

## **ARTICLE 6**

### **ESTABLISHMENT OF DISTRICTS**

600. Purpose.

The purpose of this Article is to establish permitted uses and the regulation of those uses for each of the zoning districts established in Section 180 in order to promote the public health, safety, and welfare.

601. Compliance with Regulations.

The regulations for each district set forth by this Resolution shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located, unless otherwise exempted pursuant to this Resolution;
2. No structure shall be erected or altered:
  - a. To provide for greater height or bulk;
  - b. To accommodate or house a greater number of families;
  - c. To occupy a greater percentage of lot area;
  - d. To have narrower or smaller rear yards, front yards, side yards, or other open spaces, than herein required, or in any other manner be contrary to the provisions of this Resolution.
3. No yard or lot existing at the time of passage of this Resolution shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Resolution shall meet at least the minimum requirements set forth herein.

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4. No building, structure or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified in this Resolution.

602. Lot Area and Setback Requirements.

The required lot area and building setback requirements for each zone shall be as specified in Figure 1.

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Article 6, Section 602, Figure 1

Zone Category	Minimum Lot Area	Maximum Lot Area	Minimum Depth of Front Yard <sup>1</sup>	Minimum Depth of Rear Yard	Minimum Depth of Side yard	Minimum Width of Street Side Yard	Width of Lot at Setback Line <sup>2</sup>	Minimum Frontage of Corner Lot	Maximum Height of Building
ER	2 Acres	NA	50 Feet	50 Feet	20 Feet	50 Feet	175 Feet	200 Feet	35 Feet 2 ½ Strs
R-1	20,000 SF	NA	40 Feet	40 Feet	15 Feet	40 Feet	100 Feet	125 Feet	35 Feet 2 ½ Strs
R-2	10,000 SF	NA	30 Feet	30 Feet	10 Feet	30 Feet	75 Feet	90 Feet	35 Feet 2 ½ Strs
R-3	-----	-----	See	Sections	640 – 648	for R-3	Standards	-----	-----
R-4	-----	-----	See	Sections	650 – 658	for R-4	Standards	-----	-----
B-1	40,000 SF	5 Acres	40 Feet	10 Feet <sup>3</sup>	10 Feet <sup>3</sup>	40 Feet	NA	NA	75 Feet 6 Stories
M-1	40,000 SF	NA	40 Feet	10 Feet <sup>4</sup>	20 Feet <sup>4</sup>	40 Feet	NA	NA	45 Feet 3 Stories
PD	-----	-----	See	Sections	680 – 687	for PD	Standards	-----	-----

1 – Measured from the right-of-way

2 – See Section 512.1

3 – See Section 661

4 – See Section 671

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610. “ER” Estate Residential District.

The purpose of the “ER” Estate Residential District is to promote an exclusive area for increased property valued projects while controlling indiscriminate development which can adversely affect the current open space and agricultural uses within the zone.

611. Principal Permitted Uses.

1. Single family dwellings such that there shall be a restriction of one (1) single-family detached dwelling unit per lot, and lot area shall be a minimum of two (2) acres.
2. Roadside stands offering for sale only agricultural products grown on the premises which shall be kept clear of any right-of-way.
3. Public and private forests and wildlife reservations, so long as they exceed two (2) acres in area.
4. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.
5. Public parks, playgrounds, and recreational and community center buildings and grounds, provided that any principal building used therefore shall be located not less than forty (40') feet from any lot line, and upon a lot of not less than two (2) acres.
6. Public service facilities provided that all permanent buildings be located not less than forty (40') feet from any lot line and that adequate screening is provided to buffer structures other than buildings from adjacent residential uses.
7. Nature preserves provided that improvements are limited to parking facilities and walking trails.
8. Class I Type B group residential facilities.
9. Type B family day-care homes.
10. Agriculture:
  - a. In any platted subdivision approved under Section 711.05, or 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:

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- (1) Agriculture is a permitted use except no dairying, animal husbandry or poultry husbandry shall be permitted on lots less than five (5) acres under the conditions set forth in Section 519.21(B)(3) of the Revised Code.
- b. On parcels other than those described in Subsection (a) above, agriculture is a permitted use.

612. Conditional Uses.

Pursuant to the regulations set forth in Article 4, the following conditional uses may be requested:

- 1. Riding stables subject to the following conditions:
  - a. The lot shall not be less than five (5) acres in area.
  - b. All buildings used to house animals shall be located at least two hundred (200') feet from any property lines.
  - c. The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking.
  - d. One (1) sign not exceeding twelve (12 sq.ft.) square feet in area.
- 2. Cemeteries and crematories subject to the following conditions:
  - a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
  - b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
  - c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one hundred (100') feet of any property line.
  - d. All graves or burial lots shall be set back not less than fifty (50') feet from any property line.
- 3. The construction, location, erection, reconstruction, alteration, change, use or enlargement of telecommunication towers, upon application and compliance with Ohio Revised Code Section 519.211 and this Resolution if the Board finds that the applicant has satisfied all of the following standards:
  - a. Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been reviewed and/or approved by all agencies and

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governmental entities with jurisdiction, if required, including but not limited to the Ohio Department of Transportation Office of Aviation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

- b. 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. In the event of the construction of new facilities by the applicant, the applicant shall agree to the use of such facilities by other public utilities engaged in the provision of telecommunication services; upon payment of reasonable fees for such use.
- c. An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a nonresidential district not within one hundred (100') feet of a residential dwelling and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- d. Monopole installations are required. It is required that any building constructed to service a telecommunications tower be designed in an architecturally compatible manner to adjacent buildings. It is further required that the tower itself and any support equipment located on the ground shall be painted or have a finish in earth tones to reduce visual impact.
- e. Pole, tower and/or structure placement be only on a lot meeting not less than the square footage requirements of zone district located within, with a maximum height being one hundred fifty (150') feet. The minimum setback shall be as indicated in the following table:

<u>DISTRICT</u>	<u>MINIMUM SETBACK</u>	<u>MINIMUM SCREENING</u>
ER	50 FEET	40 FEET
R-1	40 FEET	30 FEET
R-2	30 FEET	20 FEET

MINIMUM SETBACK IS FROM ALL PROPERTY LINES

- f. For reasons of aesthetics and public safety such facilities shall be effectively screened on each side which adjoins premises in any residential zone districts. Screening shall consist of a solid masonry wall or solid fence, not less than four (4') nor more than 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

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prohibited. Screening walls and fences shall meet the minimum setback requirement as indicated in the table in Subsection (e) above. Spaces between any screening device and adjacent property lines shall be including, but not limited to grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

- g. The applicant (or its successors) shall, within thirty (30) days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Union Township Zoning Department. Facilities shall be removed from the site within twelve (12) months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunication systems subject to the obtainment of a zoning certificate from the Union Township Zoning Department.
- h. 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 has been violated and is not remedied within thirty (30) days of written notice from the Zoning Director.
- i. The permit application shall list the location of every tower, building or structure within a half ( $\frac{1}{2}$ ) mile radius, that could support the proposed antenna so as to allow it to service its intended function.
- j. An antenna or tower may not be illuminated, nor may lighting fixtures or advertisement signs be attached to the structure, except such lighting as may be required by law.

4. Child Day Care Center / Type A Family Day-Care Home subject to the following conditions:

- a. Outdoor playgrounds, tot lots, exercise areas, etc. shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
- c. One (1) sign, not exceeding four (4 sq.ft.) square feet in area and mounted flush against the building, shall be permitted.

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5. Bed / Breakfast Home subject to the following conditions:
  - a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room.
  - b. Fire exit instructions shall be posted in each sleeping room.
  - c. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
  - d. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week.
  - e. The facility shall contain not more than four (4) sleeping rooms for guests.
6. Home Occupations subject to the following conditions (see Section 715 for home occupations as accessory uses):
  - a. There shall be no more than two (2) nonresidential employees or volunteers to be engaged in the proposed use.
  - b. Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
  - c. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
  - d. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
  - e. Not more than thirty percent (30%) of the gross floor area of any residence shall be devoted to the proposed home occupation.
  - f. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one nameplate, no larger than two (2 sq.ft.) square feet shall be mounted flush to the wall of the structure.
  - g. Minor or moderate alterations in accordance with Union Township and Clermont County building codes may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
  - h. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.

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- i. No more than two (2) additional parking spaces may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.
- j. For the purposes of this Resolution, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

7. Class I Type A, Class II Type A, and Class II Type B group residential facilities subject to the following conditions:

- a. The proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
- b. The proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
- c. The proposed facility will not generate an unreasonable increase in traffic volume or require special off-street parking.
- d. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- e. No such facility may be located within six hundred (600') feet of another such facility.
- f. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
- g. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
- h. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational, and retail services required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
- i. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
- j. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

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8. Churches, and other places of worship and buildings for religious teaching; schools and colleges for academic instruction; public buildings including libraries, museums, art galleries, and hospitals; and institutional building of a charitable or philanthropic nature subject to the following conditions:
  - a. The lot area shall be adequate to accommodate the required off street parking requirements of the use.
  - b. The principal structure shall be located a minimum of fifty (50') feet from any adjacent residential property line.
  - c. The parking area shall be located a minimum of ten (10') feet from the street right-of-way, fifty (50') feet from all property lines and comply with Section 520 for visual screening.
  - d. The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking.
  - e. A cemetery associated with a church shall be subject to the conditions of Section 612.2.
9. Country clubs, golf courses and other private non-commercial recreation areas and facilities or recreation centers subject to the following conditions:
  - a. The lot shall be not less than ten (10) acres in area.
  - b. The principal building shall be located not less than fifty (50') feet from the front property line and two hundred (200') feet from the side or rear property lines.
  - c. Swimming pools shall comply with Section 714.
  - d. The applicant shall submit a plan indicating safe traffic ingress and egress, traffic circulation, and on-site parking.
10. Greenhouses, arborists, and landscape services and supplies subject to the following conditions:
  - a. The use or storage of materials, structures, vehicles, and equipment shall be arranged to minimize interference with adjoining residential uses or districts.
  - b. At least a one hundred (100') foot setback for buildings, equipment, and materials shall be maintained from adjoining residential uses or districts.
  - c. Provisions shall be made for the containment of materials, dirt, and dust.
  - d. Parking shall be provided in accordance with Article 8.

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- e. All equipment and materials, except for licensed motorized vehicles, licensed trailers, self-motorized riding equipment (e.g., tractors), plants, and bulk landscape supplies shall be stored in an enclosed building or screened area.

613. Accessory Uses, Provided A Principal Permitted Use Exists.

- 1. Accessory uses, buildings or other structures customarily incidental to any aforementioned permitted use, including barns, stables and garages 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 providing access to such activity or any billboard, or sign other than hereinafter authorized.
- 2. Accessory structures, as regulated in Section 711.
- 3. Customary home occupations as regulated in Section 715.
- 4. Swimming pools subject to the regulations set forth in Sections 713 – 714.
- 5. Real estate, small announcement or professional signs subject to the provisions of Article 9, Sign Regulations.

614. Prohibited Uses.

- 1. Any use which is not specifically permitted is prohibited.

615. General Provisions.

- 1. The minimum residential floor area for single family detached dwellings (excluding basement and garage areas) shall be one thousand (1,000 sq.ft.) square feet for dwelling units less than two (2) stories and one thousand two hundred (1,200 sq.ft.) square feet for dwelling units two (2) stories or more.
- 2. All exterior lighting used to extend the operating hours of permitted uses, such as country clubs, or other similar conditional uses, shall be directed away from adjacent residential uses and shall be extinguished by 11:00 p.m. This restriction shall not be construed to prohibit customary security lighting for doors, entryways, and walkways, provided such lighting is either low-intensity “bollard style” lighting, or if building mounted, flat-lens, downward-directed and shielded in a manner consistent with the requirements enumerated in Article 11, Section 1116 of this Resolution.

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3. Parking for all uses shall be in accordance with Article 8, Off-Street Parking and Loading Facilities.

620. “R-1” Single Family Detached Structure Residential Zone.

The purpose of the “R-1” Single Family Detached Structure Residential Zone is to provide land for single family detached housing units.

621. Principal Permitted Uses.

1. Single family detached dwellings such that there shall be a restriction of one (1) single family detached dwelling unit per lot, and lot area shall be a minimum of twenty thousand (20,000 sq.ft.) square feet.
2. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.
3. Public parks, playgrounds, and similar community facilities providing buildings and structures are located not less than forty (40') feet from any lot line.
4. Class I Type B group residential facilities.
5. Public service facilities provided that all permanent building be located not less than forty (40') feet from any lot line and that adequate screening is provided to buffer structures other than buildings from adjacent residential uses.
6. Type B family day-care homes.

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7. Agriculture:

- a. In any platted subdivision approved under Section 711.05, or 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen (15') or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road:
  - (1) On lots of less than five (5) acres but greater than one (1) acre agriculture is a permitted use provided that all structures used to house animals are located no less than two hundred (200') feet from any property line and have a gross floor space of no more than three-hundred (300 sq.ft.) square feet and a building height no greater than fifteen (15') feet and where at least thirty five percent (35%) of the lots in the subdivision are developed with at least one (1) building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes.
  - (2) On lots less than one (1) acre, all agricultural uses are prohibited.
- b. On parcels other than those described in Subsection (a) above, agriculture is a permitted use.

622. Conditional Uses.

Pursuant to the regulations set forth in Article 4, the following conditional uses may be requested:

1. Cemeteries provided they are adjacent to or are an extension of existing cemeteries and meet the requirements of Section 612.
2. Child Day Care Center / Type A Family Day Care Home provided they meet the requirements of Section 612.
3. Class I Type A group residential facilities provided they meet the requirements of Section 612.
4. Home occupations subject to the requirements of Section 612.
5. Churches, and other places of worship and buildings for religious teaching; schools and colleges for academic instruction; public buildings including libraries, museums, art galleries, and hospitals; and institutional buildings of a charitable or philanthropic nature subject to the requirements of Section 612.

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6. Country clubs, golf courses and other private non-commercial recreation areas and facilities or recreation centers subject to the requirements of Section 612.
7. Telecommunication towers subject to the requirements of Section 612.

623. Accessory Uses, Provided a Principal Permitted Use Exists.

The following uses are approved accessory uses subject to requirements of Article 7.

1. Accessory structures, as regulated in Section 711.
2. Home occupations.
3. Private swimming pools.
4. Real estate, small announcement or professional signs subject to the provisions of Article 9, Sign Regulations.

624. Prohibited Uses.

1. Any use which is not specifically permitted is prohibited.

625. General Provisions.

1. The minimum residential floor area for single family detached dwellings (excluding basement and garage areas) shall be one thousand (1,000 sq.ft.) square feet for dwelling units less than two (2) stories, and one thousand two hundred (1,200 sq.ft.) square feet for dwelling units two (2) stories or more.
2. All exterior lighting used to extend the operating hours of permitted uses, such as country clubs, or other similar conditional uses shall be directed away from adjacent residential uses and shall be extinguished by 11:00 p.m. This restriction shall not be construed to prohibit customary security lighting for doors, entryways, and walkways, provided such lighting is either low-intensity "bollard style" lighting, or if building mounted, flat-lens, downward-directed and shielded in a manner consistent with the requirements enumerated in Article 11, Section 1116 of this Resolution.
3. Parking for all uses shall be in accordance with Article 8, Off-Street Parking and Loading Facilities.

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630. “R-2” Single Family Detached Structure Residential Zone.

The purpose of the “R-2” Single Family Detached Structure Residential Zone is to provide land for medium-density single family detached housing units.

631. Rezoning Date.

After July 13, 1999, no property in Union Township shall be rezoned to “R-2” Single Family Detached Structure Residential Zone.

632. Principal Permitted Uses.

1. Single family detached dwellings such that there shall be a restriction of one (1) single family detached dwelling unit per lot, and lot area shall be a minimum of ten thousand (10,000 sq.ft.) square feet.
2. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.
3. Any principal permitted use permitted and as regulated in the “R-1” Single Family Detached Residential Zone.

633. Conditional Uses.

Any conditional use permitted and as regulated in the “R-1” Single Family Detached Structure Residential Zone.

634. Accessory Uses, Provided a Principal Permitted Use Exists.

Any accessory use or structure permitted and as regulated in the “R-1” Single Family Detached Structure Residential Zone.

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635. Prohibited Uses.

1. Any use which is not specifically permitted is prohibited.

636. General Provisions.

1. The minimum residential floor area for single family detached dwellings shall be one thousand (1,000 sq.ft.) square feet for dwelling units less than two (2) stories and one thousand two hundred (1,200 sq.ft.) square feet for dwelling units two (2) stories or more.
2. All exterior lighting used to extend the operating hours of permitted uses, such as country clubs, shall be directed away from adjacent residential uses and shall be extinguished by 11:00 p.m. This restriction shall not be construed to prohibit customary security lighting for doors, entryways, and walkways, provided such lighting is either low-intensity “bollard style” lighting, or if building mounted, flat-lens, downward-directed and shielded in a manner consistent with the requirements enumerated in Article 11, Section 1116 of this Resolution.
3. Parking for all uses shall be in accordance with Article 8, Off-Street Parking and Loading Facilities.

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640. “R-3” Planned Multifamily Residential Zone.

The purpose of the “R-3” Planned Multifamily Residential Zone is to provide sites for multifamily housing at appropriate locations in relation to the existing and potential development of their surroundings, to afford an attractive setting for multifamily housing uses, and to harmonize such uses with their surroundings. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519.021, as amended, for townships to adopt Planned-unit Development zoning.

641. Rezoning Date.

After July 13, 1999, no property in Union Township shall be rezoned to “R-3” Planned Multifamily Residential Zone.

642. Principal Permitted Uses.

The following uses shall be permitted within the R-3 Planned Multifamily Residential Zone, and shall be subject to the conditions and provisions contained within this section as follows:

1. Multifamily dwellings with minimum lot area for two-family of eight thousand (8,000 sq.ft.) square feet per family; for three-family or four-family, six thousand five hundred (6,500 sq.ft.) square feet per family; for more than four (4) families, six thousand (6,000 sq.ft.) square feet per family.
2. Any principal permitted use permitted and as regulated in the “R-2” Single Family Detached Structure Residential Zone.
3. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.

643. Conditional and Accessory Uses.

1. Conditional Uses
  - a. Any conditional use permitted and as regulated in the “R-1” Single Family Detached Structure Residential Zone.

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2. Accessory Uses

- a. Any accessory use or structure permitted and as regulated in the "R-1" Single Family Detached Structure Residential

644. Provisions Governing Multifamily Developments.

1. Harmonious Relationship to Neighborhood. The size and location of the tract and the density of the development in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood.
2. Location and Arrangement. In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities shall be adjusted to surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access shall be landscaped with grass, trees, and shrubs or pedestrian walks in accordance with Section 520.
3. Common Open Space. Twenty (20%) percent of the land developed in any project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in the next paragraph of this subsection. Open space may be partially or fully waived by the Township Trustees when the developer donates land and/or improvements for public uses.
4. Disposition of Open Space. The required amount of common open space land reserved under a development may be held in ownership by owners of the project area for the use of each owner who buys property within the development and retained as common open space for parks, recreation, and related uses, or donated by developer for public uses. Public utility and similar easements and rights-of-way, for water courses, and other similar channels are not acceptable for common open space dedication to the County, unless such land or right-of-way is usable as a trail or other open space.
5. Maintenance of Open Space. The responsibility for the maintenance of all open spaces shall be specified by the Developer before approval of the preliminary plan.
6. Parking as required in Article 8 of this Resolution.
7. Special Land Characteristics. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the Township Trustees may modify such requirements provided the surrounding property and the public welfare are adequately protected.

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8. Height and Area Requirements.

- a. No multifamily building shall exceed two and one-half (2 1/2) stories or thirty-five (35') feet in height.
- b. No multifamily building shall be closer than forty-five (45') feet to any front or rear lot line or closer than twenty (20') feet to any side lot line, nor closer than thirty (30') feet to any side street lot line.
- c. Minimum floor area requirements are as follows:

Efficiency .....Six-Hundred (600 sq.ft.) square feet

One (1) bedroom.....Seven-Hundred-Twenty (720 sq.ft.) square feet

Two (2) bedrooms.....Eight-Hundred-Sixty (860 sq.ft.) square feet

Three (3) bedrooms....One Thousand Ten (1,010 sq.ft.) square feet

645. Review Procedure for Approval of Multifamily Residential Dwelling Units.

The review process shall consist of the following:

1. Pre-application Meeting.

The Pre-application Meeting is an informal meeting with the developer and Planning & Zoning Director to discuss the proposed project before it is officially submitted for review. The developer shall prepare a "sketch" plan to be used as a basis for discussion. Representations made by the Zoning Director or staff members shall be non-binding on the Township Zoning Commission or Township Trustees.

2. Application for Zone Change / Concept Plan Review.

The owner or owners of a tract of land may submit an application for a planned multifamily zone to the Planning & Zoning Director. Fifteen (15) copies of a Concept Plan, containing all the information required in Section 646 must accompany the application. The application will be reviewed and acted upon by the Township Zoning Commission and the Township Trustees according to the requirements in Article 4.

If the application is not approved by the Township Trustees, the process ends, however, the applicant may resubmit a new application and Concept Plan for

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review. If the application is approved, the applicant will then submit a Formal Plan.

3. Formal Plan Review.

In Lieu of submitting a Concept Plan as described in Section 645.2 of this Resolution, the owner or owners of a tract of land may alternatively elect to file a combined Concept/Formal Development Plan. In such case, the applicant shall submit fifteen (15) copies of the Formal Plan to the Planning & Zoning Director for review by the Township Zoning Commission and Township Trustees. The Formal Plan must contain all the information required in Section 646.

If the development involves the subdivision of land then the plans must also be submitted to the Clermont County Planning Commission in accordance with the Clermont County Subdivision Regulations. The results of the Clermont County Planning Commission's action will be sent to the Township Zoning Commission and Township Trustees.

The Formal Plan must be submitted, reviewed and approved by the Township Zoning Commission and Township Trustees within two (2) years of the date of approval of the Concept Plan. If the Formal Plan is not approved within two (2) years, the Concept Plan will be considered void unless an extension in writing is requested by the developer and subsequently granted by the Township Trustees. The Board of Trustees may grant extensions of any length. In the event that substantial active construction activities have commenced relative to any approved R-3 plan, successive one-year extensions may be granted by the Zoning Director, extending up to a maximum of five (5) years from the effective date of any Concept Plan and/or Formal Development Plan approval.

4. The Township Zoning Commission and/or Township Trustees may request other County, State or Federal agencies, such as the Clermont County Planning Commission, County Engineer, Water and Soil Conservation Service, Clermont County Water and Sewer District, or Ohio EPA to review and comment on the submitted plans.

646. Content of Plan.

1. Concept Plan Contents.

In addition to the standard requirements fixed by this Resolution for application for a map amendment, the required Concept Plan shall:

- a. Be drawn to an adequate scale and clearly show the boundaries of the tract.

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- b. Show the adjoining property owners and the existing zoning and land uses within two hundred (200') feet of the tract.
- c. Show the existing topographic features (at two (2') foot intervals) of the site and all property within two hundred (200') feet of the site. Show all existing structures, easements, utilities and right-of-way.
- d. Show any environmentally sensitive or geologic hazard areas. A separate data resource map delineating all the soil types must accompany the Concept Plan.
- e. Show the location of any existing streets abutting or within the subject property. The Concept Plan should show the dedication of forty (40') feet of right-of-way where the property fronts on an existing street.
- f. Show all proposed access points to the site and when applicable, the internal street system, both public streets and private drives.
- g. Show all proposed screening, buffering, landscaping and open space.

Failure of the plan to demonstrate all required criteria shall result in rejection of the plan by the Zoning Commission and the Township Trustees.

2. Formal Plan Contents.

The required Formal Plan shall:

- a. Be drawn to an adequate scale and clearly show the boundaries of the tract.
- b. Show the adjoining property owners and the existing zoning and land uses within two hundred (200') feet of the tract.
- c. Show the layout and numbers of dimension of each lot if the subdivision of land is involved.
- d. Show the existing topographic features (at two (2') foot intervals) of the site and all property within two hundred (200') feet of the site.
- e. If applicable, show all flood plains, storm water retention areas, and any other environmentally sensitive or geologic hazard area.
- f. Show all existing structures, easements, utilities and right-of-way.
- g. Show the location of all existing or proposed sewer lines, water lines, culverts and other underground structures within or adjacent to the site.
- h. Show the final location, height, floor area and use for all proposed and/or existing buildings.

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- i. Provide a calculation, in acres or square feet, for land area in yards or open space, parking facilities, streets or drives, building lot coverage and building floor area.
- j. Show the final location, dimension and arrangement of all streets, driveways, parking area, and other vehicular and pedestrian rights-of-way. Show the dedication of forty (40') feet of right-of-way where the property fronts on an existing public street.
- k. Show the final number and arrangement of all parking spaces.
- l. Show a typical cross-section of streets and drives from right-of-way line to right-of-way line. The typical section shall show the location of all utility lines and storm sewers.
- m. Show a typical cross-section of all landscaped buffer yards. The plan should include a note detailing the type of vegetation to be used.
- n. Show the location and site of all signs.
- o. Show the location and design of all lighting.
- p. If the proposed development involves the subdivision of land, the Formal Plan must meet all the relevant requirements of the Clermont County Subdivision Regulations.
- q. Contain the following owner certification: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown herein, and do adopt this as my (our) development for the property."
- r. Contain the following Township certification to be signed by the Chairperson of the Township Trustees or designated appointee after final approval of the Formal Plan has been granted: "I do hereby certify that this Formal Plan meets the requirements set by Union Township and is approved."

Failure of the plan to demonstrate all required criteria shall result in rejection of the plan by the Zoning Commission and the Township Trustees.

647. Procedure to Amend an Approved "R-3 Planned Multifamily Residential District" Plan.

- 1. A property owner may request amendment to any unexpired "R-3 Planned Multifamily Residential District" Concept or Formal Plan. Plan amendment does not re-commence the start date of the expiration period. However, for major amendments, the Board of Trustees in its discretion may by motion re-commence the expiration start date at the date of the amendment approval. Plan amendment

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shall be considered an administrative action, not subject to Ohio Revised Code Section 519.12, as amended.

2. The Planning & Zoning Director shall determine whether the proposed amendment is a major or minor amendment.
3. For minor amendments, the following procedure shall apply:
  - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
  - b. Five (5) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
  - c. The submitted plan shall conform to Section 646, with the following exceptions:
    - (1) One (1) copy shall highlight all changes from the previously approved plan.
    - (2) The plan shall be captioned "Minor Amendment."
  - d. The Planning & Zoning Director shall review the application, and at the Director's sole discretion, approve or deny the minor amendment. An applicant may appeal a denial of a minor amendment to the Board of Trustees.
  - e. Prior to entering a decision, the Planning & Zoning Director may require the applicant to submit written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, or other agencies evidencing conformance to all requirements or resolution of all issues pertaining to the development.
4. For major amendments, the following procedure shall apply:
  - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
  - b. Ten (10) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
  - c. The submitted plan shall conform to Section 646, with the following exceptions:
    - (1) One (1) copy shall highlight all changes from the previously approved plan.
    - (2) The plan shall be captioned "Major Amendment."

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- d. The Planning & Zoning Director shall review the application and draft a report for review by the Board of Trustees.
- e. Unless waived by the Planning & Zoning Director, prior to submission to the Board of Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Planning & Zoning Director evidencing conformance to all requirements or resolution of all issues pertaining to the development or amendment.
- f. Thereafter, the Planning & Zoning Director shall place the amendment on the Board of Trustees' docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying, or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct that further data be provided if necessary to make an informed decision.

648. Delay in Construction.

- 1. In the event the construction of the development is not started within five (5) years from the effective date of approval of the Formal Development Plan by the Township Trustees, the plan shall no longer be valid and a zoning permit shall not be issued until a new plan is submitted and approved in the same manner as the previous plans.
- 2. In the event the construction is not started within the prescribed time, the Township Zoning Commission may begin proceedings to amend the "R-3" Planned Multifamily Residential Zone to that which the Township Zoning Commission feels is appropriate for the site.

649. Violation of the Formal Development Plan.

The Formal Development Plan approved in accordance with the article shall be an integral part of the zoning amendment and any departure from the plan or any modification thereof, except when specifically approved by the Township Trustees, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties in Article 2.

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650. “R-4” Single Family Variable Structure Residential Zone.

These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519.021 as amended, for townships to adopt Planned-unit Development zoning. The purpose of the “R-4” Single Family Variable Structure Residential Zone is to encourage development for single family dwelling units which:

1. Is in harmony with existing residential areas located in proximity to the site to be developed.
2. Displays a creative street and lot arrangement which reflects a sensitivity to the physical characteristics of the site to be developed.
3. Provides common open spaces for the preservation of the site’s physical assets and/or recreational utilization by the occupants of the development.
4. Allows for creativity in the developer’s planning and local government decision making regarding housing choice, legal requirements, recreation space availability, auto traffic and pedestrian movement and other considerations.

651. Principal Permitted Uses.

1. Single family detached units as regulated in the “R-1” Single Family Detached Structure Residential Zone.
2. Single family dwelling units in a variety of structures either detached or having common walls or other physically shared attachments in a clustering of units to include, but not necessarily limited to: townhouses, quadrominiums, patio homes, stacked units, etc., at a density that is consistent with the characteristics of the development and the use of the land.
3. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.

652. Conditional Uses.

Any conditional use as regulated in the “R-1” Single Family Detached Structure Residential Zone.

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653. Accessory Uses.

Any accessory use or structure as regulated in the “R-1” Single Family Detached Structure Residential Zone.

654. Provisions Governing Single Family Variable Structure Residential Zone Developments.

Because of the special characteristics of these developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict of 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 variable structure developments. Subjects not covered by this article shall be governed by the respective provisions found elsewhere in this Resolution. The following provisions apply to the development, land use and requirements governing single family variable structure developments.

1. Residential Floor Area. The minimum residential floor area for single family detached dwellings shall be one thousand (1,000 sq.ft.) square feet for dwelling units less than two (2) stories and one thousand two hundred (1,200 sq.ft.) square feet for dwelling units two (2) stories or more.
2. Common Open Space. Twenty percent (20%) of the land developed in any project shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in the next paragraph of this subsection. Open space may be partially or fully waived by the Township Trustees when the developer donates land and/or improvements for public uses.
3. Disposition of Open Space. The required amount of common open space land reserved under a development may be held in ownership by owners of the project area for the use of each owner who buys property within the development and retained as common open space for parks, recreation, and related uses, or donated by developer for public uses. Public utility and similar easements and rights-of-way, for water courses, and other similar channels are not acceptable for common open space dedication to the County, unless such land or right-of-way is usable as a trail or other open space.
4. Maintenance of Open Space. The responsibility for the maintenance of all open spaces shall be specified by the Developer before approval of the preliminary plan.

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655. Review Procedure For Approval of Variable Structure Residential Dwelling Units.

The review process shall consist of the following:

1. Preapplication Meeting.

An informal meeting shall occur between the developer and Township Zoning Director to discuss the proposed project before it is officially submitted for review. The developer shall prepare a “sketch” plan to be used as a basis for discussion. Representations made by the Zoning Director or staff members shall be nonbinding on the Township Zoning Commission or Township Trustees.

2. Application for Zone Change / Concept Plan Review.

The owner or owners of a tract of land may submit fifteen (15) copies of an application for a single family variable structure residential zone Concept Plan to the Township Zoning Director. A Concept Plan, containing all the information required in Section 656 shall accompany the application. The application will be reviewed and acted upon by the Township Zoning Commission and the Township Trustees according to the requirements in Article 4.

If the application is disapproved by the Township Trustees, the process ends, however, the applicant may resubmit a new application and Concept Plan for review. If the application is approved, the applicant will then submit a Formal Plan.

3. Formal Plan Review.

In Lieu of submitting a Concept Plan as described in Section 655.2 of this Resolution, the owner or owners of a tract of land may alternatively elect to file a combined Concept/Formal Development Plan. In such case, fifteen (15) copies of the Formal Development Plan shall be submitted to the Township Zoning Director for review by the Township Zoning Commission and Township Trustees. The Formal Plan must contain all the information required in Section 656.

If the development involves the subdivision of land then the plans must be submitted to the Clermont County Planning Commission in accordance with the Clermont County Subdivision Regulations. The results of the Clermont County Planning Commission’s action will be sent to the Township Zoning Commission and Township Trustees.

The Formal Development Plan must be submitted, reviewed and approved by the Township Zoning Commission and Township Trustees within two (2) years of the date of approval of any Concept Plan. If the Formal Development Plan is not approved within two (2) years, the Concept Plan or Formal Plan will be considered void unless an extension is requested by the developer and granted in writing by the Township Zoning Director. Successive one-year extensions may be granted by the Zoning Director, extending up to a maximum of five (5) years

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from the effective date of any Concept Plan and/or Formal Development Plan approval.

4. The Township Zoning Commission and/or Township Trustees may request other County, State or Federal agencies, such as the Clermont County Planning Commission, County Engineer, Water and Soil Conservation Service, Clermont County Water and Sewer District, or Ohio EPA to review and comment on the submitted plans.
5. For property under substantial active construction, the Planning & Zoning Director may, within the Director's sole discretion, grant reasonable extensions of the "R-4" plan.

656. Content of Plan.

1. Concept Plan Contents.

In addition to the standard requirements fixed by this Resolution for application for a map amendment, the required Concept Plan shall:

- a. Be drawn to an adequate scale and clearly show the boundaries of the tract.
- b. Show the adjoining property owners and the existing zoning and land uses within two hundred (200') feet of the tract.
- c. Show the existing topographic features (at two (2') foot intervals) of the site and all property within two hundred (200') feet of the site. Show all existing structures, easements, utilities and right-of-way.
- d. Show any other environmentally sensitive or geologic hazard areas. A separate data resource map delineating all the soil types must accompany the Concept Plan.
- e. Show the location of any existing streets abutting or within the subject property. The Concept Plan should show the dedication of forty (40') feet of right-of-way where the property fronts on an existing street.
- f. Show all proposed access points to the site and when applicable, the internal street system, both public streets and private drives.
- g. Show all proposed screening, buffering, landscaping and open space.

Failure of the plan to demonstrate all required criteria shall result in rejection of the plan by the Zoning Commission and the Township Trustees.

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2. Formal Plan Contents.

The required Formal Plan shall:

- a. Be drawn to an adequate scale and clearly show the boundaries of the tract.
- b. Show the adjoining property owners and the existing zoning and land uses within two hundred (200') feet of the tract.
- c. Show the layout and numbers of dimension of each lot if the subdivision of land is involved.
- d. Show the existing topographic features (at two (2') foot intervals) of the site and all property within two hundred (200') feet of the site.
- e. If applicable, show all flood plains, storm water retention areas, and any other environmentally sensitive or geologic hazard area.
- f. Show all existing structures, easements, utilities and right-of-way.
- g. Show the location of all existing or proposed sewer lines, water lines, culverts and other underground structures within or adjacent to the site.
- h. Show the final location, height, floor area and use for all proposed and/or existing buildings.
- i. Provide a calculation, in acres or square feet, for land area in yards or open space, parking facilities, streets or drives, building lot coverage and building floor area.
- j. Show the final location, dimension and arrangement of all streets, driveways, parking area, and other vehicular and pedestrian rights-of-way. Show the dedication of forty (40') feet of right-of-way where the property fronts on an existing public street.
- k. Show the final number and arrangement of all parking spaces.
- l. Show a typical cross-section of streets and drives from right-of-way line to right-of-way line. The typical section shall show the location of all utility lines and storm sewers.
- m. Show a typical cross-section of all landscaped buffer yards. The plan should include a note detailing the type of vegetation to be used.
- n. Show the location and site of all signs.
- o. Show the location and design of all lighting.

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- p. If the proposed development involves the subdivision of land, the Formal Plan must meet all the relevant requirements of the Clermont County Subdivision Regulations.
- q. Contain the following owner certification: "I (We) do hereby certify that I am (we are) the only owner(s) of the property shown herein, and do adopt this as my (our) development for the property."
- r. Contain the following Township certification to be signed by the Chairperson of the Township Trustees or designated appointee after final approval of the Formal Plan has been granted: "I do hereby certify that this Formal Plan meets the requirements set by Union Township and is approved."

Failure of the plan to demonstrate all required criteria shall result in rejection of the plan by the Zoning Commission and the Township Trustees.

657. Procedure to Amend an Approved "R-4 Single Family Variable Structure Residential District" Plan.

1. A property owner may request amendment to any unexpired "R-4 Single Family Variable Structure Residential District" Concept or Formal Plan. Plan amendment does not re-commence the start date of the expiration period. However, for major amendments, the Board of Trustees in its discretion may by motion re-commence the expiration start date at the date of the amendment approval. Plan amendment shall be considered an administrative action, not subject to Ohio Revised Code Section 519.12, as amended.
2. The Planning & Zoning Director shall determine whether the proposed amendment is a major or minor amendment.
3. For minor amendments, the following procedure shall apply:
  - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
  - b. Five (5) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
  - c. The submitted plan shall conform to Section 656, with the following exceptions.
    - (1) One (1) copy shall highlight all changes from the previously approved plan.
    - (2) The plan shall be captioned "Minor Amendment."

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- d. The Planning & Zoning Director shall review the application, and at the Director's sole discretion, approve or deny the minor amendment. An applicant may appeal a denial of a minor amendment to the Board of Trustees.
- e. Prior to entering a decision, the Planning & Zoning Director may require the applicant to submit written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, or other agencies evidencing conformance to all requirements or resolution of all issues pertaining to the development.
- f. For property under substantial active construction, the Planning & Zoning Director may, within the Director's sole discretion, grant reasonable extensions of the "R-4" plan.

4. For major amendments, the following procedure shall apply:

- a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
- b. Ten (10) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
- c. The submitted plan shall conform the Section 656, with the following exceptions:
  - (1) One (1) copy shall highlight all changes from the previously approved plan.
  - (2) The plan shall be captioned "Major Amendment."
- d. The Planning & Zoning Director shall review the application and draft a report for review by the Board of Trustees.
- e. Unless waived by the Planning & Zoning Director, prior to submission to the Board of Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Planning & Zoning Director evidencing conformance to all requirements or resolution of all issues pertaining to the development or amendment.
- f. Thereafter, the Planning & Zoning Director shall place the amendment on the Board of Trustees docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct that further data be provided if necessary to make an informed decision.

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g. For property under substantial active construction, the Planning & Zoning Director may, within the Director's sole discretion, grant reasonable extensions of the "R-4" plan.

658. Delay in Construction.

1. In the event the construction of the development is not started within five (5) years from the effective date of approval of the Formal Development Plan by the Township Trustees, the plan shall no longer be valid and a zoning permit shall not be issued until a new plan is submitted and approved in the same manner as the previous plans.
2. In the event the construction is not started within the prescribed time, the Township Zoning Commission may begin proceedings to amend the "R-4" Single Family Variable Structure Residential Zone to that which the Township Zoning Commission feels is appropriate for the site.

659. Violation of the Formal Development Plan.

The Formal Development Plan approved in accordance with this article shall be an integral part of the zoning amendment and any departure from the plan or any modification thereof, except when specifically approved by the Township Trustees, shall be a violation of the Zoning Resolution and shall be subject to the provisions and penalties in Article 2.

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660. “B-1” Business Zone.

The purpose of the “B-1” Business Zone is to centralize the commercial activity within the Township and to prevent commercial activities from intruding into other areas of the Township as incompatible uses, on parcels less than five (5) acres.

661. Principal Permitted Uses.

1. Office Uses. The following uses shall be located a minimum of fifty (50') feet from any residential zone unless otherwise indicated.
  - a. Financial institutions.
  - b. Professional offices.
  - c. Medical or dental clinics.
  - d. Post offices.
  - e. Real estate offices.
  - g. General offices of federal, state or local governments, individuals or corporations devoted to office use and not used for manufacturing, storage, or warehousing.
2. Personal Service Uses. The following uses shall be located a minimum of fifty (50') feet from any residential zone unless otherwise indicated.
  - a. Photocopying establishments.
  - b. Barber shops, beauty parlors, nail salons, tattoo artists, and tanning salons.
  - c. Photographic or artist studios.
  - d. Dressmaking, tailoring, and shoe repair.
  - e. Repair of household appliances.
  - f. Funeral home or mortuary.
3. Quasipublic Uses. The following uses shall be located a minimum of fifty (50') feet from any residential zone unless otherwise indicated.
  - a. Churches and other places of religious assembly and teaching.

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- b. Hospitals, sanitariums, homes for the aged, nursing homes, and rest homes.
- c. Libraries, museums, and art galleries.
- d. Child care centers and educational facilities.

4. Trade Services. The following uses shall be located a minimum of one hundred (100') feet from any residential use or zone unless otherwise indicated.

- a. Automobile service stations, minor repair of vehicles, automobile washing facilities and automobile storage garages.
- b. Laundromats, dry cleaning and pressing establishments.
- c. Trade or business schools, provided machinery used for instructional purposes is not objectionable due to noise, fumes, smoke, odor or vibration.
- d. Carpenter, paper hanging, electrical, plumbing, heating and air conditioning, printing, publishing, or lithographic shops.
- e. Furniture upholstering.
- f. Animal hospital, veterinary clinic or kennel, not including any exercise runway.
- h. Automobile, motorcycle, truck, trailer, and farm implement establishments, for display, hire, sale and major repair, including sales lots, provided all operations, other than display and sales, shall be conducted within a completely enclosed building.
- h. Automobile parking lots subject to the provisions of Article 8.
- i. Self service storage facilities.

5. Retail Uses. The following uses shall be located a minimum of one hundred (100') feet from any residential use or zone unless otherwise indicated.

- a. Any retail business such as a grocery, fruit or vegetable store, drugstore, carry out, convenience store, drapery and curtain shop.
- b. Bakery, provided all products are sold at retail on the premises.
- c. Home furnishings, home improvements and equipment.
- d. Nurseries and garden supplies.
- e. General merchandise and supermarkets.

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6. Entertainment Uses. The following uses shall be located a minimum of one hundred (100') feet from any residential use or zone unless otherwise indicated.
  - a. Hotels, motels, and motor hotels.
  - b. Video or game parlors and amusement centers providing coin or token operated mechanically or electronically operated games for tabulated scores; not for cash or other prizes, or remuneration of any type.
  - c. Bar, restaurant, cocktail lounge, night club, banquet hall, billiard parlor, pool hall, bowling alley, dance hall, roller skating rink, and theater, provided that such use is conducted within a completely enclosed building and is at least one hundred fifty (150') feet from any residential use or zone.
  - d. Drive-in eating and drinking establishments, summer gardens and restaurants, including entertainment and dancing, provided the principal building is distant at least one hundred and fifty (150') feet from any residential use or zone.
  - e. Commercial baseball and soccer fields, swimming pools, skating rinks, golf driving ranges, miniature golf courses, tennis, basketball, and volleyball courts, and go-kart tracks if located at least two hundred (200') feet from any residential use or zone.
  - f. Indoor recreation and community centers.
  - g. Membership sports, health, and recreation clubs.
  - h. Clubs, lodges, fraternal organizations.
7. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.

662. Conditional Uses.

Pursuant to the regulations set forth in Article 4, the following conditional uses may be requested:

1. Temporary buildings to house a permitted use during construction or reconstruction of the permanent building provided they meet the following conditions:
  - a. The temporary building shall be removed from the property within fifteen (15) days of the date of the occupancy permit;

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- b. The temporary building shall comply with the regulations of the Clermont County Building Department;
- c. Adequate landscaping and screening as required by Section 520 shall be provided.

2. Telecommunication towers falling within one hundred (100') feet of a residential dwelling upon compliance with Ohio Revised Code Section 519.211 and Section 612.3 of the Zoning Resolution.

3. State-licensed Marijuana Medical Dispensaries, any Recreational Marijuana Dispensaries, any Marijuana Testing Laboratories, and other similar uses provided they meet the following conditions:

- a. These uses shall be located a minimum of five hundred (500') feet from:
  - i. The boundaries of a property containing the same or a similar use.
  - ii. The boundaries of a property containing a school, daycare, church, public library, public playground or public park.
  - iii. The boundaries of a property containing a Drug Rehabilitation Clinic.
- b. These uses shall be located a minimum of one hundred (100') feet from the boundaries of a property containing any residential use or located in any residential zone.
- c. Adequate landscaping and screening as required by Section 520 shall be provided.
- d. No drive-thru operations shall be permitted.
- e. The hours of operation for these uses shall not extend beyond 9:00 p.m.
- f. All exterior lighting must be downward-directed, fully shielded, dark-sky compliant, and be less than, or equal to 1.0-foot candle at the edge of any adjacent roadway and / or property lines adjoining a commercial or industrial use. All exterior lighting adjoining residential uses must also be downward-directed, and be less than, or equal to 0.5-foot candle(s).

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g. The Owner of the use shall agree to participate in a Joint Economic Development District (JEDD) and shall further consent and cooperate in the establishment and participation thereto.

g. The Owner of the use as set forth herein shall be required to make a one-time payment to the Township representing an Impact Fee, to compensate the Township for public safety, infrastructure improvements, and future development costs related to the use. The Impact Fee shall be established at \$50,000.00, which shall be distributed to the Township's General Fund to address capital expenditures.

h. The Impact Fee payment shall be due to the Township prior to the issuance of a Zoning Permit for the use.

i. An existing Medical or Recreational Marijuana Dispensary, Cultivator, Processor, or Testing Facility use operating prior to the enactment of these regulations, or any such subsequent use receiving approval pursuant to this Section, that is discontinued or abandoned for more than three-hundred sixty-five (365) consecutive days shall be determined to be voluntarily discontinued, and shall not be reestablished except in conformance with these regulations.

j. All State-licensed Medical and/or Recreational Marijuana Dispensaries, Marijuana Testing Laboratories, Marijuana Cultivators, or Processors, or other similar uses that exist within any zoning district within Union Township at the time of the effective date of these regulations shall not be further expanded, altered, or otherwise modified in any way whatsoever, except in conformance with the requirements of this Section.

k. The maximum number of Medical Marijuana and/or Recreational Marijuana Dispensaries, Marijuana Testing Facilities, or other similar uses shall be limited to a cumulative total of two (2) locations within the unincorporated limits of Union Township, Clermont County, Ohio.

2.l. The uses regulated by this Section shall be prohibited within any residential district or within the PD Planned Development District.

663. Accessory Uses.

1. Accessory uses and structures not otherwise prohibited, that are customarily accessory and incidental to any permitted principal use.
2. Exterior signs which pertain to a permitted use on the premises subject to the provisions of Article 9.

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3. Off-premises advertising signs and structures subject to the provisions of Article 9.
4. Dwelling or dwellings only when in conjunction with a principal permitted use.

664. Prohibited Uses.

1. Any use which is not specifically permitted is prohibited.

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670. "M-1" Industrial Zone.

The purpose of the "M-1" Industrial Zone is to centralize and provide lands for various light industrial, manufacturing and warehouse uses and to avoid conflicts in land use relationships between industry and other land use districts.

671. Principal Permitted Uses.

The following uses shall be located a minimum of one hundred (100') feet from any residential use or zone unless otherwise indicated.

1. Exempt Public Service Facilities meeting the definition provided within Appendix A of this Resolution.
2. Assembly or manufacture of appliances, industrial or electronic instruments, accessories and devices.
3. Laboratories: experimental, photo or motion picture, film, medical or testing.
4. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas.
5. Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures and very light sheet metal products including heating and ventilating ducts.
6. Manufacture of small precision instruments, watches, clocks, toys, novelties, rubber and metal hand stamps.
7. Printing, lithographing, type composition, ruling and binding establishment.
8. Plastic products manufacture, but not including the processing of raw materials.
9. Processing or assembling of parts for production of finished equipment.
10. Storage of merchandise, material, or equipment within a completely enclosed building, except for the following: offal or dead animals, petroleum by-products in excess of any amount necessary for use on the premises, and solid fuels in excess of heating needs.
11. Crematory, if located not less than two hundred (200') feet from any residential district or use.
12. Terminal warehousing, transfer depots, freight stations, warehouses, trucking and motor freight stations, if located not less than two hundred (200') feet from any residential district or use.

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13. Building materials sales yards including concrete mixing, lumber yards including millwork, open yards for storage and sale of feed and/or fuel, provided all operations are conducted not less than two hundred (200') feet from any residential district or use.
14. Offices.
15. Recycling centers provided all materials are kept within a completely enclosed building or designated storage containers.
16. Nurseries and Landscaping operations.
17. Contractor and Trades Services.
18. Retail uses.
19. Drug Rehabilitation Clinic, provided such uses are located exclusively within the M-1 District, on a minimum lot area of ten (10) acres, and provided that said uses are conducted not less than three hundred (300) feet from any residential district or use.

672. Conditional Uses.

1. Telecommunications towers falling within one hundred (100') feet of a residential dwelling upon compliance with Ohio Revised Code Section 519.211 and Section 612.3.

2. State-licensed Medical Marijuana Cultivators, Marijuana Processors, or Recreational Marijuana Cultivators, Marijuana Processors situated on a minimum lot size of five (5) acres, up to a maximum lot size not to exceed twenty (20) acres, and other similar uses, provided they meet the following conditions:

a. These uses shall be located a minimum of five hundred (500') feet from:

i. The boundaries of a property containing the same or a similar use.

ii. The boundaries of a property containing a school, daycare, church, public library, public playground or public park.

iii. The boundaries of a property containing a Drug Rehabilitation Clinic.

b. These uses shall be located a minimum of one hundred (100') feet from the boundaries of a property containing any residential use or located in any residential zone.

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c. Medical or Recreational Marijuana Cultivators and/or Marijuana Processors shall be situated on a minimum of five (5) contiguous acres, up to a maximum lot size not to exceed twenty (20) acres, and shall meet the following screening and security requirements:

- i. All Marijuana Cultivators and/or Marijuana Processors shall be fenced, walled, or otherwise secured in a manner that prevents unauthorized access and/or public view.
- ii. Fencing for the perimeter of the growing area of plants must be solid and must be at least six (6) feet in height and be designed to be harmonious with the surrounding area to the extent feasible.
- iii. Slatted and chain link fences, and barb-wire and razor-wire fencing shall not be permitted.
- iv. Cultivation and processing activities shall be conducted in compliance with state law.

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d. Adequate landscaping and screening as required by Section 520 shall be provided.

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e. No drive-thru operations shall be permitted.

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f. The hours of operation for these uses shall not extend beyond 9:00 p.m.

g. All exterior lighting must be downward-directed, fully shielded, dark-sky compliant, and be less than, or equal to 1.0-foot candle at the edge of any adjacent roadway and / or property lines adjoining a commercial or industrial use. All exterior lighting adjoining residential uses must also be downward-directed, and be less than, or equal to 0.5-foot candle(s).

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h. The Owner of the use as set forth herein shall be required to make a one-time payment to the Township representing an Impact Fee, to compensate the Township for public safety, infrastructure improvements, and future development related to the use. The Impact Fee shall be established at \$50,000.00, which shall be distributed to the Township's General Fund to address capital expenditures.

i. i. The Impact Fee shall be due to the Township prior to the issuance of a Zoning Permit for the use.

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The Owner of the use shall agree to participate in a Joint Economic Development District (JEDD) and shall further consent and cooperate in the establishment and participation thereto.

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j. \_\_\_\_\_

- k. An existing Marijuana Dispensary, Cultivator, Processor, or Testing Facility use operating prior to the enactment of these regulations, or any such subsequent use receiving approval pursuant to this Section, that is discontinued or abandoned for more than three-hundred sixty-five (365) consecutive days, shall be determined to be voluntarily discontinued, and shall not be reestablished except in conformance with these regulations.
- l. All State-licensed Medical and/or Recreational Marijuana Dispensaries, Marijuana Testing Laboratories, Marijuana Cultivators, or Processors, or other similar uses that exist within any zoning district within Union Township at the time of the effective date of these regulations shall not be further expanded, altered, or otherwise modified in any way whatsoever, except in conformance with the requirements of this Section.
- m. The maximum number of Medical Marijuana and/or Recreational, Marijuana Cultivators or Processors, or other similar uses, shall be limited to a cumulative total of two (2) locations within the unincorporated limits of Union Township, Clermont County, Ohio
- n. The uses regulated by this Section shall be prohibited within any residential district or within the PD Planned Development District.

673. Accessory Uses.

1. Accessory uses and structures not otherwise prohibited, that are customarily accessory and incidental to any permitted principal use.
2. Exterior signs which pertain to a permitted use on the premises subject to the provisions of Article 9.
3. Off-premises advertising signs and structures subject to the provisions of Article 9.
4. Retail sales and services are permitted as accessory uses when clearly incidental to a principal permitted use. Such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public.

674. Prohibited Uses.

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1. Any use which is not specifically permitted is prohibited.

680. “PD” Planned Development District.

Article 6, pg. 43

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The “PD” District’s purpose is to provide sites for business or mixed business/residential developments at appropriate locations in relation to existing and potential land uses; to afford an attractive setting for developments; and to harmonize proposed developments with surrounding land uses. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519 (2001), as amended, for townships to adopt Planned-unit Development zoning.

681. Regulation Conflict.

If a conflict arises between these “PD” regulations or an approved “PD” plan and other sections of this resolution, the “PD” regulations and approved plan shall prevail for land zoned Planned Development District.

682. Approved Plan Governs Use.

Land use for any property in the “PD” District shall be consistent with the use, design, and details contained in the approved “PD” plan for that property and any conditions of approval. Other applicable regulations from this resolution, such as nuisance regulations, also apply to “PD” property. Pursuant to an approved plan, allowed uses in the “PD” District may include those stated in the “B-1” and “M-1” Districts, or substantially similar uses as determined by the Zoning Commission and Board of Trustees. Integrated single family and/or multi-family residential use with or without commercial development may be considered for approval in the “PD” District, as deemed appropriate by the Zoning Commission and Board of Trustees.

683. Procedure to Rezone Property to “PD.”

1. The property owner may submit an application for a zone change to “PD” Planned Development District to the Union Township Planning & Zoning Department. The application shall contain fifteen (15) copies of the completed form, attachments, a site plan conforming to the “site plan requirements” below, and the required fee.
2. The application shall be processed in accordance with Ohio Revised Code Chapter 519 (2001), as amended.

684. “PD” Plan Requirements.

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1. All site plans shall contain the elements stated in Section 1131. In addition, the following shall be included on the plan:
  - a. Building lot area coverage percentage.
  - b. Residential density, if applicable.
  - c. Detailed description of façade materials for all proposed structures.
2. The site plan shall contain on the cover the following signature lines to be signed by the property owner and Planning & Zoning Director before a zoning certificate is issued:

*I certify that this "PD" plan meets the requirements set by Union Township and is the approved "PD" plan for this property.*

\_\_\_\_\_  
*Director of Planning & Zoning* (date)

*I certify that I am the owner of the property shown herein and adopt this "PD" plan as my development for the property. I must obtain a zoning certificate prior to construction.*

\_\_\_\_\_  
\_\_\_\_\_  
*(print name)* (date)

3. A separate landscaping page shall be included in the plan, illustrating the following:
  - a. Landscaping over ten percent (10%) of the lot area. Detention/retention areas are not considered part of the ten percent (10%) requirement.
  - b. Location and description of landscape plantings, groundcover, and specific treatment of any other open spaces.
  - c. A ten (10') foot landscaped buffer yard along any public right-of-way or private street easement. A continuous three (3') foot grass (or other plant covered) berm or continuous row of three foot tall (at planting) shrubs, setback at least three (3') feet from the right-of-way or easement line, shall be provided within the buffer yard.
  - d. A twenty (20') foot landscaped buffer yard along any adjoining residential zone. The buffer yard must also contain one of the following screening mechanisms:
    - (1) A continuous wood privacy fence at least six (6') feet high and at least one (1) tree four (4') feet tall (at planting) spaced every ten (10') feet on the neighbor's side of the fence; or

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- (2) A continuous row of evergreens at least six (6') feet tall (at planting), spaced no more than ten (10') feet apart, in a staggered planting arrangement; or
- (3) A continuous grass (or other plant covered) berm at least five (5') feet tall and at least one (1) tree four (4') feet tall (at planting) spaced every ten (10') feet along the berm crest.
- (4) If existing natural vegetation is proposed as screening, the landscape plan must provide detail of existing conditions sufficient to show screening equivalent to the above exists, and with sufficient detail for future zoning enforcement purposes.

- e. Buffer yards must be landscaped and may not contain any other uses. Landscaped detention/retention may be placed in the buffer yard provided it does not interfere with the adjoining property.
- f. In addition to the ten percent (10%) general landscaping requirement, internal planting islands equal to five percent (5%) of the entire parking lot area shall be placed within parking lots. The islands shall be dispersed so to breakup the pavement expanse. Internal planting islands shall be curbed, and contain a minimum area of one hundred twenty (120 sq.ft.) square feet and eight (8') feet of width. At least one (1) shade-type tree a minimum of eight (8') feet tall at installation shall be included for each two hundred (200 sq.ft.) square feet of internal planting area. Developments with twenty (20) or fewer total parking spaces are exempt from this requirement.

685. Expiration of an Approved “PD” Plan.

- 1. Any approved “PD” plan (including “PD” Concept, Design, or Formal Plans under prior regulations) for which development is not completed within five (5) years of the date of the Board of Trustees’ approval shall expire. The property shall remain zoned “PD,” however, no development shall occur or continue until a new plan is approved for the property, or the property is otherwise rezoned.
- 2. For property developed in accordance with an approved “PD” plan, the plan shall remain forever in effect, and the plan along with these regulations shall govern the use of the property, subject to any future amendments or rezoning.
- 3. For property partially developed in accordance with an approved “PD” plan, but not fully developed as contemplated by the plan, the following shall apply:
  - a. Subject to Subparagraph 685.3.c., any part of an approved “PD” plan (including “PD” Concept, Design, or Formal Plans under prior regulations) for which development is not completed within five (5) years of the date of the Board of Trustees’ approval, shall expire. That

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part of the property shall remain zoned “PD”, however, no development shall occur or continue until a new plan is approved for that part of the property, or the property is otherwise rezoned.

- b. Subject to Subparagraph 685.3.c., for property developed in accordance with part of an approved “PD” plan, the governing part of the “PD” plan shall remain forever in effect, and the plan along with these regulations shall govern the use of the property so developed, subject to any future amendments or rezoning.
- c. Failure to comply with an approved “PD” plan is a violation of the Zoning Resolution and subject to enforcement in accordance with applicable criminal procedures and Ohio Revised Code Chapter 519 (2001), as amended. Only where no development at all occurs, or where development phasing is intended by the plan (e.g., captioned “future addition,” shown as a separate development parcel, etc.) and the part not completed is limited to such an entire future phase, shall failure to implement and follow the entire approved “PD” plan be excused under Subparagraph 685.3.a.

- 4. Submission of a new plan for property zoned “PD,” but which the governing plan or plan part has expired, shall be processed in accordance with Section 683.
- 5. For property under substantial active construction, the Planning & Zoning Director may, within the Director’s sole discretion, grant reasonable extensions of the “PD” plan.

686. Procedure to Amend an Approved “PD” Plan.

- 1. A property owner may request amendment to any unexpired “PD” plan. Plan amendment does not re-commence the start date of the expiration period. However, for major amendments, the Board of Trustees in its discretion may by motion re-commence the expiration start date at the date of the amendment approval. Plan amendment shall be considered an administrative action, not subject to Ohio Revised Code Section 519.12 (2001), as amended.
- 2. The Planning & Zoning Director shall determine whether the proposed amendment is a major or minor amendment. Major amendments shall include, but are not necessarily limited to: any increase in, or significant movement or relocation of, density; changes in use that result in an increased intensity (as determined by the Planning & Zoning Director); movement of primary access locations; the elimination of roadway connections to adjacent tracts or subdivisions; and the elimination or reduction of open space, recreational uses, or bufferyard features. Any amendment which is not deemed to be a major amendment shall be considered a minor amendment.

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3. For minor amendments, the following procedure shall apply:
  - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
  - b. Five (5) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
  - c. The submitted plan shall conform to Section 684, with the following exceptions:
    - (1) One (1) copy shall highlight all changes from the previously approved plan.
    - (2) The plan shall be captioned, "Minor Amendment."
  - d. The Planning & Zoning Director shall review the application, and at the Director's sole discretion, approve or deny the minor amendment. An Applicant may appeal a denial of a minor amendment to the Board of Trustees.
  - e. Prior to entering a decision, the Planning & Zoning Director may require the applicant to submit written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, or other agencies evidencing conformance to all requirements or resolution of all issues pertaining to the development.
4. For major amendments, the following procedure shall apply:
  - a. The property owner shall submit a written request to amend the plan to the Planning & Zoning Director.
  - b. Ten (10) copies of the proposed amended plan shall accompany the request, along with the required fee, if any.
  - c. The submitted plan shall conform to Section 684, with the following exceptions:
    - (1) One (1) copy shall highlight all changes from the previously approved plan.
    - (2) The plan shall be captioned, "Major Amendment."
  - d. The Planning & Zoning Director shall review the application and draft a report for review by the Board of Trustees.

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- e. Unless waived by the Planning & Zoning Director, prior to submission to the Board of Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Planning & Zoning Director evidencing conformance to all requirements or resolution of all issues pertaining to the development or amendment.
- f. Thereafter, the Planning & Zoning Director shall place the amendment on the Board of Trustees docket. The Board of Trustees shall consider the amendment and adopt a motion approving, denying, or modifying the amended plan. Prior to entering a final decision, the Board of Trustees may direct that further data be provided if necessary to make an informed decision.

5. For property approved under prior “PD” regulations that have an unexpired Concept or Design Plan in effect, the developer shall proceed under Subparagraph 686.4 to obtain “PD” plan approval. For these properties only, the expiration date shall automatically re-commence at the date of Trustee approval.

687. Supplemental Provisions.

- 1. Signage shall be consistent with the nature and scope of the development exclusive of Article 9.
- 2. Buffer yards, screening, landscaping, vegetation, and all other plan elements shall be in place by the time the Union Township Planning & Zoning Department issues a certificate of occupancy, or at such time as construction substantially ceases, whichever occurs first.
- 3. The failure to maintain open spaces, hard surfaces, and landscaping in good condition is a violation of the “PD” plan.
- 4. Forty (40') feet of right-of-way shall be dedicated for all properties fronting on public streets. The forty (40') feet of right-of-way is “half” right-of-way, i.e., measured from the center of the road. By specific motion, the Zoning Commission or Board of Trustees may exempt a development from this requirement if appropriate. If total right-of-way equals eighty (80') feet or more, no additional right-of-way shall be required unless necessary for special circumstances or improvements.

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5. Prior to issuance of a zoning certificate, the property owner shall provide to the Planning & Zoning Department copies of executed and recorded cross easements to all adjoining property owners that share a common street frontage (public or private) with the “PD” property. The cross easements shall allow, at a minimum, use by automobile and delivery vehicle traffic. The general location of the cross connections shall be shown on the “PD” plan. By specific motion, the Zoning Commission or Board of Trustees may waive this requirement if appropriate. The requirement is waived automatically if a publicly dedicated frontage road serves both the development and adjoining properties.
6. Prior to issuance of a zoning certificate, the applicant shall record all necessary plats consolidating, dividing, and dedicating right-of-way consistent with the boundaries represented on the “PD” plan and/or conditions or approval.
7. Any exterior pole lighting, canopy lighting, or similar lighting shall be flat lens design and shielded so that all light is down directed. Sag lens lighting is prohibited. Where the “PD” property adjoins or is within one hundred fifty (150') feet of a residential zone, lighting shall be directed away from the residential property. Any building mounted lighting shall contain shields directing lighting downward preventing spillover onto adjoining property. If within fifty (50') feet of a residential zone, building mounted lighting facing the residential property (other than recessed soffit mounted lights) shall be installed no higher than four (4') feet from grade.
8. Parking requirements shall comply with Article 8, Off-Street Parking and Loading Regulations, unless otherwise modified in the plan. A justification note shall accompany any modification on the plan.
9. Building lot area coverage may not exceed thirty-five (35%) percent and building height may not exceed seventy-five (75') feet.
10. Minimum building separation shall be maintained in accordance with fire and building codes. The number of buildings per lot, minimum setbacks (except for right-of-way buffer yards), and minimum lot size are otherwise variable for the “PD” District.
11. The applicant shall make available in advance of any hearing by the Zoning Commission the results of any site distance or traffic study requested by the Clermont County Engineer. The applicant shall also provide confirmation from the appropriate governmental agency showing resolution of any issues raised pertaining to the development. Failure to provide this information in adequate time or advance review by Zoning Commission members may be grounds for denial of the application.
12. The standards and conditions stated in these regulations are minimums. The Planning & Zoning Director, Zoning Commission, and Board of Trustees may impose higher standards if warranted based upon the unique circumstances of a given development.

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13. No construction shall proceed prior to the issuance of a zoning certificate. No property shall be used or occupied prior to issuance of a certificate of occupancy endorsement from the Union Township Planning & Zoning Department.
14. The Board of Zoning Appeals is without authority to alter or amend "PD" plans.

## **ARTICLE 10**

### **NONCONFORMITIES**

**1000. 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, and 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.

**1001. 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.

1002. 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 of 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.

1010. 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 has been carried on diligently. Actual 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.

1020. Certificates For Nonconforming Uses.

The Zoning Director may upon his/her 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 Director, who shall maintain as a public record a file of all such certificates.

1030. Substitution of Nonconforming Uses.

1. 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.
2. 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.
  - f. Impact upon parking within and without the premises.
  - g. Impact of noise upon neighboring properties.
  - h. Impact of lighting upon neighboring properties.
  - i. 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.

1040. 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, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

1041. Nonconforming Lots of Record in Combination.

If two 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.

1050. 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:

1. 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;
2. 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;
3. If any such nonconforming uses of land are discontinued or abandoned for more than one year (365 days) ~~two 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;
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such nonconforming use of land.

1060. 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:

1. 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;
2. Should such nonconforming structure or nonconforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution.
3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

1070. Nonconforming Uses of Structures or of Structures and Land in Combination.

If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Resolution that would not be allowed in the district under the terms of this Resolution, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. 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;
3. 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;
4. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year (365 days)~~two 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.

1071. Termination of Nonconforming Use Through Discontinuance.

When any nonconforming use is discontinued or abandoned for more than two 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. The intent to continue a nonconforming use shall not be evidence of its continuance.

1072. 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 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 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:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.
2. 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.
3. Any lawfully existing nonconforming single family or multifamily dwelling, in the event of damage or destruction, including loss up to one hundred percent of the structure, may be reconstructed substantially to the same size, density, dimension, and setback as existed before the loss. Reconstruction must commence within one year (365 days) ~~two years~~ of the loss, and be completed no later than three years (1095 days) ~~four years~~ after the loss. If reconstruction is not commenced or completed within this time frame, current zoning regulations will then apply.

1080. 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.

## APPENDIX

### 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."

- 1. ACCESSORY USE, means a subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building.
- 2. AGRICULTURE (FARMING), means the use of land for agricultural purposes as defined in section 519.01 of the Ohio Revised Code.
- 3. ALLEY OR LANE, means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.
- 4. ALTERATION, means any change, addition, or modification in construction or occupancy of an existing structure.
- 5. AMUSEMENT CENTER, means a building or part of a building in which five or more pinball machines, video games, or other similar player-operated amusement devices are maintained.
- 6. ANTENNA, means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.
- 7. APARTMENT, means a room or suite of rooms intended, designed or used as a residence by a single family.
- 8. APARTMENT HOUSE (see DWELLING, MULTIPLE).
- 9. ATTACHED, means permanently connected.
- 10. AUTOMOBILE REPAIR, MAJOR, means general repair, rebuilding or reconditioning of engines, motor vehicles or trailers; collision service including body, frame, or fender straightening or repair; over-all painting or paint shop; vehicle steam cleaning.

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- | **11.** AUTOMOBILE REPAIR, MINOR, means replacement of parts and motor service to passenger cars and trucks not exceeding one and one-half tons capacity, but not including any operation named under "AUTOMOBILE REPAIR, MAJOR," or any other similar thereto.
- | **12.** AUTOMOBILE OR TRAILER SALES AREA, means 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.
- | **13.** AUTOMOBILE SERVICE STATION OR FILLING STATION, means 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.
- | **14.** AUTOMOBILE WRECKING, means 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.
- | **15.** BASEMENT, means a story having part but not more than one-half 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.
- | **16.** BEACON LIGHT, means any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.
- | **17.** BED/BREAKFAST HOME, means an owner occupied house, or portion thereof, where short-term lodging rooms and meals are provided.
- | **18.** BILLBOARDS, SIGNS AND OUTDOOR ADVERTISING, (see SIGN, OFF-PREMISES).
- | **19.** BOARD, means of Board of Zoning Appeals of Union Township, Clermont County, Ohio.
- | **20.** BOARDING OR LODGING HOUSE, means a building other than a hotel where, for compensation and by arrangement, meals or lodging and meals are provided for three or more persons but not exceeding twenty persons.
- | **21.** BUILDING, means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property. When such a structure is divided into separate parts by one or more unpierced walls extending from the ground up, each part is deemed a separate building, except as regards minimum size, and requirements as hereinafter provided.
- | **22.** BUILDING, HEIGHT OF, means 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.

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23. BUILDING, PRINCIPAL, means a structure in which the primary use of the lot on which the building is located is conducted.

24. CELLAR, means a story the floor of which is more than one-half 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.

25. CERTIFICATE (see ZONING CERTIFICATE).

26. CHILD DAY-CARE, means administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child day-care facilities:

a. CHILD DAY-CARE CENTER, means any place in which child day-care is provided, with or without compensation, for thirteen or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven to twelve children at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

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b. TYPE A FAMILY DAY-CARE HOME, means a permanent residence of the administrator in which child day-care is provided for four to twelve children at any one time, if four or more children are under two years of age. In counting children for the purposes of this definition, any children under six years of age who are related to the licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

c. TYPE B FAMILY DAY-CARE HOME, means a permanent residence of the provider in which child day-care or child day-care services are provided for one to six children at one time and in which no more than three children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family day-care home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

27. CLINIC, means a place where medical or dental care is furnished to persons on an out-patient basis by four or more doctors, dentists and/or medical technicians. The definition of "Clinic" does not include a "Drug Rehabilitation Clinic."

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| **28.** CLUB, means a building or portion thereof or premises owned or operated by a corporation, association, person or persons 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.

| **29.** COMMERCIAL VEHICLE, means any car, truck, van, sport utility vehicle or any other vehicle that is used in the operation or is used to facilitate the operation of any business (for profit or not) and is identified through signage or registration as a commercial vehicle.

| **30.** COMMISSION, means the Zoning Commission of Union Township, Clermont County, Ohio.

| **31.** CONDITIONAL USE, means a use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Board of Zoning Appeals, and subject to special requirements, different from those usual requirements for the district in which the conditional use may be located.

| **32.** CONVENIENCE STORE, means any retail establishment offering for sale prepackaged food products, household items, and other goods commonly associated with the same and having a gross floor area of less than five thousand square feet.

| **33.** COURT, means an open unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings.

| **34.** DECK, means a wood or “wood-like” structure that is typically uncovered and added to a principle structure. Accessory structure setbacks shall be used to determine site suitability including a prohibition of decks in the front yard.

| **35.** DENSITY, means required land area for each dwelling unit. For single family detached homes it shall be the required lot size per dwelling excluding any streets, public or private right-of-way. For multi-family dwelling units, it shall be the required area of land per dwelling unit as specified in the District Regulations exclusive of any public utility easements and streets, public or private right-of-way.

| **36.** DETACHED, means standing by itself or unconnected.

| **37.** DEVELOPMENT, means the division of land into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, or land disturbance; and any use or extension of the use of land.

| **38.** DISTRICT, means a portion of the territory of Union Township within which certain uniform regulations and requirements of various combinations thereof apply under the provisions of the Resolution.

| **39.** DRUG REHABILITATION CLINIC, means any facility where any part or component of the operation or use consists of the diagnosis, treatment, or maintenance of drug addiction or dependency, alcohol addiction or dependency, or the addiction or dependency to any other controlled substance as regulated by the federal, state, or local government having jurisdiction. This definition is to include any place or use, whether intended for short term residential

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treatment, long term residential treatment, or outpatient treatment of alcohol, drug, or controlled substance dependency or addiction, but shall not include the administration of emergency life-saving medical treatment for persons experiencing an immediate medical crisis.

**40.** DWELLING, means any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more persons, but not including a tent, cabin, trailer, trailer coach, mobile home or manufactured home. This definition is to include any prefabricated unit or units designed for use as a dwelling that conform in all respects to the Clermont County Building Regulations for dwellings.

**a.** DWELLING, SINGLE-FAMILY, means a building designed for or used exclusively for residence purposes by one family or housekeeping unit.

**b.** DWELLING, TWO-FAMILY, means a building designed for or used exclusively by two families or housekeeping units.

**c.** DWELLING, MULTIPLE, means a building or portion thereof designed for or used by three or more families or housekeeping units.

**d.** DWELLING UNIT, means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

**e.** DWELLING GROUP, means a group of two or more detached dwellings located on a parcel of land in one ownership and having any yard or court in common.

**41.** ESSENTIAL SERVICES, means the erection, construction, alteration, or maintenance of the following: underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, or hydrants; and other similar equipment and accessories reasonably necessary for the furnishing of adequate service by public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

**42.** FAMILY, means a person living alone, or two or more persons 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 persons unrelated to each other by blood, marriage or legal adoption.

**43.** FENCE, means any artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

**44.** FLOOR AREA, GROSS, means the sum of all floors of a building, including areas used for human occupancy in basements, attics, and penthouses, as measured from the exterior faces of the walls.

**45.** FLOOR AREA, RESIDENTIAL, means 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,

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offices, elevators, stairways, hallways, or lobbies shall be excluded from the residential floor area.

**46.** FRONTAGE, means the distance of the property measured along the line of the street between the property lines of the parcel where they intersect the right-of-way for a public street or easement line for a private street.

**47.** GARAGE, PRIVATE, means a detached accessory building or portion of the principal building used only for the storage of self-propelled passenger vehicles or trailers by the families residing upon the premises.

**48.** GARAGE, PUBLIC, means a structure or portion thereof, other than a private garage, used for the storage of self-propelled vehicles or trailers.

**49.** GRADE, means the average level of the finished surface of the ground adjacent to the exterior walls of a building.

**50.** GROUP RESIDENTIAL FACILITY, means a community residential facility, licensed and/or approved and regulated by the state of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities:

a. CLASS I, means any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.

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b. CLASS II, means any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

**51.** HEALTH/RECREATION FACILITY, means an indoor facility including uses such as game courts, exercise equipment, locker rooms, jacuzzi, and/or sauna and pro shop.

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**52.** HOME OCCUPATION, means an occupation, profession, activity, or use that is clearly a customary, incidental, and secondary use of a residential dwelling unit and which does not alter the exterior of the property or affect the residential character of the neighborhood.

**53.** HOSPITAL, means a building or portion thereof used for the accommodation of sick, injured or infirm persons including health care facilities, hospitals and sanitariums, convalescent and rest homes and boarding homes for children and aged persons.

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**54.** HOTEL, means 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.

**55.** HOUSEKEEPING UNIT, means one or more persons occupying a dwelling unit 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.

**IMPACT FEE**, means a monetary fee designed and calculated to offset a proportionate share of public costs to the Township related to accommodating new development and/or land uses.

**56.** INDUSTRY, means the storage, repair, manufacture, preparation, or treatment of any article, substance or commodity.

**57.** INOPERABLE VEHICLE, means any transportation device which is unfit for use due to any of the following conditions:

- a. Not currently licensed for use on roads in this state;
- 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.

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**58.** INSTITUTION, means a building occupied by a non-profit or a non-profit establishment for public use.

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**59.** IRREGULAR LOT, means 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.

**60.** JUNK, means machinery, scrap, iron, steel, or other ferrous and nonferrous metals, tools, implements or portion thereof, glass, plaster, cordage, building materials, or other waste that has been abandoned from its original use and may be used again in its present or a new form.

**61.** JUNK YARD, means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and place or yards for storage of salvage house wrecking and structural steel materials and equipment; but not including such places where such used are conducted entirely within a completely enclosed building.

**62.** KENNEL, means an establishment licensed to operate a facility housing dogs, cats, or other household pets and where grooming, breeding, boarding, training, or selling animals is conducted as a business.

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**63.** LABORATORY, means 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.

**64.** LABORATORY, MEDICAL OR DENTAL, means a building or a portion of a building devoted in use to providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists and where no fabrication if conducted on the premises except the custom fabrication of dentures.

**65.** LANDOWNER, means the legal or beneficial owner or owners of all of the land proposed to be included in a development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this article.

**66.** LAND USE PLAN, means the long-range plan for the desirable use of land for UNION TOWNSHIP as prepared and as amended from time to time by the Zoning Commission. 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 undeveloped land.

**67.** LAUNDROMAT, means an establishment providing home type washing, drying, or ironing machines for hire to be used by customers on the premises.

**68.** LOADING SPACE, means 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 by thirty-five feet and a vertical clearance of at least fourteen feet.

**69.** LOT, means a parcel of land occupied or intended for occupancy by a use permitted in this Resolution, including one 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, means a lot abutting upon two or more streets at their intersection or upon two 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. The point of intersection of the street lines is the "corner."

b. LOT, DOUBLE FRONTAGE, means a lot having a frontage on two non-intersection streets as distinguished from a corner lot.

c. LOT, INTERIOR, means a lot other than a corner lot.

d. LOT OF RECORD, means a parcel of land which has been defined and recorded in the office of the County Recorder or Auditor of Clermont County.

**70.** LOT DEPTH, means the mean horizontal distance between the front and the rear lot lines.

**71.** LOT LINE, means a line dividing one lot from another lot or from a street or alley.

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72. LOT, MINIMUM AREA OF, means the area of a lot computed exclusive of any portion of the right-of-way of any public or private thoroughfare.

73. LOT WIDTH, means the mean width of the lot measured at right angles to its depth.

74. MANUFACTURED HOME, means a factory built single-family structure that is built to the National Manufactured Housing Construction and Safety Standards Act of 1974. This definition is also to include any other prefabricated unit or units designed for use as a dwelling that may not conform in all respects to the Clermont County Building Regulations for dwellings, or that may be exempt from the Building Department inspections during construction.

MARIJUANA, MEDICAL, means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for a medical purpose, as regulated by the Ohio Revised Code.

MARIJUANA, RECREATIONAL, means marijuana that is cultivated, processed, dispensed, tested, possessed, or used for any other purpose other than for medical use.

MARIJUANA CULTIVATOR, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to grow, harvest, package, and/or transport medical marijuana as permitted under Ohio Revised Code Chapter 3796, or any other entity that grows, harvests, and/or transports recreational marijuana as authorized by any other relevant provision of the Ohio Revised Code.

MARIJUANA PROCESSOR, means an entity that has been issued a certificate of operation by the Ohio Department of Commerce to manufacture medical marijuana products, or any other entity that is otherwise authorized to process and/or manufacture recreational marijuana products as permitted by any other relevant provision of the Ohio Revised Code.

MARIJUANA TESTING LABORATORY, means an independent laboratory located in Ohio that has been issued a certificate of operation by the Ohio Department of Commerce to have custody and use of controlled substances for scientific and medical purposes and for purposes of instruction, research, or analysis.

MARIJUANA MEDICAL DISPENSARY, means an entity that has received a license to sell medical marijuana to qualifying patients and caregivers pursuant to Ohio Revised Code Sections 3796.04 and/or 3796.10, or any other rules, administrative laws, codes, or processes promulgated pursuant to the authority provided thereunder.

MARIJUANA RECREATIONAL DISPENSARY, means any other entity that conducts the sale of marijuana or marijuana-based products to any person, for any other reason other than medical use as defined in this Resolution, as regulated by any relevant provision of the Ohio Revised Code, or any other rules, administrative laws, codes, or processes promulgated pursuant to the authority provided thereunder.

75. MOBILE HOME, means a structure of vehicular, portable design built on a chassis and designed to be moved from one site to another, including multiple units that may be joined into one unit; and to be used with or without a permanent foundation as a permanent or semi-permanent dwelling, and such units shall not be modified, except by the Manufacturer, to comply

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with any local building codes. This definition is also to include any other prefabricated unit or units designed for use as a dwelling that may not conform in all respects to the Clermont County Building Regulations for dwellings, or that may be exempt from the Building Department inspections during construction.

**76.** MOTEL, MOTOR COURT, MOTOR HOTEL, means a building or a group of buildings, comprising individual sleeping or living units attached in groups of three or more per building for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

**77.** NONCONFORMING USE, means 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 with the use regulations of the district in which located.

**78.** OPEN SPACE, COMMON, means a parcel or parcels of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the planned development.

**79.** OPEN SPACE, PUBLIC, means that portion of land which has not been built over and which is held by government to be reserved in its natural state or for agriculture or outdoor recreational use.

**80.** PANHANDLE LOT, means a lot whose only owned access to the street is a narrow strip of land. The narrow strip of land known and referred to as the "panhandle" shall be defined as a strip of land displaying a minimum width at any point of twenty feet and a maximum width of less than the minimum lot width required for building purposes.

**81.** PARKING AREA, PRIVATE, means an open area for the same uses as a private garage.

**82.** PARKING AREA, PUBLIC, means 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.

**83.** PARKING SPACE, means a surfaced area suitable for parking of motor vehicles of not less than one hundred sixty-two square feet, either within a structure or in the open, exclusive of driveways or access drives.

**84.** PATIO, means 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 of use.

**85.** PERMANENT, means lasting more than 30 days.

**86.** PLACE, means an 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.

**87.** PLAN, means 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

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structures, density of development, private streets, ways and parking facilities, common open space and public facilities.

**88.** PROFESSIONAL CONSULTANT, means 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 question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. He may be, but is not necessarily limited to, a registered architect, landscape architect, engineer, planner, or equivalent.

**89.** PUBLIC SERVICE FACILITY, means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping station, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**90.** RECREATIONAL VEHICLE, means 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, means a nonself-propelled recreational vehicle not exceeding an overall length of thirty-five 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 Revised Code.

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b. MOTOR HOME, means a self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.

c. TRUCK CAMPER, means a nonself-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

**91.** RECYCLING CENTER, means a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

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**92.** RESTAURANT, means a place where prepared food and beverages are served for consumption on the premises either by providing seating for inside or outside consumption or providing parking spaces for outside consumption.

**93.** RESTAURANT, DRIVE-IN, means restaurants which provide outside parking spaces and serve prepared food and beverages outside for consumption on the premises.

**94.** RESTAURANT, DRIVE-THROUGH, means a restaurant that provides for prepared food and beverages to be served at a pick-up window for consumption off the premises.

**95.** RIGHT-OF-WAY, means a strip of land taken or dedicated for use as a public way. In addition to a roadway, it may incorporate curbs, lawn strips, sidewalks, lighting, and drainage

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facilities, and may include special features such as grade separation, landscaped areas, viaducts, and bridges.

**96.** ROOMING HOUSE (SEE BOARDING HOUSE).

**97.** SELF-SERVICE STORAGE FACILITY, means a building or group of buildings consisting of individual, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies.

**98.** SETBACK, means the minimum horizontal distance between any building or structure and the related front, side or rear property line.

**99.** SHOPPING CENTER, means a grouping of retail businesses and service uses on a single site with common parking facilities.

**100.** SIGN, means any structure, building or natural object, including the ground itself, on which is represented, either directly or indirectly, or is affixed thereto any work, banner, flag, pennant, insignia, lettering, figures, numbers, sentences, emblems, devices, designs, pictures, trade names or trademarks, which is designated to or which in fact does attract the attention of persons not on the premises on which the sign is located. The term "sign" shall not include:

a. Signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, resolution, or governmental regulation.

b. The flag, pennant, or insignia of any nation, state, county, city, or other political unit, or of any political, education, charitable, philanthropic, civic, professional, or religious campaign, drive, monument or event.

**100.** SIGN, AREA OF, means the total exterior surface computed in square feet of a sign having but one exposed exterior surface; one-half the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.

**101.** SIGN, OFF-PREMISES, means any sign unrelated to a business or profession conducted, for a commodity or a service sold or offered upon the premises where such sign is located.

**102.** SIGN, ON-PREMISES, means any sign relating to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.

**103.** SIGN, PERMANENT, means any sign which is:

a. Permanently affixed to a structure or mounted in the ground, and

b. Not easily movable without disassembly because of construction and placement, and

c. Not constructed from materials of temporary durability such that its use is for short duration.

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**104.**—SIGN, PORTABLE, means a sign that is not permanently affixed to the ground or to a building, including changeable copy signs and any sign attached to or displayed on a vehicle that is used for the express purpose of advertising a business establishment, product, service, or entertainment, when that vehicle is so parked as to attract the attention of motoring or pedestrian traffic.

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**105.**—SIGN, ROOF, means any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

**106.**—SIGN, TEMPORARY, means a sign intended for use for only a limited period of time.

**107.**—SIGN, WALL, means any 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.

**108.**—STORY, means 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, means the lowest story or ground story of any building the floor of which is not more than twelve 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.

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b. STORY, HALF, means a partial story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than four 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.

**109.**—STREET, means 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.

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**110.**—STREET LINE, means a dividing line between a lot, tract, or parcel of land and a contiguous street, referred to as the right-of-way line.

**111.**—STRUCTURE, means 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.

**112.**—STRUCTURAL ALTERATIONS, means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.

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**113.** SWIMMING POOL, means any pool, above or below ground, pond, lake or open tank containing, or normally capable of containing water to a depth at any point greater than one and one-half feet.

**114.** TELECOMMUNICATIONS TOWER, means any free-standing structure, or any structure to be attached to a building or another structure, which is capable of transmitting or receiving radio frequency waves.

**115.** TOURIST HOME, means a building other than a hotel where lodging is provided and offered to the public for compensation for not more than twenty individuals and open to transient guests.

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**116.** TRAILER, TRAILER COACH, or MOTOR HOME, means 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 of advertising device, or use for a 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.

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a. TRAILER, CAMPING, means any 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.

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b. TRAILER, UTILITY, means any 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.

Small utility trailer is a utility trailer designed to haul not more than two thousand pounds of materials.

**117.** TRAILER or MOTOR HOME COURT or CAMP, means an area where one 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 or more families and are intended primarily for automobile transients.

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**118.** THOROUGHFARE PLAN, means 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.

**119.** TRUSTEES, means the Board of Trustees of Union Township, Clermont County, Ohio.

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| **120.** USE, FIRST PERMITTED IN ANY DISTRICT, means a use which in the sequence of successively less restricted districts occurs as a permitted use for the first time in any district.

| **121.** VARIANCE, means 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.

| **122.** YARD, means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by a portion of a 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, means the yard most parallel to the street from which access is attained, being the distance between the right-of-way line (for lots not in subdivisions), or lot line (for lots within subdivisions or panhandle lots), or easement line (for lots on private streets), or road boundary (for lots on private streets with no easement) and the principal building, including its projections.

On corner lots, the front yard is that yard parallel to the street on which the lot has its least dimension (if the dimensions are equal, the front yard shall be parallel to the front of the structure). For corner and multiple frontage lots, each yard adjoining a street shall attain the minimum required front yard depth. For undeveloped panhandle lots, the front yard may be oriented toward the side of the lot having the least dimension. For panhandle lots with existing structures, the front yard will be as shown on the approved zoning certificate, or if the zoning certificate is unspecific, then as stated in the first sentence of this definition.

| b. YARD, REAR, means a yard extending across the rear of a lot and being the required minimum 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, means a yard between the main building and the side line of the lot and extending from the front yard to the required rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.

| **123.** ZONE, (see DISTRICT).

| **124.** ZONING CERTIFICATE, means the document issued by the Zoning Director authorizing buildings, structures or uses consistent with the terms of this Resolution and for the purpose of carrying out and enforcing its provisions.

| **125.** ZONING DIRECTOR, means the Zoning Director or his authorized representative, appointed by the Township Trustees.

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| **126.** ZONING DISTRICT MAP, means the Zoning District Map or Maps of Union Township, together with all amendments subsequently adopted.