

## CASE 3-25-T "EXHIBIT B"

\*NEW\* Article 6, Sections 612.11, 622.8, 662.4 - of the Zoning Resolution:

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# ARTICLE 6

## ESTABLISHMENT OF DISTRICTS

### 612. Conditional Uses.

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

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#### 11. Short Term Rental:

The following regulations are determined to be necessary to provide for the orderly establishment and operation of Short-Term Rentals throughout the Township. Short-Term Rentals, as defined in Appendix A of this Resolution, shall be permitted as Conditional Uses, provided that a lawful Principally Permitted Use and Structure already exists on the affected property:

- a. Conditional Use Application Required. Short-Term Rentals shall be subject to the regulations, restrictions, and requirements of this Section, as well as the regulations for Conditional Uses established within Article 4, Sections 440-445 of this Resolution. A person seeking to establish a Short-Term Rental pursuant to this Section shall be required to file an application seeking Conditional Use approval from the Board of Zoning Appeals. No Short-Term Rental shall receive Conditional Use Approval from the Board of Zoning Appeals unless the specific requirements of this Section are fully met.
- b. Short-Term Rental Performance Standards. Short-Term Rentals seeking Conditional Use authorization from the Board of Zoning Appeals shall furnish documentation at the time of filing an application for Conditional Use, evidencing compliance with the following performance standards:
  - i. Each Short-Term Rental property shall possess working smoke detectors, which shall be placed in the following locations:
    - 1) One smoke detector shall be deployed within each guest room.
    - 2) One additional smoke detector shall be placed in the kitchen area of the Short-Term Rental, if so equipped.

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- 3) Smoke detectors shall be maintained in the main gathering areas and center hallways, as applicable, for each floor of the unit.
- 4) If the unit possesses an attached garage, a working smoke detector shall be placed therein and shall be designed and integrated to alert persons inside of the dwelling unit.
- ii. A Short-Term Rental established pursuant to this Section shall be required to maintain not less than one (1) working, currently certified Class 2A-10BC fire extinguisher in the kitchen of the dwelling unit, along with one (1) additional working, currently certified Class 2A-10BC fire extinguisher located on each floor of the dwelling unit.
- iii. Each Short-Term Rental property shall maintain at least one Working carbon monoxide detector and alarm in the following locations:
  - 1) On each floor of the dwelling unit.
  - 2) Within any attached garage.
  - 3) Within ten feet (10') of any gas-operated appliance.
  - 4) Within ten feet (10') of any other appliance utilizing the combustion of fuel for any purpose, as part of its intended design and function.
- iv.. Dryer vents shall be ducted to the exterior of the structure. In addition, all dryer vents and other exhaust vents shall be maintained in proper working condition, free from lint or other obstructions.
- v. GFCI outlets shall be installed in all wet locations, including kitchens, bathroom areas, and laundry rooms, as applicable.
- vi. Properties equipped with an on-premises swimming pool or any other recreational spa, or hot-tub shall be equipped with audible alarms on all exterior doors providing direct access to the pool or hot-tub area or enclosure. All hot-tubs and spas shall be equipped with an appropriate safety cover to secure the hot-tub or spa when not in use, and all swimming pools shall be fenced and otherwise maintained in accordance with all applicable provisions of the Union Township Zoning Resolution and of the Clermont County Building Codes & Health Codes.
- vii. The owner or managing entity responsible for assuring compliance with this Section shall prominently post, or shall otherwise cause to be prominently displayed, an emergency exit plan on each floor of the unit.

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viii. A guest room established within any Short-Term Rental shall meet these minimum requirements:

- 1) All guest rooms shall contain a bed, mattress, cot, and / or other furniture intended for accommodating sleeping persons.
- 2) Each guest room shall contain a functioning and lockable window, capable of serving as an emergency ingress/egress point in accordance with the Ohio Residential Building Code.
- 3) If different areas of the Short-Term Rental are available for rent by multiple different rental parties, or any areas of the Short-Term Rental outside the guest room are actively occupied by a Short-Term Rental owner or operator, the guest room shall maintain a functioning and lockable door, allowing the room to be partitioned off from the primary living and gathering quarters contained within the dwelling unit.

ix. A Short-Term Rental as regulated by this Section shall not exceed these occupancy restrictions:

- 1) A maximum of not more than two (2) adult persons shall be permitted for each guest room maintaining a floor area of greater than seventy (70 sq.ft.) square feet.
- 2) A maximum of not more than one (1) adult person shall be permitted for each guest room maintaining a floor area of less than seventy (70 sq.ft.) square feet.
- 3) A maximum of two (2) additional adult persons shall be permitted in addition to those permitted by either subsection A. or B. hereof, as applicable.
- 4) The maximum permitted occupancy for any Short-Term Rental unit established pursuant to this Section shall not exceed ten (10) persons, irrespective of whether the occupants are children or adults.

c. Parking Requirements. For Short-Term Rentals seeking Conditional Use authorization pursuant to this Section, a minimum of one (1) off-street parking space shall be provided on the premises for each two (2) guest rooms or suites located therein. Parking areas shall be paved with either concrete, asphalt, or another similar hard surface such as concrete or brick pavers. Gravel parking areas shall be prohibited.

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- d. Chronic Nuisances Prohibited. Conditional Use authorization for a Short-Term Rental may be denied where the Board of Zoning Appeals determines the subject property qualifies as a "Chronic Nuisance Property." For the purposes of this Section, a Chronic Nuisance Property shall mean any property which has a documented history of unlawful conduct or conditions occurring or existing thereon, as evidenced by the Township's receipt of more than two (2) calls for service concerning such unlawful activities on the property within the twelve (12) consecutive months immediately preceding the Conditional Use application date.
- e. Advertising Prohibited. The use of any on-premises or off-premises signage to advertise the availability of the property as a Short-Term Rental shall be strictly prohibited. Nothing within this Section shall prohibit an owner or manager from advertising a Short-Term Rental with any digital or print media publication service or firm, or from utilizing a Short-Term Rental hosting platform or rental service.
- f. Emergency Contact Information Required. In addition to the performance standards listed in subsection (b) hereof, an owner, operator or manager receiving Conditional Use Approval to operate a Short-Term Rental shall be required to designate an emergency contact person that shall be available to be on-site within one (1) hour of any call for service. The emergency contact information and procedure shall include the name, telephone number, and address of the emergency contact, and shall be prominently posted and displayed in the following locations:
  - i. A weatherproof placard not larger than one (1) square foot in area shall be affixed next to the primary entrance of the Short-Term Rental Unit. The placard shall be installed so as to remain visible from the exterior of the structure.
  - ii. An additional placard shall be affixed in a prominent location within the interior of the Short-Term Rental unit so as to be plainly visible in the main living quarters of the unit.
- g. Compliance with Applicable Regulations. Nothing within this Section shall exempt any Short-Term Rental unit from complying with any other applicable federal, state, or local rules, regulations, or codes, including but not limited to, the Ohio Revised Code, the Ohio Administrative Code, the Ohio Residential Building Code, the Ohio Fire Code, the Union Township Zoning Resolution; or the applicable codes utilized or enforced by the Clermont County Board of Health, with respect to the establishment, operation and maintenance of a Short-term Rental upon any property located within the Township.
- h. Zoning Permit Required. A Short-Term Rental receiving Conditional Use Approval from the Board of Zoning Appeals shall be required to apply for a zoning permit prior to commencing operations.

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- i. Annual Inspection Required. The owner or operator of any Short-Term Rental receiving a zoning permit to operate pursuant to this Section shall be required to obtain a Certificate of Inspection from the Union Township Fire Department not more than thirty (30) days after the date of issuance of the permit. The Certificate of Inspection shall be subject to annual inspection and renewal.
- j. Participation in NCA. The Owner of the Short-Term Rental receiving Conditional Use Approval from the Board of Zoning Appeals shall agree to participate in a New Community Authority (NCA) and shall further consent and cooperate in the establishment and participation thereto. Consent to Participate in the NCA shall be due to the Township prior to the issuance of a zoning permit for the use. Proof of filing State Lodging Tax must be provided within six (6) months of the date of issuance of a zoning permit.
- k. Revocation of Short-Term Rental Conditional Use Approval. A zoning permit authorizing operation of a Short-Term Rental as a Conditional Use of property may be revoked in accordance with the following terms and conditions:
  - i. The Zoning Director may revoke the zoning permit where, within the span of twelve (12) consecutive months, the Township has received more than two (2) calls for service concerning unlawful conduct or conditions occurring or existing on the property; such that the property qualifies as a Chronic Nuisance Property.
  - ii. An owner, operator, or manager of the Short-Term Rental may appeal revocation of the zoning permit to the Board of Zoning Appeals pursuant to the procedures set forth in Section 332 of this Zoning Resolution.
  - iii. The owner, operator, or manager of a Short-Term Rental for which a zoning permit has been revoked in accordance with this Section may reapply for Conditional Use authorization to re-establish the Short-Term Rental; provided, the owner, operator, or manager provides documentation demonstrating the property does not constitute a Chronic Nuisance Property as of the application date.

### 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.

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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.
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.
8. Short-Term Rentals subject to the requirements of Section 612.11

633. Conditional Uses.

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

643. Conditional and Accessory Uses.

1. Conditional Uses

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

652. Conditional Uses.

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

662. Conditional Uses.

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

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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;
  - 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. The hours of operation for these uses shall not extend beyond 9:00 p.m.
  - e. 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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- f. 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. The Impact Fee payment shall be due to the Township prior to the issuance of a Zoning Permit for the use.
- h. 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.
- i. 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.
- j. 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.
- k. The uses regulated by this Section shall be prohibited within any residential district or within the PD Planned Development District.

### **4. Short-Term Rentals subject to the requirements of Section 612.11**

#### **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.

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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.
  - 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.
  - d. Adequate landscaping and screening as required by Section 520 shall be provided.
  - 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 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.
- h. The Impact Fee shall be due to the Township prior to the issuance of a Zoning Permit for the use.
- i. 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.
- j. 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.
- k. 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.
- l. 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
- m. The uses regulated by this Section shall be prohibited within any residential district or within the PD 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.

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\*NEW\* Appendix Definition:

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SHORT-TERM RENTAL means any Dwelling that is leased or rented in full or in part, and for a fee, to any person for the purpose of providing overnight lodging for less than thirty (30) consecutive days. Short-Term Rentals may include, but are not limited to: any type of Dwelling permitted in the applicable Zoning District; but shall not include any Hotel, Motel, Bed and Breakfast Establishment, Group Home, or Convalescent Facility as regulated elsewhere within Union Township Zoning Resolution.

Staff Notes regarding the Definition

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Legal removed terms such as “Owner” and “Permanent Occupant” because they’re not defined terms elsewhere in the code. Legal noted there is no need to overcomplicate this by having to determine if someone renting an STR does/doesn’t meet those definitions.

Legal Noted...

“Dwelling Unit” refers to just 1 room, or a suite of 2+ rooms according to Township definitions. “Dwelling” is a broader definition that will capture more rentable premises.

The definition for “Dwelling” specifically excludes property like tents, cabins, trailers, and mobile homes. These types of temporary dwellings are often being offered as a STR unit on property (especially larger, rural sites). We’re also seeing structures like barns, garages, shipping containers, and other non-traditional-dwelling units being converted into STRs on properties. Do we want to broaden this definition to include those types of temporary living units as well?

If you do decide to further broaden the STR definition, I’d change the first line to say something like:

“Short-Term Rental shall mean any structure . . .”

Then I’d include a few more examples of structures that might qualify as an STR at the end of the definition - “any type of Dwelling, cabin, trailer, manufactured home, or mobile home permitted in the applicable Zoning District; but . . .”

## CASE 3-25-T "EXHIBIT A"

\*NEW\* Article 5, Section 525 of the Zoning Resolution:

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### 525. Maintained Natural Lawns in Platted Residential Subdivisions

Maintained Natural Lawns, as defined in Appendix A and as set forth herein, are not classified as nuisances pursuant to the Union Township Zoning Resolution or Section 505.87 of the Ohio Revised Code—provided that the following conditions are met:

1. The Maintained Natural Lawn shall not encroach on sightlines, rights-of-way, public easements, adjacent properties, or access to structures and utilities on the property therein.
2. A clear, well-maintained boundary edge or perimeter of the Maintained Natural Lawn must be established and maintained.
3. Maintained Natural Lawn shall not exceed the following allowable lot and land area limitations, as determined by a percentage of total land area on a given property:
  - a. Lots that are one (1) acre in size or larger: the total allowable area dedicated to Maintained Natural Lawn(s) shall not exceed thirty percent (30%) of the total lot area.
  - b. Lots that are less than one (1) acre in size: the total allowable area dedicated to Maintained Natural Lawn(s) shall not exceed twenty percent (20%) of the total lot area.
  - c. Of the total allowable lot area dedicated to Maintained Natural Lawn(s) for any given lot, the following designated yards shall not exceed the following area limitations:
    - i. No more than twenty percent (20%) of the total front yard area shall consist of Maintained Natural Lawn(s).
    - ii. No more than thirty percent (30%) of the total rear yard area shall consist of Maintained Natural Lawn(s).
    - iii. The side yard(s) may not contain a Maintained Natural Lawn.

Generally, overgrown grass or vegetation which is inconsistent with the definition of Maintained Natural Lawn, as determined in the reasonable discretion of the Zoning Director, shall not be considered Maintained Natural Lawn. If the Zoning Inspector determines a Maintained Natural Lawn to be a nuisance, and the owner or occupant of the subject property disagrees with the determination, an appeal may be made to the Board of Zoning Appeals.

**\*NEW\* Appendix Definition:**

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**MAINTAINED NATURAL LAWN** means the intentional planting and maintenance of perennial flora native to Ohio, as defined by the Ohio Department of Natural Resources. This may involve a variety of horticultural practices including, but not limited to, natural lawns, natural landscapes, native lawns, pollinator gardens/lawns, rain gardens, meadow vegetation, native prairie, prairie gardens, monarch waystation, native plantings, native gardens and butterfly habitat. Overgrown grass or vegetation shall not be considered Maintained Natural Lawn.

**Staff Notes**

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Legal has recommended removing any language which directly or indirectly addresses forests and wooded areas.

Legal has noted to make the passages addressing the percentage of land used as Maintained Natural Lawns to be as clear and concise as possible.

Legal has designed language to ensure as to not involve the Township, in what would typically be, a dispute between property-owners.