a building or substation.
- d.) Utility interconnection data and a copy of written notification to the utility of the proposed connection.
- e.) Specific information of the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each Wind Turbine Generator (WTG) model, tower and electrical transmission equipment.
- f.) A soil boring report.
- g.) Any additional information as normally required by the Township as part of this Zoning Resolution.
- h.) Prior to receiving site approval under this Resolution, the applicant,

owner, and/or operator shall formulate a Decommissioning Plan to ensure that the UGWES and all facilities in the project are properly decommissioned after their useful life. Decommissioning of wind towers must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition permit from the Clermont County Building Department shall also be required before removal of any towers, debris, access roads, electrical cabling, or structures. The Board of Zoning Appeals may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

Compliance with the Federal Aviation Administration: The applicant shall comply with all applicable Federal Aviation Administration (FAA) requirements. If lighting is required by the FAA the light shall not be strobe lighting or any other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA. No additional lighting permitted beyond the FAA minimum.

Environment: The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.

Climb Protection: All UGWES towers must be unclimbable by design or protected by anti-climbing devices.

Setbacks: All UGWES towers shall be set back a distance of no less than 1.1 times the UGWES tower height from any primary structure. The distance for indicated setback shall be measured from the point of the primary structure foundation closest to the UGWES tower to the center of the UGWES tower.

All UGWES towers shall be set back a distance of at least 1.5 times the UGWES combined tower height and highest point of the turbine blades from public roads. The distance for the indicated setback shall be measured from the edge of the public road right of way to the center of the UGWES tower foundation.

All UGWES towers shall be set back a distance of at least 1.5 times the combined tower height and highest point of the turbine blades from any adjacent property line.

Signage: A sign of no less than four square feet must be displayed in a easily noticed area from a public roadway indicating an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and information inquires. No UGWES tower or any part thereof, no fence surrounding the UGWES site, or any building or structure located upon the UGWES site may include or display any advertising sign, banner, insignia, graphics or lettering.

Local Fire Department: The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan. Upon request of the local Fire Department, the owner or operator shall cooperate with the Fire Department to develop an emergency response plan.

Noise Levels: Noise levels from each UGWES tower of UGWES project shall be in compliance with applicable State of Ohio regulations.

Wind Access Buffer: A wind access buffer of a minimum of nine hundred (900) feet must be observed to protect the wind rights of landowners adjacent to, but not participating in, the permitted project.

Birds: A qualified professional such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of the UGWES project will have a substantial adverse impact on birds.

Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker.

Liability Insurance: The owner or operator of each UGWES tower shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars per occurrence.

Expenses: All reasonable expenses incurred by the Jackson Township Zoning Commission, The Jackson Township Board of Zoning Appeals and the Jackson Township Board of Trustees to review and certify the UGWES project plan shall be paid for by the applicant.

Performance Surety: A Performance Surety Bond shall be provided by the applicant or owner/operator to assure repairs to public roads which may be damaged by the construction of the UGWES project. The amount of this bond

will be determined by mutual agreement of the applicant, owner or operator and the Jackson Township Board of trustees.

Engineering Certification: The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the Wind Turbine Towers is within accepted professional standards, given local soil and climate conditions.

Compliance with Other Standards: All power and communication lines running between UGWES towers, any adjacent structures, and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Jackson Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.

Schedule of Fees, Charges and Expenses: Any UGWES project shall abide by all applicable fees, charges and expenses as stated in the Jackson Township fee Schedule.

1440 Regulations - Solar Energy

Solar Panels, either free-standing or roof mounted, shall be permitted in all districts with zoning requirements related to visual appearance and appropriate safeguards.

Site Approval Application: In all districts, the applicant shall submit to the Zoning Administrator, along with a zoning permit application, the following information:

- a.) Maps, plans and/or detailed sketches showing the proposed location of the proposed solar panels.
 - b.) Measurements from property lines and the public-right-of-way.
 - c.) Distances from structures on neighboring properties.
- A. In the Residential or Business Districts all solar panels exceeding two square feet in area are not permitted in any front yard, on any face of a primary building or structure facing a street unless integrated with the ordinary construction of said building or structure, or in view of any adjacent street, except roof-mounted solar panels as set forth below.
- B. Ground mounted solar panels shall:
1. Be considered an accessory use.
 2. Be located in side or rear yards only and adhere to accessory use setback requirements.
 3. Zoning approval for ground mounted solar energy equipment which

does not meet established setback requirements for accessory use structures may only be approved by the Jackson Township Board of Zoning Appeals as a Variance or a Conditional Use.

4. Valid, non-conforming lot owners shall apply for review by the Board of Zoning Appeals for approval of solar panel placement.
5. Placement of ground mounted solar panels in the front yard of any parcel shall be reviewed by the Board of Zoning Appeals for approval of placement.
6. Not be installed without a valid permit from the Clermont County Building Department.

C. Roof mounted solar panels shall:

1. Not be installed without a valid permit from the Clermont County Building Department.
2. Solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project more than five (5) feet above a flat roof installation.
3. In the Residential and Business Districts roof mounted solar panels shall be located on a rear or side facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front facing installation.
4. Roof mounted solar panels shall be located so as to not increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.

1450 Regulations – Utility Grid Solar Energy Systems

A Utility Grid Solar Energy System (UGSES) is designed and built to commercially provide electricity to the electric utility grid. A UGSES shall only be permitted in the Agricultural and Industrial Districts.

Site Approval Application: The applicant must submit an application to the Zoning Administrator for review and approval by the Jackson Township Zoning Commission and must include the following information:

- a.) Name and address of the applicant.
- b.) Evidence the applicant is the owner of the property involved or has written permission of the owner to make such application.

- c.) A plot and development plan drawn in sufficient detail to clearly describe the following:
- Physical dimensions of the property, existing structures and proposed structures.
 - Location of existing and proposed structures.
 - Location of existing and proposed electrical lines facilities.
 - Existing topography.
 - Existing wetlands
 - Proposed grading, removal of natural vegetations and relocation of wetlands (if applicable)
 - Setbacks
 - Proposed ingress and egress.
 - Proposed safety fencing to prevent trespassing.
 - Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
 - The number of panels to be installed.
 - A description of the method of connecting the array to a building or substation.
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- d.) Utility interconnection data and a copy of written notification to the utility of the proposed connection.
- e.) Specific information of the type, size, height, rated power output of each proposed unit, performance, safety, and glare characteristics of each solar unit and accompanying equipment, if any.
- f.) A soil boring report.
- g.) Any additional information as normally required by the Township as part of this Zoning Resolution.
- h.) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition

permit from the Clermont County Building Department shall also be required before removal of any panels or structures. The Board of Zoning Appeals may require the posting of a bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

Signage: A sign of no less than four square feet must be displayed in a easily noticed area from a public roadway indicating an address and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls and information inquires. No UGSES panel or any part thereof, no fence surrounding the UGSES site, or any building or structure located upon the UGSES site may include or display any advertising sign, banner, insignia, graphics or lettering.

Local Fire Department: The applicant, owner or operator shall submit to the local Fire Department a copy of the site plan. Upon request of the local Fire Department, the owner or operator shall cooperate with the Fire Department to develop an emergency response plan.

Climb Protection: All UGSES platforms must be unclimbable by design or protected by anti-climbing devices.

Liability Insurance: The owner or operator of each UGSES facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars per occurrence.

Expenses: All reasonable expenses incurred by the Jackson Township Zoning Commission, The Jackson Township Board of Zoning Appeals and the Jackson Township Board of Trustees to review and certify the UGSES project plan shall be paid for by the applicant.

Performance Surety: A Performance Surety Bond shall be provided by the applicant or owner/operator to assure repairs to public roads which may be damaged by the construction of the UGSES project. The amount of this bond will be determined by mutual agreement of the applicant, owner or operator and the Jackson Township Board of trustees.

Engineering Certification: The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.

Compliance with Other Standards: All power and communication lines running between banks of solar panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the

Jackson Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.

Schedule of Fees, Charges and Expenses: Any UGWES project shall abide by all applicable fees, charges and expenses as stated in the Jackson Township fee Schedule.

Section 1460 – Definitions

Access Roads – Provide construction and service access to each wind turbine.

Adverse Visual Impact – An unwelcome visual intrusion that diminishes the visual quality of an existing landscape.

Adjoining Lot Line – The property boundary lines between the real property for the proposed siting of a wind turbine generator or anemometer tower subject of the Application and real property owned by another person, persons or entity.

Anemometer – The instrument for measuring and recording the speed of the wind.

Anemometer Tower – A free-standing or guyed structure, which includes all accessory facilities on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator. May also be referred to as a meteorological tower.

Decibel – A logarithmic unit of measurement that expresses the magnitude of sound pressure and sound intensity.

Db(A) – The sound pressure level in decibels. Refers to the “a” weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

Hub Height – The distance measured from ground level to the center of a wind turbine hub.

Electrical Collection System – Consists of underground and overhead cables that carry electricity from and within groups of wind turbines and transmits it to a collection substation and point of interconnection switchyard, which transfers the electricity generated by the project to the regional power grid.

Electromagnetic Fields (EMF) – A combination of invisible electric and magnetic fields of force. They can occur both naturally or due to human constructions.

Electromagnetic Radiation (EMR) – A wavelike pattern of electric and magnetic energy moving together through space.

Nacelle – The structure on a Wind Turbine tower that houses all of the generator components including, but limited to, the gearbox and the drive train.

Megawatt – A unit used to measure power, equal to one million watts.

SCADA Tower – A freestanding tower containing instrumentation that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Sensitive Environmental Areas – Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological or related ecosystems.

Shadow Flicker – The effect caused by the sun's casting shadows from moving wind turbine blades.

Utility Grid Solar Energy System – A Utility Grid Solar Energy System is defined as an energy generation facility or area of land principally used to convert solar energy to electricity for resale at a profit.

Utility Grid Wind Energy System - A Utility Grid Wind Energy System is defined as an energy generation facility primarily consisting of Wind Turbines principally used to convert wind energy to electricity for resale at a profit .

Wetlands – Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

Wind Access Buffer – The distance from adjacent landowners' properties to the nearest wind turbine generator. In a Utility Grid Wind Energy System, this term also applies to the distance between any two or more wind turbine generators.

Wind Energy Conversion Systems - Wind Turbines and associated facilities for generating electric power from wind with a interconnection to the common electrical grid, or a on-site single building, or a series of buildings.

Wind Turbine – Consists of three major mechanical components: tower, nacelle and rotor.

Article 15

Planned Development District

1500 Purpose

This Article is intended to permit the creation of Planned Development Districts (PDs) to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Such Districts may be permitted as amendments to the Jackson Township Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed. Regulations set forth in this Article are adopted to accommodate unified planning and development that is consistent with existing established land use patterns in Jackson Township. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Resolution, the provisions of this Article shall prevail for the development of land for PDs. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution. The Township's character is related to physical attributes of the Township including its land use patterns and natural resources. The PD District is intended to achieve the following land use objectives.

- A. Provide a variety of housing and lot sizes to promote development that is more sensitive to the protection of natural resources by clustering the housing in areas physically suited to accommodating development and preserving on-site resources.
- B. Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the character of the surrounding area.
- C. Preserve open spaces to reduce erosion, improve water quality, provide wildlife habitats, retain scenic views, maintain rural character and reduce storm water runoff.
- D. Preserve areas with steep terrain by considering topography and other natural features in the development plan and maintaining significant percentages of land in open space in wooded and sloped areas.
- E. Provide for a variety of housing types in a single-unified development that is integrated into the community.
- F. Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.
- G. 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.

- H. Respect the balance between building mass or volume and vegetative mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

1505 Definitions

The terms in Article 14 shall have the definitions set forth in this Section:

- A. **Buffer.** A designated area, provided to mitigate the potential adverse impacts between two (2) 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. **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.
- C. **Density.** A measurement of the number of dwelling units per acre of land.
 - 1. **Density, Gross (GD).** The total number of dwelling units on a site divided by the total site area.
 - 2. **Density, Net (ND).** The total number of dwelling units on a site divided by the buildable area.
- D. **Dwelling Unit Types.** The types of dwelling units, as defined below, are permitted in a PD District.
 - 1. **Single-Family Detached.** A dwelling unit with street, side and rear yards, that sits generally in the middle of the lot.
 - 2. **Single-Family Lot Line.** A single-family unit that may be located on the lot line, so that only one (1) side yard exists. A maintenance easement is provided on the adjoining lot. No single-family lot line unit may be placed next to another such unit along the same lot line. If the zero side yard option is used, windows should either be eliminated or placed at a level that provides light but preserves privacy.
 - 3. **Single-Family Attached.** A single-family unit with one (1) dwelling unit from ground to roof, having its own footprint, and with at least one (1) wall that is common to the adjoining unit. Each unit must have individual ground level access. The dwelling unit types described in Section 1425 of this Article as “Duplex” and “Townhouse” are single-family attached units.
 - 4. **Multiple Family.** A structure containing more than one (1) dwelling unit with either direct access to the outside, or through a common hallway, with separate kitchen and bathroom facilities and living quarters in each unit.

- E. Floor Area, Gross (GFA). The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:
1. The horizontal square footage is measured from the outside face of all exterior walls.
 2. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures shall be included as GFA wherever at least seven (7) feet are provided between the finished floor and the ceiling.
 3. No deduction shall apply for horizontal areas void of actual floor space, for example, elevator shafts and stairwells. The protected upper floors or open atriums, balconies and foyers shall not be included.
- F. Floodplain. Nearly level land situated on either side of a channel which is subject to overflow flooding. and which is designated on the Flood Insurance Rate Maps as being subject to flooding,
- G. Floor Area Ratio (FAR). A measure derived by dividing the gross floor area by the size of the lot. FAR gives applicants flexibility in deciding whether to construct a low building covering a large portion of a lot or a tall building covering a smaller portion of a lot. For example:
- $$\text{GFA divided by Lot Size} = \text{FAR}$$
- $$30,000 \text{ square feet GFA divided by } 100,000 \text{ square foot lot} = .30 \text{ FAR}$$
- H. Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.
- I. Landscape Surface Ratio (LSR). The area of landscaped surface divided by the site area.
- J. Net Area. The area remaining after subtracting the open space area from the gross area.
- K. Open Space. Land area to be left primarily undeveloped and primarily undisturbed during construction as a natural resource area, recreation area, buffer yard, low intensity agricultural production such as tree farms, specialty crops, organic produce, certain nurseries or hay fields), or other open space area pursuant to the provisions of this Article. Open space excludes areas in lots, street rights of way, public utility easements, and parking.
1. Private open space is designed and intended for common use and the enjoyment of the residents in a residential development.
 2. Public open space is designed and intended for common use and the enjoyment of the public generally.

- L. Planned Development (PD). A development that is planned to integrate proposed land uses on a tract of land under single ownership or control, or unified plan of development, and is developed in a single phase or multiple phases according to approved plans and design principles, with provisions for the operation and maintenance of common areas, improvements and facilities.
- M. Riparian Area. The land area which borders a stream or river and which directly affects and is affected by the water quality.
- N. Riparian Setback. The area set back from the ordinary high water mark on each bank of a stream or river to protect the riparian area and stream from impacts of development, and streamside residents from impacts of flooding and land loss through erosion.
- O. Wetland. An area which is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. The three criteria that must exist on a site for an area to be designated a wetland are hydric soils, hydrophytic vegetation and wetland hydrology.
- P. Woodlands.
 - 1. Mature Woodland. A wooded area, or stand of trees, of at least five thousand (5,000) square feet, which contains an average of at least two (2) trees per one thousand (1,000) square feet of land area which have a caliper of fourteen (14) inches or greater measured at forty-eight (48) inches above the ground.
 - 2. Mid-Growth Woodland. A wooded area, or stand of trees, of at least five thousand (5,000) square feet, which contains an average of at least five (5) trees per one thousand (1,000) square feet of land area which have a caliper of nine (9) inches or greater measured at forty-eight (48) inches above the ground and which does not contain enough larger trees to be classified as a “mature woodland.”
 - 3. Young Woodland. A wooded area, or stand of trees, of at least five thousand (5,000) square feet, which contains an average of at least five (5) trees per one thousand (1,000) square feet of land area which have a caliper of four (4) inches or greater measured at forty-eight (48) inches above the ground, and which does not contain enough larger trees to be classified as either a “mid-growth woodland” or a “mature woodland.”

1510 Establishment of Planned Development Districts

The following types of PD Districts are hereby established and may be proposed through an amendment to the Zoning Resolution.

- A. PD-R Planned Residential District.
- B. PD-MU Planned Mixed-Use District.
- C. PD-B Planned Business District.

1515 Planned Development District purposes

The PD Districts shall have the following purposes:

- A. Planned Residential District. For residential uses within a PD District, the objective is to encourage the creation of neighborhoods with a variety of housing types, which retain natural resources, provide adequate landscaping and open space areas, and are compatible with the character of adjoining land uses.
- B. Planned Mixed-Use District. For a mix of residential and business uses within a PD District, the objective is to encourage flexibility in design and approval of developments which promote mixed use, a variety of housing choices, higher density, improved pedestrian access and “new urbanist/neo-traditional” design criteria to assist in the control of sprawl and retention of the community character. Business uses shall not constitute more than fifteen (15) percent of the total gross area of the Mixed-Use District.
- C. Planned Business District. For non-residential uses within a PD District, the objective is to create streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character. Proposed buildings should have rooflines and architectural features that provide a sense of identity and emphasize the most important use with visual elements.

1520 Location of PD Districts, permitted uses

The Zoning Resolution may be amended to establish PD Districts in the following Zoning District areas of the Township. The Township shall give particular consideration to access, traffic volumes, and compatibility of the proposed use or uses with the surrounding land uses in determining whether a PD District shall be approved.

- A. PD-R. Property located in any District, as defined in the Zoning Resolution, may be rezoned to a PD-R District. Uses permitted in the “R1” and “R2” definitions shall be permitted in the PD-R District.
- B. PD-MU. Property located in any District, as defined in the Zoning Resolution, may be rezoned to a PD-MU District. Uses permitted in the “R1” and “R2” and “B1” definitions shall be permitted in the PD-MU District.
- C. PD-B. Property located in any District, as defined in the Zoning Resolution, may be rezoned to a PD-B District. Uses permitted in the “B1” definitions shall be permitted in the PD-B District.

1525 Minimum performance standards

Except as otherwise authorized by the Board of Trustees, PD Districts shall comply with the following performance standards.

- A. Density and Intensity of Use Standards. As a minimum, a PD shall comply with the standards set forth in Table 1. The PD densities listed in Table 1 are considered to be ideal densities for Jackson Township. The Board of Trustees may approve an increase in the density provided in Table 1, depending on the quality of design of the development, quality and amount of open space in addition to the minimum required amount, type of preserved natural resources, and how well the development meets the adopted PD standards. Adjustments may be authorized to the densities and intensities found in Table 1 if the Township Zoning Commission finds that the PD promotes the public health, safety, and the general welfare of the people of Jackson Township.

Table 1
PD density and intensity standards

Land Use Minimum	Minimum open space percentage area	Maximum Gross density (units/acre)
Single family, without sewers	20%	1
Single family, with sewers	25%	2.0
Two family	35%	3.0
Multi-family	40%	6.0
Business non-residential	.20 LSR	.38 FAR
Business Residential	30%	5.0

Notes: See definition of open space
 LSR: Landscape Surface Ratio
 FAR: Floor Area Ratio

- B. Minimum Site Area. The recommended minimum site area for creation of a PD District is five (5) acres. A lesser site area may be approved if the Township finds that the proposed size can meet the purpose of a PD District (Section 1400).
- C. Lot standards. Table 2 defines the lot standards – minimum front, side, and rear setback and minimum frontages – for each dwelling, unit type and for each lot size.

**Table 2
Lot standards**

Unit type	Sewer	Minimum area (sq. ft.)	Minimum setback frontage (ft.)	Minimum setback (ft.)	Minimum Side yard (ft.)	Minimum rear yard* (ft.)
Single family	Public	20,000	100	35	12	50
Single family	Public	15,000	90	35	10	40
Single family**	Public	12,000	80	25	8	40
Single family**	Public	10,500	75	25	8	30
Lot line**	Public	8,000	65	20***	12****	20
Village***	Public	6,000	60	12	5	30
Duplex**	Public	5,000	50	20	6	25
Town House**	Public	2,600	26	20	None	30
Multi-family	Public	2,200	100	30	12	25
Non-residential *****	Public	20,000	100	40	10	75

Notes:

- * Setbacks may be adjusted if the applicant proposes building pads to protect natural resources on the site.
- ** Setbacks may be varied for these unit types if a garage is proposed in the rear of a dwelling.
- *** Side load garages may be located within eight (8) feet of the right of way.
- **** Minimum one (1) side yard with a five (5) foot maintenance easement provided on the other side. The minimum distance between adjacent buildings must be twenty (20) feet.
- ***** Setbacks may be varied for nonresidential buildings to minimize conflicts with adjoining residential uses, consistent with the intent to have buildings nearer the street with adequate landscaping and to locate parking at the rear of the building.

D. Resource Protection Standards. The natural resources listed in this section are resources that are sensitive to development and need to be protected. Table 3 establishes the minimum percentages of these natural resource areas that are to be preserved.

1. Mapping of natural resource areas. Preliminary and Final Development Plans shall include maps of the following resources and indicate those portions that will be protected with a conservation easement, utilizing one of the methods described in Section 1425, D 2.

**Table 3
Resource protection standards**

Natural resource	Percentage to be preserved
Floodplains*	100
Wetlands**	100
Unstable slopes (Eden and Fairmount soils with 25-50 percent slopes)	90
Steep slopes 30 percent	85
Steep slopes 20-30 percent	70
Young woodland	25
Mid-growth woodland	40
Mature woodland	50

* Subject to FEMA, State and County requirements.

** Subject to U.S. Army Corps of Engineers and Ohio EPA requirements.

2. Methods of Preserving Resource Protection Areas. The responsibility and 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.
 - a. Resource Protection Areas in private ownership shall be protected by a conservation easement shown on the Final Development Plan and deed restriction prohibiting in perpetuity the development and/or subsequent subdivision of the resource protection areas or their use for purposes other than those specified on the Final Development Plan.

E. Buffers. Buffers shall be installed along all borders of a PD District. Buffers are intended to screen the housing from streets and adjoining properties that are different in character. Buffers shall be provided as follows:

1. Buffers shall be installed in all areas of a PD 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 contain various widths and planting requirements. Internal roads shall be landscaped in accordance with Section 1425. F, but do not require a buffer.

**Table 4
Buffers**

Alternative	Width (feet)	Canopy trees*	Understory trees*	Evergreens *	Shrubs*	Berm
External street buffers						
1	40	3.4	6.8	3.4	54	None
2	100	2.0	4.0	2.0	32	None
3	100	1.75	3.5	1.75	28	5 foot berm
External property lines (May be increased or decreased per Section 1425.D.2)						
1	15	2.0	4.0	2.0	32	None
2	20	1.2	2.4	1.2	19	3 foot berm
3	30	1.5	3.0	1.5	24	None
4	50	1.0	2.0	1.0	16	None

Note: * Per 100 linear feet.

2. The buffers in Table 4 represent standard buffers. The Township may, upon review of the plans and the potential impact of the proposed PD on adjoining use, modify the buffers in accordance with the following:
 - a. Where the units to be constructed adjoining the property line are similar in lot size and building mass, the buffer may be reduced.
 - b. Where the units to be constructed adjoining the property line are significantly smaller in lot size, where the building mass will be significantly greater, or where orientation or design of the uses will have an adverse impact, the buffer may be increased.
 - c. Where existing natural vegetation or some other feature can provide screening of similar opacity, the buffer may be reduced.
3. A riparian buffer with a minimum width of fifty (50) feet shall border each side of a riparian area. Such buffer shall not contain buildings, structure, pavement, or other improvements unless approved by the Township following consultation with the Clermont County Soil and Water Conservation District and the County Engineer's Office regarding the impact that such manmade improvements will have on the riparian area.

F. Landscaping. Landscaping shall be provided as follows:

1. Open Space. Open space shall be designated on the plan as recreation, buffer yards, natural resource areas and other open space.
 - a. Land designated for active recreation shall, at a minimum have one (1) canopy tree planted along lot line or street right of way for every seventy-five (75) linear feet of boundary.

- b. Narrow open spaces between clusters of development shall be a minimum of thirty (30) feet in width.
 - c. Areas designated as natural resource areas shall be retained in their undisturbed natural state except for areas upon which pedestrian trails are located.
 - d. Non-recreational open spaces that are to be mowed and maintained with a lawn ground cover shall have a minimum of four (4) canopy trees planted per acre.
 - e. Trees and shrubs shall be of native species that are adapted to the soils on which they are to be planted.
2. Parking Lots. For parking lots, one (1) canopy tree shall be installed per ten (10) spaces. The planting area shall have a minimum width of five (5) feet and minimum area of eighty (80) square feet.
 3. Street Trees. All streets, public or private, shall have street trees installed in the right of way on both sides of the road. Two (2) canopy trees per one hundred (100) linear feet of street, including driveway cuts, shall be provided.
 4. On-Lot Landscaping. The PD design shall incorporate on-lot landscaping for each lot. The Township shall review and approve a landscape plan for non-residential lots, and a typical planting plan for residential lots, during Final Development Plan review.
 - a. All landscaping should meet the following standards:
 1. Canopy trees, 2.5-inch caliper.
 2. Understory trees, 1.5-inch caliper.
 3. Evergreen trees, 6 feet in height.
 4. Shrubs, 5-gallon pots.

G. Lighting. All roadway, street parking and sidewalk lights shall be shielded so that substantially all the directly emitted light falls within the property line. The Township may require the submission of photometric plans and lighting details if determined necessary for the evaluation of proposed lighting.

H. Circulation.

1. The street, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles and pedestrians both on- and off-site. Parking and loading shall be provided in accordance with the provision of Article 10 of the Jackson Township Zoning Resolution, subject to the landscaping requirement of Section 1425 F.
2. Circulation shall:

- a. Minimize the conflict between pedestrian and vehicular traffic,
 - b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.
3. Vehicular Access. See Section 1440.M for Traffic Impact Analysis requirements.
- a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safety and/or the traffic carrying capacity of the existing street.
 - b. The builder shall provide a Traffic Impact Study which addresses the elements stated in Section 1440.M.
4. Pedestrian Circulation. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient, safe and visible pedestrian path between parking areas and building entrance, including crosswalks and appropriate pedestrian crossing signs. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

1530 Approval of Planned Development Districts

The Zoning Commission shall make specific findings that all applicable requirements have been satisfied and that the following specific conditions have been met prior to making a recommendation to the Board of Township Trustees about whether to approve, modify or deny an application to establish a PD District by amendment to the Zoning Resolution.

- A. The PD is consistent with the purpose of this Article, and will not jeopardize the public health, safety and general welfare.
- B. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.
- C. The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Jackson Township or Clermont County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified in the impact analysis required by Section 1440.M that are attributable to the proposed development.
- D. Traffic Control Signals will be provided when the County Engineer determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.

- E. The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
- F. The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.
- G. Proposed covenants, easements and other provisions meet development standards and protect the public health, safety and general welfare.
- H. Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
- I. The PD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in Section 1425.

Once the Board of Trustees receives the recommendation from the Zoning Commission, the Board shall also consider the conditions in Section 1430 in order to determine whether to approve, modify or deny an application to establish a PD District by amendment to the Zoning Resolution.

1535 Application procedures

The following procedures shall be followed in applying for rezoning to a PD District.

- A. **Application Submission.** An applicant may submit an application requesting that the Zoning District Map be amended to rezone a site as a PD District. Such amendment shall be processed, noticed and heard in the manner prescribed in this section and in accordance with the provisions of Article 5 of this Zoning Resolution and Ohio Revised Code 519.12.
- B. **Informal Consultation.** Applicants are encouraged to engage in informal consultations with the Jackson Township Zoning Commission and Clermont County Planning Department prior to preparing preliminary plans. However, no statement or representation by members of either staff shall be binding upon either the Department or upon any zoning body.
- C. **Consultation shall begin with a site map** (preferably completed with the input of a landscape architect) of all natural resources required to be protected, the proposed interconnected open space on the remaining buildable land, and the proposed management of stormwater. The developer is also encouraged to join the zoning commission members (at an advertised scheduled commission meeting) and other interested parties on a site walk to view the appropriateness of the proposed open space, stormwater runoff management, etc. prior to submitting the preliminary plan.
- D. **Having chosen to be involved in the processes in 1435-B and 1435-C will provide the developer the option to submit a sketch plan, prior to the expense of the detailed preliminary plan.** The sketch plan must include: the open space plan,

stormwater management plan, proposed location of housing and / or other building sites, streets, trails, and lot lines. The approved process for the sketch plan does not imply approval of the additional requirements necessary for the approval of the preliminary and final plans.

- E. Preliminary Development Plan. A Preliminary Plan containing the requirements of Section 1440 shall be filed concurrent with an application for a zone change to PD District.
- F. Final Development Plan. After approval of a PD District zone change and Preliminary Development Plan by the Township, a Final Development Plan satisfying the requirements of Section 1445 shall be filed with the Township for review and approval of consistency with the approved Preliminary Development Plan.
- G. Zoning Certificate. No Zoning Certificate shall be issued for any property for which PD rezoning is requested and no construction shall begin until an approved Final Development Plan is in effect for that phase of the development.

1540 Preliminary Development Plan requirements

The Preliminary Development Plan shall include in text and map form:

- A. A Plat or Survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries, the area and District to be rezoned if applicable, and the property ownership of the site and all adjacent parcels and buildings within one hundred (100) feet of the subject site.
- B. A list of names and addresses of all owners of property within two hundred (200) feet of the subject site.
- C. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
- D. Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two (2) year time period.
- E. Base mapping of the property showing the physical features, including significant natural features such as general topography, woodlands, soils, drainageways, water bodies, floodplains, wetlands, rock outcrops, forested areas, and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights of way easements, lots, buildings and utility lines.
- F. Boundaries and easements of the tract to be zoned as a PD District.

- G. Highways and streets in the vicinity of the tract, the ingress and egress to the tract, existing utilities and sidewalks on or adjacent to the tract.
- H. A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Clermont County Stormwater and Sediment Control Regulations.
- I. A site plan showing the location of general land areas to be developed, including type and description of land uses, proposed principal streets, proposed lots, including set back lines, and blocks, proposed sidewalks and pedestrian circulation systems, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.
- J. Calculations of density, open space and resource protection land, in accordance with the requirements of Section 1425.
- K. Proposed treatment of existing topography, drainageways, tree cover, and proposed landscaping and buffer plantings, in accordance with the requirements of Section 1425.
- L. Preliminary engineering plans, including general site grading, drainage and utility improvements and extensions as necessary, street improvements, showing proposed general location of vehicular circulation routes and how this circulation pattern relates to the primary and secondary road alignments designated on the Clermont County Thoroughfare Plan.
- M. A traffic impact analysis of the proposed development on roadways and intersections within a study area based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) "Trip Generation and Information Report" that at a minimum addresses the following elements:
 - 1. Existing roadway conditions, including existing deficiencies and proposed improvements, and
 - 2. Trip generation based upon the development characteristics, and
 - 3. Distribution and assignment of trips based upon existing and future roadway network, travel time characteristics, and
 - 4. Background traffic projections, and
 - 5. Capacity (level of service) analysis methodology for roadways and intersections, and
 - 6. Types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development.

The traffic impact analysis shall be provided in addition to any information required by the Clermont County Engineer.

- N. Architect sketches of typical building fronts for all types of buildings planned for the PD.
- O. Additional information as reasonably necessary to address the foregoing issues.

1540.1 Action by the Township Zoning Commission

The Township Zoning Commission shall hold a public hearing on the Preliminary Development Plan as provided by Article 5 of this Resolution and Ohio Revised Code Section 519.12. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant, recommendations to the Township Trustees with respect to the action to be taken on the Preliminary Development Plan. The Commission may recommend disapproval, approval, or approval with amendment, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested people.

1540.2 Action by the Board of Township Trustees

The Board of Township Trustees shall hold a public hearing on the Preliminary Development Plan as provided by Article 5 of this Resolution and Ohio Revised Code Section 519.12. If the application is granted, the area of land involved shall be rezoned to a PD District by Resolution and such Resolution shall incorporate the Plan, including any condition or restriction that may be imposed by the Board of Township Trustees.

1545 Submission of Final Development Plan

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

- A. Plat of the parcel to be developed showing existing physical features, including general topography, drainageways, designated resource protection areas and tree cover, and streets, easements and utility lines.
- B. A site plan showing the location and arrangement of all existing and proposed structures, including building pads for single-family detached units where site constraints limit the placement of proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways, and proposed public or common open spaces or other public facilities, including parks, playgrounds, school sites and recreational facilities.

- C. A statement of the anticipated open space, gross density and net density.
- D. For uses other than single-family detached housing, footprints, floor plans and exterior elevations and types of building materials.
- E. Landscaping plans prepared by a Landscape Architect, showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species, quantities and installation of landscaping for common areas, parking areas, open space, street trees, typical front yards, and buffer yards.
- F. Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
- G. When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted. No such phase shall have a density exceeding the maximum permitted density of the entire PD.
- H. The total area of common open space provided at any phase of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PD as the phases or units completed or under development bear to the entire PD.
- I. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- J. In the case of a Mixed-Use or Business PD, a statement identifying the principal types of uses that are to be included in the proposed development.
- K. When a PD includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed Articles of Incorporation and By-Laws of such entity shall be submitted.
- L. The required amount of common space land reserved under a planned development shall either be held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development, or be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses. The legal articles relating to the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for the care and maintenance of all common areas. Public utility and similar easements and rights of way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right of way is useable as a trail or similar purpose and has been approved by the Commission . The responsibility for the

maintenance of all open spaces shall be specified by the developer before approval of the Final Development Plan.

- M. Copies of any restrictive covenants that are to be recorded with respect to property included in the PD.

1545.1 Action by the Township Zoning Commission

The Township Zoning Commission shall evaluate the Final Development Plan at a regular public meeting. An applicant shall give the Township Zoning Inspector at least ten (10) days written notice of its intent to submit a Final Development Plan, at the same time submitting the names and addresses of property owners with lot lines common to the area within such Plan. Such property owners shall be given twenty (20) days advance written notice of this public hearing, said notice being given by the Zoning Commission by first-class mail. The Township Zoning Commission shall hold a public hearing on the Final Development Plan, considering all aspects of the Final Development Plan. The Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the Final Development Plan complies with the standards set forth in this Article and the district in which the property is located, together with its recommendation to the Township Trustees with respect to the action to be taken on the Final Development Plan. The Commission may recommend disapproval, approval, or approval with amendments, conditions or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested people.

1545.2 Action by the Board of Township Trustees

The Board of Township Trustees shall hold a public hearing on the Final Development Plan within thirty (30) days of receipt by the Board of Trustees. Property owners with lot lines common to the area within the Final Development Plan shall be given seven (7) days advance written notice of this public hearing, said notice being given by first-class mail. At the public hearing, the Board of Township Trustees will review the Final Development Plan for substantial conformance with the approved Preliminary Development Plan. Based on this review, the Board of Township Trustees shall disapprove, approve, or approve the Final Development Plan with amendments, conditions or restrictions. If the Final Development Plan is approved, the Plan shall be incorporated into the Zoning Resolution and that Zoning District for when the Plan is proposed, including any condition or restriction that may be imposed by the Board of Trustees.

1555 Subdivision plat required

A zoning certificate may be issued for a structure in a PD District, in accordance with an approved Final Development Plan, following approval by the Clermont County Planning Commission of a Final Subdivision Plat for that portion of the PD within which the proposed structure is to locate, and the recording of the approved subdivision plat.

1560 Expiration date for Development Plan approval and extension of time

- A. Preliminary Development Plan. Preliminary Development Plans shall expire one (1) year from the date of approval of the plan unless a complete Final Development Plan has been submitted to the Board of Township Trustees for its consideration prior to expiration of the Preliminary Development Plan. The Board of Township Trustees shall give ten (10) days notice to the applicant prior to the expiration of the Preliminary Development Plan. The Board of Township Trustees may, in accordance with the provisions of Section 1460.D, revoke the Preliminary Development Plan approval and revoke the PD District zoning designation.
- B. Single Phase Final Development Plans. If an applicant fails to diligently pursue development of a site in accordance with a single-phase Final Development Plan, the Board of Township Trustees may, following a public hearing pursuant to Section 1460.D, by Resolution, revoke the Final Development Plan approval and the plan shall become null and void. If a subdivision plat for the area included in the Final Development Plan has not been recorded in the records of the Clermont County Recorder within 12 months of the date of Final Development Plan approval, the Board of Township Trustees may, following notice pursuant to Section 1460.D, revoke approval of the Final Development Plan. Upon revocation of the Final Development Plan approval, if a Preliminary Plan was approved for the PD District, the tract shall revert to the Preliminary Plan development stage and shall be subject to the submittal time frame set forth above in Section 1460.A.
- C. Multi-Phase Final Development Plans. When the recording of the subdivision plan for any phase fails to meet the schedule submitted under Section 1445.G, following a public hearing pursuant to Section 1460.D, the Final Development Plan shall become null and void for that portion of the tract for which no subdivision plat shall have been recorded. If a Preliminary Development Plan was approved for the PD District, that portion of the tract shall revert to the Preliminary Development Plan stage and shall be subject to the submittal time frame set forth above in Section 1460.A.
- D. Review of Status of PD District and Development Plans. If an applicant fails to comply with any of the provisions of this Section, the Board of Township Trustees may review the status of any approved PD District or any development plan, and take action, in accordance with the following procedures:
 - 1. The Board of Township Trustees may hold a public hearing to review the status of any approved development plan and, at the conclusion of the hearing, may by Resolution:
 - a. Extend any applicable time period, or,
 - b. Modify or revoke the Preliminary and/or Final Development Plan approval.
 - 2. The Board of Township Trustees may, in accordance with the provisions of Article 5 of the Zoning Resolution and Ohio Revised Code Section

519.12, revoke the PD District zoning designation, and rezone the property to the Zoning in place prior to approval of the PD District.

1565 Modification

An approved Preliminary or Final Development Plan may be amended by following the procedures described in this Section:

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

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