

# GOSHEN TOWNSHIP ZONING RESOLUTION

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# Article 1: General Provisions

## 1.01 PURPOSE

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The purpose for zoning in Goshen Township, Clermont County, Ohio, shall be as established under Section 519.02 of the Ohio Revised Code (ORC), except as otherwise provided by law.

## 1.02 TITLE

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This resolution shall be known and may be cited as the "Goshen Township Zoning Resolution", and may be referred to herein as "this resolution" or "this zoning resolution".

## 1.03 AUTHORITY

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### (A) General Authority

This resolution establishes the township's zoning regulatory authority as authorized by the ORC.

### (B) References to the Ohio Revised Code or the Ohio Administrative Code

Whenever any provision of this resolution refers to or cites a section of the Ohio Revised Code or the Ohio Administrative Code (OAC), and that section is later amended or superseded, this resolution shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

## 1.04 JURISDICTION

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### (A) General Jurisdiction

The provisions of this resolution shall apply to all land, development, use of structures or land, or portions thereof, within the unincorporated areas of Goshen Township, Clermont County, Ohio, as allowed by the ORC.

### (B) Zoning of Annexed Lands

Upon annexation of land from Goshen Township into an existing municipal corporation, the zoning regulations then in effect shall remain in full force and shall be enforced by the Zoning Inspector and other township officials until the legislative authority of said municipal corporation shall either officially adopt the existing zoning regulations or new regulations for such land.

## 1.05 INTERPRETATION AND CONFLICTS

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(A) For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity or general welfare as allowable by law.

(B) When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.

(C) Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it does not conflict with the ORC and federal law.

## **1.06 RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS**

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- (A)** This zoning resolution is not intended to interfere with or abrogate any third party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this zoning resolution proposes a greater restriction upon the use of buildings, structure, or land, upon the location or height of buildings or structures, or upon requirements for open areas than those imposed or required by such third-party private agreements, the provision of this zoning resolution shall govern.
- (B)** In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties unless the township is involved as a party to the agreement.

## **1.07 COMPLIANCE REQUIRED**

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- (A)** Except as hereinafter specified, no building or structure shall be located, constructed, erected, reconstructed, enlarged, changed, maintained or used, and no land shall be used in violation of this resolution or in a manner that does not comply with all of the regulations established by this resolution for the applicable zoning district and development.
- (B)** It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the Zoning Inspector in accordance with this resolution. Such certificate shall state that such building, premises or part thereof, and the proposed use thereof, is in conformity with the provisions of this zoning resolution.
- (C)** Existing uses, lots, buildings, and structures that do not comply with this resolution will be subject to the nonconformity provisions of [Article 14: Nonconformities](#).

## **1.08 SEVERABILITY**

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- (A)** If any court of competent jurisdiction invalidates any provision of this zoning resolution, then such judgment shall not affect the validity and continued enforcement of any other provision of this zoning resolution.
- (B)** If any court of competent jurisdiction invalidates the application of any provision of this zoning resolution to a particular property, structure, or situation, then such judgment shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgment.
- (C)** If any court of competent jurisdiction judges invalid any condition attached to the approval of a development review application, then such judgment shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgment.

## **1.09 TRANSITIONAL RULES**

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- (A) Effective Date**
  - (1)** This resolution became effective on February 22, 2017.
  - (2)** Any amendments to this zoning resolution shall be in full force and effect as provided in the ORC.

**(B) Violations Continue**

Any violation of this zoning resolution that applied to a use, structure, property, development, construction, or other activity, prior to the adoption or amendment of this zoning resolution, shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under [Article 15: Enforcement and Penalties](#), unless the use, structure, property, development, construction, or other activity complies with the provisions of this zoning resolution.

**(C) Nonconformities Continue**

- (1)** Any legal nonconformity under previous versions of this resolution that applied prior to the adoption of this zoning resolution shall continue to be a legal nonconformity under this amendment, as long as the situation that resulted in the nonconforming status under the previous version of the resolution continues to exist.
- (2)** If a legal nonconformity under any previous versions of this resolution becomes conforming because of the adoption of this amendment, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

**(D) Approved Projects**

- (1)** Any building, structure, or development for which a zoning permit was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this zoning resolution. Such building, structure, or development shall be considered a legal nonconforming use, if applicable, upon the issuance of a certificate of occupancy from the Clermont County Building Department.
- (2)** If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
- (3)** Any application for a project where the zoning permit has expired shall meet the standards in effect at the time the application is resubmitted.

**(E) Vested Rights**

The transitional rule provisions of this subsection are subject to Ohio's vested rights laws.

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**1.10 RESTORATION OF UNSAFE BUILDINGS**

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Except as provided in [Article 14: Nonconformities](#), nothing contained in this resolution shall hinder the construction of a building or prohibit its use where construction has started before the effective date of this resolution provided that foundations have been put in place before said effective date of this resolution and provided further that such building shall be completed within two years from the date of passage of this resolution.

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**1.11 REPEAL**

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This zoning resolution may be repealed in accordance with the provision established in the ORC.

### **1.12 USE OF GRAPHICS, TABLES, ILLUSTRATIONS, FIGURES, AND CROSS-REFERENCES**

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- (A)** Graphics, illustrations, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.
- (B)** In some instances, cross-references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the referenced article, section, or subsection. Where a conflict may occur between the given cross-reference number and name, the name shall control.
- (C)** A table shall be considered text for the purposes of this resolution unless specifically identified as a figure.

### **1.13 BURDEN OF PROOF**

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- (A)** The burden of demonstrating that an application, development, or use of land or structures subject to this resolution complies with applicable review and approval standards is on the applicant.
- (B)** Such burden of proof shall also apply to demonstrating that the nonconformity was established legally under a previous amendment of this resolution.
- (C)** The burden is not on the township or other parties to demonstrate that the standards have been met by the applicant or person responsible for the application, development, use of land or structure, or nonconformity with this resolution.



# Article 2: Administration

## 2.01 PURPOSE

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this zoning resolution. This article also includes the review procedures for zoning text and map amendments, zoning permits, appeals, conditional uses, and variances.

## 2.02 ILLUSTRATION OF REVIEW AND DECISION MAKING-BODIES

- (A) Table 2-1 summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in this article. Other duties and responsibilities of the entities are set forth in subsequent sections of this article.
- (B) Even though not referenced in this table, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Goshen Township Zoning Commission, the Goshen Township Board of Zoning Appeals, or the Goshen Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezonings), text amendments, planned developments, appeals, variances, and conditional uses. This includes the review authority granted to the Clermont County Planning Commission pursuant to the ORC.

**TABLE 2-1: SUMMARY TABLE OF DECISIONS**

H = HEARING (PUBLIC HEARING REQUIRED) M = MEETING (PUBLIC MEETING REQUIRED)		R = REVIEW AND/OR RECOMMENDATION D = DECISION (RESPONSIBLE FOR FINAL DECISION)			
PROCEDURE	SECTION	BOARD OF TRUSTEES	ZONING COMMISSION	BOARD OF ZONING APPEALS (BZA)	ZONING INSPECTOR
Zoning Permit	3.04				R and D
Zoning Text or Map Amendment	3.05	H and D	H and R		R
Planned Developments		See Section 6.02.			
Planned Development Overlay Review		See Section 6.03.			
Conditional Use	3.06			H and D	R
Variance	3.06			H and D	R
Appeals	3.07			H and D	[1]
<b>NOTES:</b>					
[1] The Zoning Inspector or other staff shall forward all records of their decision to the BZA including any staff report or summary that provides a history of actions and decisions made in relation to the appealed action.					

## **2.03 BOARD OF TRUSTEES**

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For the purpose of this zoning resolution, the Goshen Township Board of Trustees, hereafter referred to as the Board of Trustees, shall have the following duties:

- (A)** Initiate proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (B)** Review and decide on all proposed amendments to the text of this zoning resolution and/or the official zoning map;
- (C)** Review and decide on all proposed PD preliminary development plan and zoning map amendment applications; and
- (D)** Perform all other duties as specified in the ORC and as specified in this zoning resolution.

## **2.04 ZONING COMMISSION**

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The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Goshen Township Zoning Commission, hereafter referred to as the Zoning Commission.

### **(A) Appointment and Organization**

- (1)** The Zoning Commission shall be composed of five members who reside in the unincorporated area of Goshen Township, Clermont County, Ohio, to be appointed by the Board of Trustees.
- (2)** Members shall serve five-year terms with the term of one member expiring each year.
- (3)** Each member shall serve until his or her successor is appointed and qualified.
- (4)** Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (5)** All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a Zoning Commissioner shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.
- (6)** Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

### **(B) Alternates**

- (1)** The Board of Trustees may appoint two alternate members to the Zoning Commission for a term of two years each.
- (2)** An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- (3)** An alternate member shall meet the same appointment criteria as a regular member.

- (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5) When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission. Alternate members have to be appointed to replace a full member upon a vacancy.

**(C) Roles and Powers**

- (1) The Zoning Commission shall have the authority to initiate proposed amendments to the text of this zoning resolution and/or the official zoning map.
- (2) The Zoning Commission shall have the authority to review all proposed amendments to the text of this zoning resolution and/or the official zoning map and make recommendations to the Board of Trustees.
- (3) The Zoning Commission shall review all PD preliminary development plans and zoning map amendment applications and make recommendations to the Board of Trustees.
- (4) The Zoning Commission shall review and decide on all PD final development plan applications.
- (5) The Zoning Commission shall review and decide on applications for development in the PDO District pursuant to Section 6.03.
- (6) The Zoning Commission shall act as the architectural review board for the township as authorized in Section 519.171 of the ORC.
- (7) The Zoning Commission shall perform all other duties as specified for township zoning commissions in the ORC and as specified in this zoning resolution.

**(D) Organization and Bylaws**

- (1) The Zoning Commission shall elect a chairman from its membership and shall appoint a recording secretary, who need not be a member of the Zoning Commission.
- (2) The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with state law and with any other resolution of the township.

**(E) Meetings**

- (1) Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the Zoning Commission may determine.
- (2) All meetings shall be open to the public, except as exempted by law.
- (3) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Board of Trustees.

**(F) Quorum and Recommendations or Decision**

- (1) Any combination of three or more regular or alternate members of the Zoning Commission shall constitute a quorum.
- (2) The Zoning Commission shall act when three members, who are eligible to vote, concur on a recommendation or decision.

## **2.05 BOARD OF ZONING APPEALS (BZA)**

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The Board of Trustees, for the purpose and intent of this zoning resolution, has hereby created and established the Goshen Township Board of Zoning Appeals, hereafter referred to as the BZA.

### **(A) Appointment and Organization**

- (1)** The BZA shall be composed of five members who reside in the unincorporated area of Goshen Township, Clermont County, Ohio, to be appointed by the Board of Trustees.
- (2)** Members shall serve five-year terms with the term of one member expiring each year.
- (3)** Each member shall serve until his or her successor is appointed and qualified.
- (4)** Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees. Such removal may take place after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail or by leaving same at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (5)** All complaints alleging non-performance of duty, misconduct in office, or other cause that may justify removal of a member of the BZA shall be presented, in writing, to the Board of Trustees. If upon receipt of said written complaint the Board of Trustees determines that the allegations so justify, the Board shall proceed with a public hearing as set forth herein.
- (6)** Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

### **(B) Alternates**

- (1)** The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.
- (2)** An alternate member shall take the place of an absent regular member at any meeting of the BZA.
- (3)** An alternate member shall meet the same appointment criteria as a regular member.
- (4)** When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized and eligible to vote for and provided the member attended all pertinent public meetings or hearings.
- (5)** When a vacancy occurs, alternate members do not automatically become full members of the BZA. Alternate members have to be appointed to replace a full member upon a vacancy.

### **(C) Roles and Powers**

- (1)** The BZA shall have the authority to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other township official, or administrative body of the township in the interpretation or enforcement of the provisions of this zoning resolution.
- (2)** The BZA shall have the authority to hear and decide, in accordance with the provisions of this zoning resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution to pass.

- (3)** In considering an application for a conditional use, the BZA shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this zoning resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest.
- (4)** The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.
- (5)** The BZA shall have the authority to review and provide an interpretation of the zoning map or zoning text whenever there is a question of how the zoned districts or regulations of this resolution are applied.
- (6)** The BZA shall have the authority to permit the substitution of a nonconforming use existing at the time of enactment of this resolution in compliance with [Article 14: Nonconformities](#).
- (7)** The BZA shall have all other powers conferred upon township boards of zoning appeals in the ORC, or as authorized by the Board of Trustees in compliance with state law.

**(D) Organization and Bylaws**

- (1)** The BZA shall elect a chairman from its membership and shall appoint a recording secretary, who need not be a member of the BZA.
- (2)** The BZA may organize and adopt bylaws for its own governance provided they are consistent with state law or with any other resolution of the township.

**(E) Meetings**

- (1)** Meetings shall be held at the call of the chair, or at the call of any two members, and at such other times as the BZA may determine.
- (2)** The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per the ORC.
- (3)** All meetings of the BZA shall be open to the public, except as exempted by law.
- (4)** The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the office of the Goshen Township Fiscal Officer and shall be a public record, unless exempted by law.
- (5)** The BZA may call upon any township department for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the BZA as may reasonably be required.

**(F) Quorum and Decisions**

- (1)** Any combination of three regular or alternate members of the BZA shall constitute a quorum.

- (2) The BZA shall act by resolution when at least three members, who are eligible to vote, concur on a decision.

**(G) Modification of Approval**

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

**2.06 ZONING INSPECTOR**

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The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC.

**(A) Roles and Powers**

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning permits and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.
- (5) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning permit for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- (6) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- (7) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- (8) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- (9) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- (10) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

**(B) Decisions**

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to [Section 3.07: Appeals](#).
- (2) The Zoning Inspector shall have appropriate forms for appeal available at the time of denial.

# Article 3: Review Procedures

## 3.01 PURPOSE

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The purpose of this article is to identify the review procedures used in the administration of this zoning resolution.

## 3.02 EXEMPTIONS

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### (A) Agricultural Use Exemption

- (1) Agricultural uses, and buildings or structures that are incidental to agricultural uses, as defined in the ORC, located on lots with a lot area greater than five acres shall be exempt from the requirements of this zoning resolution pursuant to the ORC.
- (2) Buildings or structures that are incidental to the use of land for agricultural uses, as defined in the ORC, located on lots with a lot area greater than one acre but not greater than five acres, shall be subject to all setbacks, maximum building size, and maximum height requirements of the applicable zoning district as allowed by the ORC.
- (3) All agricultural uses, as defined by the ORC, are prohibited on lots with a lot area of one acre or less except for the raising of fruits, vegetables, grains, trees, and other crops for personal use of the property owners or residents. Such uses shall be permitted on all lots, in all yards.
- (4) Dairying and animal and poultry husbandry shall be regulated as follows:
  - (a) The use shall be exempt from zoning on lots with a lot area greater than five acres.
  - (b) The use shall be prohibited on lots with a lot area of one acre or less.
  - (c) The use shall be allowed on lots with a lot area greater than one acre but not greater than five acres, subject to the minimum setback and maximum height requirements of the applicable zoning district, when at least thirty-five percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the Revised Code. After thirty-five percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and buildings or structures subject to the nonconforming rules of this resolution.
- (5) Structures that are exempt from the provisions of this zoning resolution pursuant to this section may not be exempt from any applicable building or special flood hazard area regulations established and enforced by Clermont County.

### (B) Energy and Gas Exemptions

The following shall be exempt from the requirements of this resolution in accordance with the ORC:

- (1) Biodiesel production, biomass energy production, or electric or heat energy production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections [5713.30](#) to [5713.37](#) of the ORC for real property tax purposes. "Biodiesel," "biomass energy," and "electric or heat energy" have the same meanings as in Section [5713.30](#) of the ORC.

- (2) Biologically derived methane gas production if the land on which the production facility is located qualifies as land devoted exclusively to agricultural use under sections [5713.30](#) to [5713.37](#) of the ORC for real property tax purposes and if the facility that produces the biologically derived methane gas does not produce more than seventeen million sixty thousand seven hundred ten British thermal units, five megawatts, or both.

**(C) Public Utility or Railroad Exemption**

Public utilities and railroads, as defined by the ORC, shall be exempt from the provisions of this zoning resolution.

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**3.03 COMMON REVIEW REQUIREMENTS**

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The requirements of this section shall apply to all development review applications and procedures subject to review under this zoning resolution, unless otherwise stated.

**(A) Authority to File Applications**

- (1) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution. The person having legal authority shall be the recorded property owner, lessee, or the duly authorized agent of the recorded property owner and may be required to provide written proof of such authority at the time of application.
- (2) The Zoning Commission and Board of Trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner who may be affected.

**(B) Application Contents**

**(1) Submittal Requirements**

- (a) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the township and made available to the public.
- (b) The Board of Trustees shall adopt the submittal requirements at a regular board meeting after hearing recommendations on the requirements from the Zoning Commission.
- (c) The applicant shall attest to the truth and correctness of all facts and information presented with the application.

**(2) Submission of Fees**

- (a) Applications shall be accompanied by a fee as established by resolution of the Board of Trustees.
- (b) The township shall charge appropriate fees for the review or issuance of zoning permits, conditional use approvals, appeals, variances, zoning amendments, nonconformity reviews, and other applicable permits to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to the Goshen Township Board of Trustees, or its designee, and shall be paid in accordance with the official zoning fee schedule as established by the Board of Trustees.



- (c) Fees are waived for the construction or reconstruction of a structure destroyed by fire or an act of God. The zoning permit application shall be made within one year of the disaster and shall only allow for the reconstruction of the uses, buildings, and structures, as existed prior to the disaster and with any approved plans or other approvals.

**(3) Complete Application Determination**

- (a) The Zoning Inspector shall only initiate the review and processing of applications submitted under this article if such application is determined to be complete.
- (b) The Zoning Inspector shall make a determination of application completeness within a reasonable time.
- (c) If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this resolution.
- (d) If an application is determined to be incomplete, the Zoning Inspector shall provide written notice to the applicant along with an explanation of the application's deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected.
- (e) If the applicant fails to re-submit a complete application within 60 days of the notice provided by the Zoning Inspector pursuant to Paragraph (d) above, the incomplete application shall not be reviewed, the applicant's original filing fee shall be forfeited, and the incomplete application shall be deemed withdrawn. No reconsideration of an incomplete application shall occur after expiration of the 60 day period and an applicant in need of further development approval under the zoning resolution shall, pursuant to all of the original requirements of Section 3.03(B): [Application Contents](#), submit a new application and filing fee.
- (f) If any substantive false or misleading information is submitted or supplied by an applicant on an application, that application shall be rejected.

**(4) Refund of Fees**

Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant within 60 days.

**(5) Submission Schedule**

The Zoning Inspector is authorized and shall establish the submission and review schedule (including time frames for review where not established within the ORC) for applications. The Zoning Inspector may amend and update these requirements as determined to be necessary.

**(C) Examination and Copying of Application and Other Documents**

Documents and/or records may be inspected and/or copied as provided for by state law.

**(D) Constructive Notice for All Proceedings**

The following shall apply to all public notice requirements, regardless of decision-making body.

- (1)** Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description, typographical or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties. Failure of a party to receive written notice shall not invalidate subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, the decision-making body shall direct the agency having responsibility for notification to make a formal finding as to whether there was substantial compliance with the notice requirements of this zoning resolution, and such finding shall be made available to the decision-making body prior to final action on the request.
- (2)** When the records of the township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

**(E) Computation of Time**

- (1)** In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Goshen Township where the township offices are closed for the entire day.
- (2)** When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next day which is not a Saturday, a Sunday, or a legal holiday observed by Goshen Township in which the township administrative offices are closed for the entire day.

**(F) Conduct of Public Hearing**

**(1) Rights of All Persons**

Any person may appear at a public hearing and submit information or evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state his or her address, and if appearing on behalf of a person or organization, state the name and mailing address of the person or organization being represented.

**(2) Continuance of a Public Hearing or Deferral of Application Review**

- (a)** An applicant may request that a review or decision-making body's consideration of an application at a public hearing be deferred by submitting a written request for deferral to the Zoning Inspector prior to the publication of notice as may be required by this resolution. The Zoning Inspector may grant such requests, in which case the application will be considered at the next regularly scheduled meeting.

- (b) A request for deferral of consideration of an application received by the Goshen Township Zoning Inspector after publication of notice of the public hearing as required by this resolution shall be considered as a request for a continuance of the public hearing, and may only be granted by the review or decision-making body.
- (c) The review or decision-making body conducting the public hearing may, on its own motion or at the request of the applicant, continue the public hearing to a fixed date, time, and place.

**(3) Withdrawal of Application**

Any request for withdrawal of an application shall be either submitted in writing to the Zoning Inspector or made through a verbal request by the applicant prior to action by the review or decision-making body.

- (a) The Zoning Inspector shall approve a request for withdrawal of an application if it has been submitted prior to publication of notice for the public hearing on the application in accordance with this resolution.
- (b) If the request for withdrawal of an application is submitted after publication of notice for the public hearing in accordance with this resolution, the request for withdrawal shall be placed on the public hearing agenda and acted upon by the review or decision-making body.
- (c) In all cases where the applicant has requested the withdrawal of an application, the application fee paid shall not be refunded.

### **3.04 ZONING PERMIT**

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**(A) Applicability**

- (1) A zoning permit shall be required for any of the following:
  - (a) New construction or structural alteration (excluding interior-only alterations) of any building or structure, including, but not limited to, accessory structures, signs, fences, walls, or other structures, unless otherwise exempted in this resolution;
  - (b) Establishment of a temporary use or structure that requires a permit in [Section 7.02: Temporary Uses and Structures](#);
  - (c) Occupancy and use of vacant land, excluding any agriculturally exempt land;
  - (d) Any change in use in an existing building (not applicable to a change in tenancy when the use remains the same); or
  - (e) Any change in the use of a nonconforming use.
- (2) The Zoning Inspector shall have the authority to develop separate application forms and permits for special purposes that are reviewed in the same manner as the zoning permit. These special permits may include, but are not limited to, sign permits, temporary use permits, fence permits, etc. For the purposes of this resolution, such permits shall be considered a zoning permit.

**(B) Review Procedure****(1) Step 1 – Application**

The applicant shall submit an application for a zoning permit for review and approval prior to submitting for a building permit from Clermont County. Such application shall include:

- (a)** The zoning permit application and applicable forms available from the township offices;
- (b)** All such forms, maps, and information as may be prescribed by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record; and
- (c)** All required fees as established in the Goshen Township fee schedule.

**(2) Step 2 – Review**

The Zoning Inspector shall review the application for conformance with the provisions of this zoning resolution.

**(3) Step 3 – Decision**

- (a)** Within 10 business days after an application (Step 1) is determined to be complete, the Zoning Inspector shall either approve and issue the zoning permit or deny the application and state in writing the reasons for the action taken. Such statement of denial shall include, but not be limited to, a list of regulations that would be violated by the proposed use, and shall transmit one copy thereof to the applicant along with one copy of the plot plan, signed, dated, and noted as denied.
- (b)** In conducting the review of the application, the Zoning Inspector may consult with any department, agency, public body, official, company, or individual necessary to determine whether the application complies with the regulations of this resolution.
- (c)** Upon approval, the Zoning Inspector shall give to the applicant one signed copy of the zoning permit and maintain the second copy of the permit for township records.
- (d)** If the application is denied, the applicant may submit a revised application for review in accordance with this review procedure, or the applicant may appeal the decision to the BZA in accordance with [Section 3.07: Appeals](#).

**(4) Step 4 – Survey Required**

For any structure that requires the use of footers, the applicant shall be required to submit a survey, or other documentation approved by the Zoning Inspector, to demonstrate that construction is in compliance with the approved setbacks. Such documentation shall be submitted prior to the pouring of the footers.

**(C) Review Criteria**

All applications for a zoning permit shall demonstrate conformity with the provisions of this zoning resolution.

**(D) Expiration**

- (1) Construction shall begin within 12 months of issuance of a zoning permit. Construction shall be considered "begun" if the footers of the structure have been installed.
- (2) Failure to begin construction within 12 months shall result in the expiration of the zoning permit unless the applicant requests and receives an extension from the Zoning Inspector for good cause.
- (3) Where the zoning permit is for a use of land or a structure, such use shall be open or fully functioning within 12 months of issuance of a zoning permit or the zoning permit shall expire.
- (4) Construction shall be completed within 24 months of the zoning permit approval or the permit shall expire. Construction shall be considered complete when a certificate of occupancy has been issued by Clermont County.
- (5) Upon expiration of a zoning permit, a new zoning permit application, including all applicable fees, shall be required before construction.

**(E) Temporary Zoning Permit**

- (1) Temporary buildings and uses that require a zoning permit as established in Section [7.02: Temporary Uses and Structures](#), shall be required to obtain a temporary zoning permit in accordance with the procedure set forth above for approval of a zoning permit.
- (2) A temporary zoning permit shall be valid for a period of 30 days, unless the Zoning Inspector authorizes a longer period or as allowed in accordance with Section [7.02: Temporary Uses and Structures](#).

**(F) Revocation of a Zoning Permit**

- (1) The Zoning Inspector shall hereby have the authority to revoke an approved zoning permit or temporary zoning permit if the information submitted as part of the application is found to be erroneous or fraudulent after the permit has been issued.
- (2) The Zoning Inspector may also revoke a zoning permit if the applicant has not conformed with all applicable federal, state, county, and township regulations, resolutions, and rules including, but not limited to, the Clermont County Planning Commission, Clermont County Public Health, Clermont County Engineer, the Clermont Soil and Water Conservation District, and the applicable water and sewer districts/agencies.

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### **3.05 ZONING TEXT OR MAP AMENDMENT**

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**(A) Amendment Initiation**

- (1) Amendments or supplements to the zoning resolution or zoning map may be initiated by:
  - (a) A motion of the Zoning Commission;
  - (b) Passage of a resolution by the Board of Trustees; or
  - (c) By the filing of an application by the owners, lessees, or their agents, of property within the area proposed to be changed or affected by the proposed amendment.
- (2) If the Board of Trustees initiates the amendment, the board shall, upon the passage of such resolution, certify such resolution to the Zoning Commission.

**(B) Review Procedure**

**(1) Step 1 – Pre-application Conference (Optional)**

- (a)** If initiated by the property owners, the applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (b)** Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Goshen Township or its officials regarding any aspects of the plan or application discussed.

**(2) Step 2 – Application**

- (a)** Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Commission at the township offices.
- (b)** The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (c)** Each application initiated by property owners shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (d)** Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
- (e)** All applications shall be submitted with the required fees as established in the Goshen Township fee schedule.

**(3) Step 3 – Referral to the Clermont County Planning Commission**

- (a)** Within five days after the adoption of a motion, certification of a resolution, or the filing of an application (Step 2), the township shall transmit a copy thereof to the Clermont County Planning Commission.
- (b)** The Clermont County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.
- (c)** Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.

**(4) Step 4 – Public Hearing and Recommendation by the Zoning Commission**

- (a)** Upon adoption of a motion, certification of a resolution, or the filing of an application (certified as complete by the Zoning Inspector) for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
- (b)** The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was certified as complete by the Zoning Inspector.
- (c)** Notification shall be given in accordance with the ORC.

- (d) Within 30 days after the completion of the Zoning Commission’s public hearing, the Zoning Commission shall recommend the approval, denial, or modification of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Clermont County Planning Commission to the Board of Trustees.

**(5) Step 5 – Public Hearing and Decision by the Board of Trustees**

- (a) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed amendment.
- (b) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (c) Notification shall be given in accordance with the ORC.
- (d) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission. If the Board of Trustees denies or modifies the Zoning Commission’s recommendations, the majority vote of the Board of Trustees shall be required.

**(C) Effective Date and Referendum**

- (1) Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption.
- (2) A referendum of any amendments may be undertaken within the 30 days after the date of the Board of Trustees decision in accordance with the ORC.

**(D) Review Criteria**

The following criteria shall be used by the Zoning Commission and the Board of Trustees in decisions regarding zoning amendments:

- (1) The amendment is in accordance with and in the spirit of this resolution;
- (2) The amendment has been reviewed to determine the consistency with the Goshen Township Comprehensive Plan and any other applicable adopted plans or policy documents;
- (3) The applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township; and
- (4) Any other substantive factor deemed appropriate by the Zoning Commission or Board of Trustees.

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**3.06 VARIANCE OR CONDITIONAL USE**

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**(A) Review Procedure**

The review procedure for variances and conditional uses shall be as follows:

**(1) Step 1 – Application**

- (a) An application for a variance or conditional use over which the BZA has original jurisdiction under Section [2.05: Board of Zoning Appeals \(BZA\)](#), may be made by any property owner or authorized agent.

- (b) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
  - (c) The Zoning Inspector shall transmit a copy of the application to the BZA.
  - (d) All applications shall be submitted with the required fees as established in the Goshen Township fee schedule.
- (2) Step 2 – Public Hearing with the Board of Zoning Appeals**
  - (a) Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any application.
  - (b) Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor’s current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.
  - (c) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
  - (d) Upon the day for hearing any application, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.
- (3) Step 3 – Decision**
  - (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the application.
  - (b) A copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant’s address as shown on the records of the BZA. A copy shall be maintained by the Zoning Inspector.
  - (c) In authorizing a variance or conditional use, the BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as the BZA may deem necessary in the interest of the furtherance of the purposes of this resolution. In authorizing a variance or conditional use with conditions, the BZA may require such other evidence, guarantee, or bond as it may deem necessary. The applicant shall be required to comply with the conditions.
  - (d) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
  - (e) Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.
  - (f) If the application is for a conditional use, the approval by the BZA shall constitute an approval of a zoning permit.



**(B) Variance Review Criteria**

**(1)** The BZA shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the provisions or requirements of this resolution as will not be contrary to the public interest. Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance. The factors for an area/dimensional variance and use variance, as individually specified in this section, shall be considered and weighed by the BZA.

**(2) Area/Dimensional Variance**

**(a)** The following factors shall be considered and weighed by the BZA to determine practical difficulty:

- (i)** Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
- (ii)** Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
- (iii)** Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;
- (iv)** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (v)** Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup;
- (vi)** Whether special conditions or circumstances exist as a result of actions of the owner;
- (vii)** Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
- (viii)** Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and/or
- (ix)** Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**(b)** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**(3) Use Variance**

In order to grant a use variance, the BZA shall determine that strict compliance with the terms of this resolution will result in unnecessary hardship to the applicant. The applicant must demonstrate such hardship by clear and convincing evidence that all of the following criteria are satisfied:

- (a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
- (b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
- (c) The variance requested cannot otherwise be resolved by a zoning map amendment;
- (d) The essential character of the neighborhood will not be substantially altered as a result of the variance;
- (e) There is an existing structure that cannot be reasonably used for a permitted use or a conditionally permitted use in the applicable zoning district;
- (f) The proposed use is listed in [Table 5-1: Permitted Use Table](#);
- (g) The hardship condition is not created by actions of the applicant;
- (h) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
- (i) The granting of the variance will not adversely affect the public health, safety or general welfare;
- (j) The variance will be consistent with the general spirit and intent of this Resolution;
- (k) The requested use is permitted in another district in this resolution; and
- (l) The variance sought is the minimum that will afford relief to the applicant.

**(C) Conditional Use Review Criteria**

In reviewing conditional uses, the BZA shall consider the following:

- (1) The use is a conditional use, permitted with approval by the BZA, in the district where the subject lot is located;
- (2) The use is in accordance with the objectives of the Goshen Township Comprehensive Plan and zoning resolution; and
- (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (4) The BZA shall also consider the following as applicable to the subject application:
  - (a) The comparative size, floor area and mass of the proposed structure(s) in relationship to adjacent structures and buildings in the surrounding properties and neighborhood;
  - (b) The frequency and duration of various indoor and outdoor activities and special events and the impact of these activities on the surrounding area;
  - (c) The number of transit movements generated by the proposed use and relationship to the amount of traffic on abutting streets and on minor streets in the surrounding neighborhood;
  - (d) The capacity of adjacent streets to handle increased traffic in terms of traffic volume;
  - (e) The added noise level created by activities associated with the proposed use and the impact of the ambient noise level of the surrounding area and neighborhood;

- (f) The requirements for public services where the demands of the proposed use are in excess of the individual demand of adjacent land uses in terms of police and fire protection, and the presence of any potential fire or other hazards created by the proposed use;
- (g) The general appearance of the neighborhood will not be adversely affected by the location of the proposed use on the parcel;
- (h) The impact of night lighting in terms of intensity and duration and frequency of use as it impacts adjacent properties and in terms of presence in the neighborhood;
- (i) The impact of the landscaping of the proposed use in terms of maintained landscaped areas versus areas to remain in a natural state, and the openness of landscape versus the use of buffers and screens;
- (j) The impact of a significant amount of hard-surfaced areas for building, sidewalks, drives, parking areas and service areas in terms of noise transfer, water runoff and heat generation;
- (k) The potential for the proposed use to remain in existence for a reasonable period of time and not become vacant or unused. Consideration should also be given to unusual single purpose structures or components of a more temporary nature; and
- (l) Any other physical or operational feature or characteristic that may affect the public health, safety and welfare.

**(D) Expiration**

- (1) Conditional use and variance approvals shall run with the land and shall not expire or be voided if there is a change in ownership.
- (2) For a conditional use approval, the applicant shall be subject to the same expiration requirements as a zoning permit.
- (3) A conditional use approval shall expire if the allowed conditional use is discontinued for a period of more than two years.
- (4) For a variance, the applicant shall submit a completed application for a zoning permit within six months of the BZA decision.
- (5) A variance approval shall expire if a completed zoning permit application has not been submitted to the Zoning Inspector within six months of the BZA's decision. The applicant may request an extension of an additional six months if such request is submitted to the Zoning Inspector in writing a minimum of two weeks prior to the date of expiration.
- (6) Upon expiration of a variance or conditional use approval, a new variance or conditional use application, including all applicable fees, shall be required.

**(E) Continuation of Existing Uses Conditionally Permissible Under This Resolution**

- (1) All legally established uses existing at the time of passage of this resolution or amendments thereto that are made a conditional use by a zoning text amendment shall be issued conditional use permits within one year after the passage of this resolution or amendments thereto.
- (2) The BZA shall issue such permits and may approve the conditional uses as brought forth by the owner.

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## 3.07 APPEALS

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### (A) Appeal Applicability

An appeal to the BZA may be taken by the applicant or any person affected or aggrieved by a decision of the Zoning Inspector or administrative official in the enforcement of this zoning resolution. Such appeal shall be taken within 20 days after receipt of notification of the decision, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof including applicable sections of the Goshen Township Zoning Resolution.

### (B) Review Procedure

The review procedure for an appeal shall be as follows:

#### (1) Step 1 – Filing of Appeal

- (a) Upon the filing of an appeal, the Zoning Inspector shall transmit to the BZA all the documents and other evidence constituting the record.
- (b) The filing of an appeal shall stay all proceedings unless the Zoning Inspector or any affected person certifies to the BZA that, by reason of facts pertaining to the matter in question, a stay, in their opinion, would cause imminent peril to life or property. When such certification is made, proceedings shall not be stayed except by order granted by the BZA.
- (c) All appeals shall be submitted with the required fees, if applicable, as established in the Goshen Township fee schedule.

#### (2) Step 2 – Public Hearing with the Board of Zoning Appeals

- (a) Upon the filing of an appeal (Step 1), the BZA shall fix a reasonable time for the public hearing on the appeal, give notice in writing at least ten days prior to the hearing to the parties of interest, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the county at least ten days before the date of such hearing.
- (b) Written notice of the public hearing shall be mailed to any party of interest including each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property that is the subject of the application. Such notice shall be given a minimum of 10 days prior to the date of the public hearing.
- (c) The township shall also give notice of such public hearing by publishing a legal notice in one or more newspapers of general circulation in the county at least 10 days before the date of such hearing.
- (d) Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper, to facilitate the discussion and decision on said appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.
- (e) At the hearing, any person may appear in-person or by an attorney.

#### (3) Step 3 – Decision

- (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.

- (b)** A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (c)** A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning permit.
- (d)** The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (e)** Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (f)** Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.

**(C) Appeal Review Criteria**

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this zoning resolution, state law, or federal law.

# Article 4: Establishment of Zoning Districts

## 4.01 ESTABLISHMENT OF ZONING DISTRICTS

The zoning districts listed in [Table 4-1](#) are hereby established for the unincorporated territory of Goshen Township, Clermont County, Ohio.

TABLE 4-1: ZONING DISTRICTS	
DISTRICT DESIGNATION	DISTRICT NAME
<b>RESIDENTIAL DISTRICTS</b>	
R-1	Agricultural and Rural Residential District
R-2	Low-Density Single-Family District
R-3	Moderate-Density Single-Family District
R-4	Low-Density Attached Residential District
R-5	Moderate-Density Attached Residential District
R-6	High-Density Attached Residential District
R-T	Mobile Home Park District (Discontinued)
<b>NONRESIDENTIAL DISTRICTS</b>	
B-1	Local Business District
B-2	General Business District
TC	Town Center Business District
M-1	Light Manufacturing District
M-2	Heavy Manufacturing District
<b>PLANNED DEVELOPMENT DISTRICTS</b>	
PD	Planned Development District
PDO	State Route 28 Planned Development Overlay District

## 4.02 OFFICIAL ZONING MAP

- (A) The boundaries of the established zoning districts are indicated upon the “Official Zoning Map” of Goshen Township, Clermont County, Ohio, also known as the “zoning map.”
- (B) This Official Zoning Map is hereby made a part of this resolution.
- (C) The Official Zoning Map and all the quotations, references, and other matters shown thereon, shall be as much a part of this resolution as if the notations, references and other matters set forth by said zoning map were all fully described herein.
- (D) The Official Zoning Map is properly attested and is on file in the Goshen Township offices.
- (E) Nothing in this article shall be construed to require the actual location of any zoning district on the Zoning District Map, as it is the intent of this zoning resolution to provide the flexibility in its administration to allow for future expansion and amendments.

## 4.03 INTERPRETATION OF DISTRICT BOUNDARIES

- (A) Where uncertainty exists with respect to the boundaries of any of the aforesaid districts, as shown on the zoning map, the following rules shall apply:
  - (1) Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

- (2) Where district boundaries are indicated as approximately following the centerline or right-of-way line of streets or highways or the centerline of alleys, such lines shall be construed to be such district boundaries.
  - (3) Where district boundaries are so indicated that they are approximately parallel to the centerlines or right-of-way lines of streets or highways or the centerlines of alleys, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the map. If no distance is given, such dimensions shall be determined by the use of the scale shown on said zoning map.
  - (4) Where a district boundary line is shown as adjoining a railroad, it shall, unless otherwise fixed, be construed to coincide with the nearest boundary line of the railroad right-of-way.
  - (5) Where a district boundary line is indicated as approximately following the centerline of a river, stream, or creek or other waterway, such centerline shall be construed to be such district line.
- (B) All disputes concerning the exact location of zoning district boundaries shall be resolved by the BZA at a public hearing.

#### **4.04 RELATIONSHIP OF OVERLAY DISTRICTS**

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- (A) Where land is classified into an overlay zoning district as well as an underlying base zoning district, the regulations governing development in the overlay zoning district shall apply in addition to the regulations governing the underlying base district.
- (B) In the event of an express conflict between the standards of the overlay zoning district and the underlying base zoning district, the standards governing the overlay district shall control.

#### **4.05 VACATION OF PUBLIC WAYS**

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Whenever any street or public way is vacated in the manner authorized by law, the Board of Trustees or Zoning Commission shall initiate a zoning map amendment (See Section [3.05: Zoning Text or Map Amendment](#).) to establish a zoning district(s) for the vacated public way.

#### **4.06 REFERENCES TO PREVIOUS ZONING DISTRICTS**

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The district classification and names established within this resolution differs, in part, from previous versions of this resolution. In instances where there may be references to the previous zoning district nomenclature, [Table 4-2](#) identifies how each of the previous district classifications were renamed for this resolution. This section shall be used for comparison purposes only.

**Article 4: Establishment of Zoning Districts**

4.06: References to Previous Zoning Districts

<b>TABLE 4-2: DISTRICT TRANSITION TABLE</b>	
<b>DISTRICT NAME AND DESIGNATION PRIOR TO FEBRUARY 22, 2017</b>	<b>DISTRICT NAME AND DESIGNATION IN THIS RESOLUTION AS OF FEBRUARY 22, 2017</b>
<b>RESIDENTIAL DISTRICTS</b>	
AG: Agricultural District	R-1: Agricultural and Rural Residential District
R-1: Suburban Estate Residential District	
R-2: Low Density Residential District	R-2: Low-Density Single-Family District
R-6: High Density Residential Single Family District	R-3: Moderate-Density Single-Family District
R-3: Medium-Low Density Residential District	R-4: Low-Density Attached Residential District
R-4: Medium Density Residential District	R-5: Moderate-Density Attached Residential District
R-5: Medium-High Density Multi-Family District	R-6: High-Density Attached Residential District
T: Mobile Home Park District	R-T: Mobile Home Park District (Discontinued)
<b>NONRESIDENTIAL DISTRICTS</b>	
B-1: Local Business District	B-1: Local Business District
B-2: General Business District	B-2: General Business District
Town Center Overlay District	TC: Town Center Business District
M-1: Light Manufacturing District	M-1: Light Manufacturing District
M-2: Heavy Manufacturing District	M-2: Heavy Manufacturing District
<b>PLANNED UNIT DEVELOPMENT DISTRICTS</b>	
PD: Planned Development District	PD: Planned Development District
PBDD: Planned Business Development District	
No previous district	PDO: State Route 28 Overlay District



# Article 5: Base Zoning Districts and Principal Use Regulations

## 5.01 GENERAL PURPOSE AND INTENT

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The zoning districts contained in this resolution are created to:

- (A) Realize the general purpose set forth in Section [1.01: Purpose](#) of this zoning resolution;
- (B) Provide appropriately located areas for residential development that are consistent with township policy and with standards of public health and safety established by this resolution and any other appropriate governmental body;
- (C) Provide, in appropriate and convenient locations, sufficient areas for a full range and scale of business, office, and industrial uses in accordance with the township comprehensive plan;
- (D) Provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities; and
- (E) Ensure the long-term maintenance of the township's quality residential neighborhoods;
- (F) Ensure adequate light, air, privacy and open space for each dwelling;
- (G) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;
- (H) Protect and stabilize both residential and nonresidential developments from congestion;
- (I) Promote a safe and compatible environment for businesses;
- (J) Strengthen the township's economic base, and provide employment opportunities close to home for residents of the township and surrounding communities;
- (K) Encourage a business-friendly climate which will foster growth in the commercial sector, while protecting the character of the neighborhoods;
- (L) Minimize the impact of business development on abutting residential districts; and
- (M) Maintain and enhance the attractiveness and vitality of the township's neighborhood business areas.

## 5.02 SPECIFIC DISTRICT PURPOSE STATEMENTS

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The following are specific purpose statements for each of the base zoning districts. Purpose statements and district specific standards for planned developments and development in the planned development overlay districts are established in [Article 6: Planned Development Districts](#).

### (A) **Agricultural and Rural Residential District (R-1)**

The Agricultural and Rural Residential District (R-1) is established to preserve and protect the predominantly rural character that is prevalent in many areas of Goshen Township while still allowing for a degree of low-density development in areas of the township that lack sufficient public utilities to support denser, suburban development types.

### (B) **Low-Density Single-Family Residential District (R-2)**

The Low Density Single-Family Residential District (R-2) is established to accommodate single-family residential development at a low density that is characteristic of many of the developing areas of Goshen Township that are served by centralized water and sewer systems.

**(C) Moderate-Density Single-Family Residential District (R-3)**

The Moderate-Density Single-Family Residential District (R-3) is established to allow for moderate density development that comprises single-family detached dwellings in areas of the township served by centralized water and sewer systems.

**(D) Low-Density Attached Residential District (R-4)**

The Low-Density Attached Residential District (R-4) is established to allow for the development of residential areas that can include single-family detached dwellings and two-family attached dwellings. This zoning is only appropriate where there is sufficient public infrastructure to accommodate the increased density.

**(E) Moderate-Density Attached Residential District (R-5)**

The Moderate-Density Attached Residential District (R-5) is established to allow for moderate density attached residential options that could include multi-family uses with up to six units per residential structure. This zoning is only appropriate where there is sufficient public infrastructure to accommodate the increased density.

**(F) High-Density Attached Residential District (R-6)**

The High-Density Attached Residential District (R-6) is established to allow for the highest density of residential development within Goshen Township that could include up to 15 units per residential structure. This zoning is only appropriate where there is sufficient public infrastructure to accommodate the increased density.

**(G) Mobile Home Park District (R-T)**

**(1) District Purpose**

The purpose of the Mobile Home Park District (R-T) is to allow for the continuation of existing mobile home parks.

**(2) Discontinued District**

- (a)** The R-T District is a discontinued district that is maintained in this resolution to minimize the creation of nonconformities that would occur with the elimination of the zoning district.
- (b)** Applications for amendments to the zoning map to create additional R-T Districts shall be prohibited after the effective date of this resolution, or amendment thereto.
- (c)** Current mobile home parks may continue to operate in accordance with any State laws regarding mobile home parks.
- (d)** Mobile homes and mobile home pads in pre-existing mobile-home parks shall be considered as conforming uses and may be removed or replaced without compliance with [Article 14: Nonconformities](#).
- (e)** The replacement of a mobile home or the addition of a mobile home to an existing mobile home pad shall require the issuance of a zoning permit.

**(H) Local Business District (B-1)**

The Local Business District (B-1) is established to allow for small-scale retail commercial, office, and similar uses that are designed to meet the daily needs of local residents. Uses are typically located on small lots in close proximity to residential areas and may serve as a transition between more intense business and manufacturing districts and nearby residential districts.

**(I) General Business District (B-2)**

The General Business District (B-2) is established to provide for areas of the township that can be used for general business uses that cater to both local residents as well as the regional market. This district is designed to accommodate more intense business uses than the B-1 District provided there is sufficient site design to minimize traffic and other impacts of larger-scale commercial uses.

**(J) Town Center Business District (TC)**

The Town Center District (TC) is established to implement the recommendations in the State Route 28 Corridor Development Plan as it relates to the town center area of Goshen Township. The overall purpose of the regulations is to enable the creation of a compact development area that provides for the orderly development of a mixture of land uses. The TC District and its regulations are established in order to permit specific uses at an appropriate development intensity and in a manner that:

- (1)** Encourages a mixture of complimentary land uses that include housing, neighborhood retail, small scale professional offices and civic uses to create economic and social vitality to Goshen Township.
- (2)** Promotes responsible planning by providing flexibility in the type, placement and density of buildings while encouraging coordinated architectural design within a unified development area.
- (3)** Promotes the expansion of economic development for the township through the addition of the new commercial and residential investment which will create destination based land uses and activities, provide more shopping and professional service amenities to local and non-local customers and provide a more diversified mix of township housing options as provided for in the State Route 28 Market Analysis.

**(K) Light Manufacturing District (M-1)**

The Light Manufacturing District (M-1) is established to allow for the development of industrial uses that have a minimum impact upon the surrounding environment. This district is primarily designed to accommodate the retention and expansion of existing industrial type uses which can be operated in a clean and quiet manner, subject only to those regulations and performance standards necessary to prohibit congestion and for the protection of adjacent residential and business activities.

**(L) Heavy Manufacturing District (M-2)**

The Heavy Manufacturing District (M-2) is established to accommodate intense industrial uses such as heavy manufacturing, extensive outdoor storage, and large-scale warehousing that may have extended physical effects on surrounding areas or may be objectionable when in proximity to residential uses.

## 5.03 PERMITTED USES

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### (A) General Use Regulations

#### (1) Number of Principal Buildings and Uses

- (a) Unless otherwise specifically stated, only one principal building or use shall be permitted on any lot in a residential zoning district.
- (b) Wherever an agricultural use is exempt from these regulations or permitted in accordance with this resolution, a single-family dwelling may be located on the same lot.
- (c) Multiple principal buildings may be permitted in the nonresidential zoning districts if the lot is sufficient in size to conform to all the use, area, height, parking, and other requirements of this resolution.
- (d) Multiple principal uses may be permitted within a single principal building within the nonresidential zoning districts.
- (e) Multiple principal uses may be permitted in a planned development district if approved in accordance with [Article 6: Planned Development Districts](#).

#### (2) Enclosed Building

- (a) Unless otherwise stated in the name of the use (e.g., outdoors) or within the use-specific standards, all principal uses shall be required to take place in a fully enclosed building.
- (b) Wireless telecommunication facilities, gas wells, and oil wells are exempt from this requirement.

#### (3) Prohibited Activities

- (a) No activities shall be permitted or authorized to be established which, when conducted in compliance with the provisions of this resolution, are or may become hazardous, noxious, or offensive due to the emission of odor, light, dust, smoke, cinders, gas, fumes, noise, vibrations, electrical interference, refuse matters, or water-carried wastes.
- (b) Any action to abate a nuisance shall be administered by the Board of Trustees or Zoning Inspector in accordance with applicable laws.

### (B) Permitted Use Table Summary

[Table 5-1](#) sets forth the uses allowed within all zoning districts except planned development districts (See [Article 6: Planned Development Districts](#)). The abbreviations used in the table are described as follows:

#### (1) Permitted Uses

- (a) A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (b) Permitted uses are approved administratively by the Zoning Inspector through the zoning permit procedure.

**(2) Permitted Uses with Standards**

- (a)** A "PS" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of Table 5-1. Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (b)** Uses permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning permit procedure.

**(3) Conditional Uses**

- (a)** A "C" in a cell indicates that a use may be permitted if approved through the conditional use review. Conditional uses may be subject to use-specific standards as identified in the last column of [Table 5-1](#).
- (b)** Conditional uses are subject to all other applicable regulations of this resolution.
- (c)** The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review criteria for conditional uses in Section [3.06\(C\): Conditional Use Review Criteria](#).

**(4) Prohibited Uses**

A blank and/or shaded cell indicates that a use is prohibited in the respective zoning district.

**(5) Numerical References**

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated.

**(6) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 5-1](#), the applicant may choose to take one of the following actions:

- (a)** The applicant may appeal the determination of the Zoning Inspector to the BZA pursuant to Section [3.07: Appeals](#);
- (b)** The applicant may submit an application for a zoning text amendment to include the proposed use and applicable standards pursuant to Section [3.05: Zoning Text or Map Amendment](#); or
- (c)** The applicant may present their case to the Zoning Commission and/or Board of Trustees to request that the township initiate a text amendment to address the proposed use and applicable standards.

(C) Permitted Use Table

TABLE 5-1: PERMITTED USE TABLE												
PERMITTED USES P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS						NONRESIDENTIAL ZONING DISTRICTS					USE-SPECIFIC STANDARDS
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	TC	M-1	M-2	SEE SECTION:
<b>AGRICULTURAL USE CLASSIFICATION</b>												
Agricultural Uses on Lots of Greater than Five Acres	Exempt pursuant to Section 3.02(A).											
Agricultural Uses on Lots of Five Acres or Less	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	5.04(A)(1)
Nurseries or Greenhouses	PS	PS	PS	PS	PS	PS		P		P	P	5.04(A)(2)
<b>RESIDENTIAL USE CLASSIFICATION</b>												
ORC Section 5119.34(B)(1)(b) Residential Facility	PS	PS	PS	PS or C	PS or C	PS or C			PS			5.04(B)(1)
ORC Section 5123.19(A)(5) Residential Facility	PS	PS	PS	PS or C	PS or C	PS or C						5.04(B)(2)
Bed and Breakfast Establishments	C	C							C			5.04(B)(3)
Dwellings, Single-Family	P	P	P	P			C		C			5.04(B)(4)
Dwellings, Two-Family				P	P	P						
Dwellings, Multi-Family					P	P						
Permanently Sited Manufactured Housing	PS	PS	PS	PS			C					5.04(B)(5)
Skilled Nursing or Personal Care Facilities					C	C	C	PS				5.04(B)(6)
<b>PUBLIC AND INSTITUTIONAL USE CLASSIFICATION</b>												
Active Parks and Recreation	C	C	C	C	C	C	PS	PS	PS	PS	PS	5.04(C)(1)
Cemeteries	PS	PS	PS	PS	PS	PS						5.04(C)(2)
Churches and Places of Worship	C	C	C	C	C	C	C	PS	C			5.04(C)(3)
Community Centers			C	C	C	C						
Cultural Institutions	C	C	C	C	C	C	PS	PS	PS			
Educational Facilities (Primary and Secondary)	C	C	C	C	C	C	PS	PS				
Educational Facilities, Higher								P		P		
Government Offices and Buildings	C	C	C	C	C	C	PS	PS	PS	PS	PS	5.04(C)(4)
Hospitals								PS				5.04(C)(5)
Passive Parks, Recreation, and Open Space	P	P	P	P	P	P	P	P	P	P	P	
Quasi-Public, Fraternal, or Service Facilities	C	C	C	C	C	C	C	C	C	C	C	5.04(C)(3)
<b>COMMERCIAL AND OFFICE USE CLASSIFICATION</b>												
Automotive Repair (Heavy)								C		PS	PS	5.04(D)(1)

**Article 5: Base Zoning Districts and Principal Use Regulations**

5.03: Permitted Uses

<b>TABLE 5-1: PERMITTED USE TABLE</b>												
<b>PERMITTED USES</b> P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	<b>RESIDENTIAL ZONING DISTRICTS</b>						<b>NONRESIDENTIAL ZONING DISTRICTS</b>					<b>USE-SPECIFIC STANDARDS</b>  <b>SEE SECTION:</b>
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	TC	M-1	M-2	
Automotive Service (Minor Repair) Uses							C	PS				5.04(D)(2)
Banks and Financial Institutions							P	P	P			
Restaurants and Taverns							P	P	P			
Commercial Entertainment or Recreation (Indoors)								P	P	P	P	
Commercial Entertainment or Recreation (Outdoors)								C		C	C	5.04(D)(3)
Day Care Centers (Adult or Child)	C	C	C	C	C	C	PS	PS	PS			5.04(D)(4)
Funeral Homes or Mortuaries							PS	PS	PS	PS		5.04(D)(5)
Fuel Stations							C	PS	C			5.04(D)(2)
General Offices (Administrative, Professional, Business)							P	P	P	P	P	
Hotels and Motels								P				
Kennels (Commercial) and Animal Day Cares								PS				5.04(D)(6)
Medical and Dental Offices or Clinics							P	P	P			
Personal Service Establishments							P	P	P			
Retail and Service Commercial Uses							P	P	P	PS	PS	5.04(D)(7)
Sexually Oriented Businesses										C	C	5.04(D)(8)
Theaters and Assembly Halls							C	P	C			
Vehicle Sales and Leasing								PS				5.04(D)(9)
Vehicle Washing Establishments								P				
Veterinarian Offices and Animal Hospitals (No Boarding)							PS	PS	PS			5.04(D)(10)
<b>INDUSTRIAL USE CLASSIFICATION</b>												
Industrial Service Uses										PS	PS	5.04(E)(1)
Industrial Uses, Heavy											P	
Industrial Uses, Light										PS	PS	5.04(E)(1)
Research and Development Facilities										PS	PS	5.04(E)(2)
Self-Storage Facilities										PS	PS	5.04(E)(3)
Warehouses										P	P	
Wholesale Businesses										P	P	

<b>TABLE 5-1: PERMITTED USE TABLE</b>												
<b>PERMITTED USES</b> P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	<b>RESIDENTIAL ZONING DISTRICTS</b>						<b>NONRESIDENTIAL ZONING DISTRICTS</b>					<b>USE-SPECIFIC STANDARDS</b>  <b>SEE SECTION:</b>
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	TC	M-1	M-2	
<b>MISCELLANEOUS USE CLASSIFICATION</b>												
Essential Services	P	P	P	P	P	P	P	P		P	P	
Gas and Oil Wells	PS	PS	PS	PS	PS	PS	PS	PS		PS	PS	5.04(F)(1)
Mixed Use Buildings							PS	PS	PS			5.04(F)(2)
Multi-Tenant Developments							P	P	P	P	P	
Private Airports and Landing Fields	C											
Wireless Telecommunication Facilities	C	C	C	C	C	C	P	P	P	P	P	5.04(F)(3)

## 5.04 USE-SPECIFIC STANDARDS

### (A) Agricultural Use Classification

#### (1) Agricultural Uses on Lots Less than Five Acres

The following standards shall apply to all agricultural uses that are not otherwise exempted from zoning pursuant to [3.02\(A\): Agricultural Use Exemption](#):

- (a) All buildings and structures, except fencing, associated with the raising or keeping of livestock on lots that are larger than one acre in area but smaller than five acres, shall be set back a minimum of 100 feet from all lot lines.
- (b) The maximum height shall be the same as the maximum height in the applicable district.
- (c) Fencing utilized to corral or pen livestock shall be set back a minimum of 20 feet from all lot lines.
- (d) The raising of crops and trees is permitted on any lot by-right and shall not require a zoning permit.
- (e) The raising of livestock on lots less than one acre in area shall be prohibited except for the raising of small livestock as an accessory use. See Section [7.01: Accessory Use Regulations](#).
- (f) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

#### (2) Nurseries and Greenhouses

Nurseries and greenhouses may only be permitted in residential districts when the use is an accessory use to a permitted agricultural use.



**(B) Residential Use Classification**

**(1) ORC Section 5119.34(B)(1)(b) Residential Facility**

- (a)** Under ORC § 5119.341(A), any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division of Section 5119.34(B)(1)(b) of the Revised Code as a permitted use in any residential zoning district, specifically the R-1, R-2, R-3, R-4, R-5, and R-6, zoning districts. Such facilities must comply with the area, height, yard, and architectural compatibility requirements that apply to all single-family residences within these districts. Such uses shall be permitted with standards as described in [Section 5.03\(B\)\(2\): Permitted Uses with Standards](#).
- (b)** Under ORC § 5119.341(B), any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in Section 5119.34(B)(1)(b) of the Revised Code as a permitted use in any multi-family residential zoning districts, specifically the R-4, R-5, and R-6 zoning districts. Such facilities must comply with the architectural design and site layout of the home and the location, nature, and height of any walls, screens, and fences to be compatible with adjoining land uses and the residential character of the neighborhood applicable in these districts, and must comply with yard, parking, and sign regulations in these districts. Such uses shall be considered as a conditional use as described in [Section 5.03\(B\)\(3\): Conditional Uses](#).
- (c)** In order to prevent the excessive concentration of such facilities, no such facility shall be located within 1,500 feet of any other Section 5119.34(B)(1)(b) Residential Facility that existed on or before the effective date of this code.
- (d)** No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as anything other than a residence.

**(2) ORC Section 5123.19(A)(5) Residential Facility**

- (a)** Under ORC § 5123.19(M), any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than eight persons with mental retardation or a developmental disability as a permitted use in any residential district, specifically the R-1, R-2, R-3, R-4, R-5, and R-6, zoning districts. Such facilities must comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within these districts. Such uses shall be permitted with standards as described in [Section 5.03\(B\)\(2\): Permitted Uses with Standards](#).

- (b) Under ORC § 5123.19(N), any person may operate a licensed residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than sixteen persons with mental retardation or a developmental disability as a permitted use in any multiple-family residential districts, specifically the R-4, R-5, and R-6 zoning districts. under reasonable and specific standards and conditions set out in the zoning ordinance or resolution to: The architectural design and site layout of these facilities, as well as their location, nature, and height of any walls, screens, and fences shall be compatible with adjoining land uses and the residential character of the neighborhood, as determined by < >. Such facilities shall comply with the yard, parking, and sign regulation in these districts. Such uses shall be considered as a conditional use as described in Section 5.03(B)(3): [Conditional Uses](#).
- (c) In order to prevent the excessive concentration of such facilities, no such facility shall be located within 1,500 feet of any other Section 5123.19(A)(5) Residential Facility that existed on or before the effective date of this code.
- (d) No signage, graphics, display, or other visual representation that is visible from a public street shall be used to identify the facility as anything other than a residence.

**(3) Bed and Breakfast Establishments**

The following standards shall apply to any bed and breakfast establishment:

- (a) Bed and breakfast establishments shall only be permitted within a single-family, detached dwelling.
- (b) The owner of the premises shall reside full-time in the dwelling, or in a dwelling on an adjoining lot.
- (c) No more than five bedrooms in any dwelling may be used for bed and breakfast lodging and at least one bathroom shall be dedicated to guest use.
- (d) One off-street parking space shall be provided for each bedroom used for guest lodging in addition to those normally required for the single-family dwelling.
- (e) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the bed and breakfast establishment that will indicate from the exterior that the building is being utilized in part for any purpose other than a dwelling unit.
- (f) Meals provided for cost in a bed and breakfast establishment shall only be served to the guests who are lodging at the bed and breakfast establishment.
- (g) Guests shall be permitted to reside at the facility for not longer than three continuous weeks.

**(4) Single-Family Dwellings**

- (a) The minimum lot area for a lot with a single-family dwelling in the B-1 District shall be 6,000 square feet.
- (b) The minimum lot width for a lot with a single-family dwelling shall be 50 feet.
- (c) Single-family dwellings may be considered in the TC District when they have frontage on any street other than Main Street/Old State Route 28.

**(5) Permanently Sited Manufactured Housing**

The following standards shall apply to any permanently sited manufactured housing:

- (a)** The housing shall meet the definition of a permanently sited manufactured home as established in the ORC.
- (b)** The housing shall comply will all zoning requirements of a single-family dwelling in the applicable zoning district.
- (c)** Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, do not qualify as a permanently sited manufactured home and shall be prohibited.

**(6) Skilled Nursing or Personal Care Facilities**

The following standards shall apply to any skilled nursing or personal care facilities:

- (a)** The principal building shall be set back a minimum of 100 feet from any adjacent residential zoning district or residential lot line.
- (b)** All other site development standards of the applicable zoning district shall apply to the site.
- (c)** The maximum density of these facilities varies based on the specific type of facility as established below:
  - (i)** If the proposed facility includes an independent living component (no skilled or personal care services provided), the independent living component shall be limited to the uses and maximum density permitted by the applicable zoning district. In a nonresidential zoning district, that maximum density shall be six units per acre. In no case shall the independent living component comprise more than 50 percent of the dwelling units or rooms in the proposed development.
  - (ii)** The maximum density of congregate housing or assisted living facilities shall be 10 units per acre in the R-5 and R-6 Districts and 20 units per acre in the B-1 and B-2 Districts, regardless if the unit is a complete dwelling unit with separate kitchen facilities.
  - (iii)** All other facilities shall comply with the maximum height and setback requirements of the applicable zoning district and any conditions or requirements set forth as part of the conditional use approval.
  - (iv)** The Zoning Commission may set maximum density or intensity requirements as part of the special use approval based on the density or character of surrounding uses.
- (d)** The proposed use shall not have a primary access from a local residential street.

**(C) Public and Institutional Use Classification**

**(1) Active Parks and Recreation**

The following standards shall apply to any active parks and recreational activities:

- (a) Due to the variety of activities that may take place with these uses, the Zoning Commission may consider the intensity of the activity and impact on adjacent properties when establishing minimum setbacks. Activities that may generate excessive noise or light should be set back a minimum of 100 feet from all lot lines of an adjacent residential use.
- (b) For ball golf courses, all greens and fairways shall be set back a minimum of 150 feet from all adjacent residential lot lines.
- (c) Only retail uses that are customarily accessory or incidental to the main recreational use shall be permitted and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- (d) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Cemeteries**

The following standards shall apply to any cemetery:

- (a) The minimum lot area shall be 20 acres.
- (b) The minimum lot width shall be 300 feet.
- (c) All chapels, mausoleums, accessory buildings, or other buildings shall be set back a minimum of 100 feet from all street right-of-ways and all lot lines in a residential zoning district.
- (d) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.
- (e) Except for office uses incidental to cemetery operation, no business or commercial uses of any kind shall be permitted on the cemetery site.
- (f) Interior drives, having a minimum width of 20 feet, shall be identified in all submitted plans.
- (g) Sufficient pull-off areas for vehicles shall be provided throughout the cemetery so as not to hinder traffic flow.
- (h) All maintenance equipment and materials shall be stored in a completely enclosed building.
- (i) Crematoriums may be allowed within the cemetery but shall be set back a minimum of 250 feet from all lot lines in a residential zoning district.
- (j) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(3) Churches and Places of Worship, Community Centers, Cultural Institutions, Educational Facilities (Primary and Secondary), and Quasi-Public, Fraternal, or Service Facilities**

The following standards shall apply to any church, place of worship, community center, cultural institution, educational facility (primary and secondary), or quasi-public, fraternal, or service facility:

- (a) The minimum lot width shall be 250 feet.
- (b) All buildings shall be set back a minimum of 75 feet from all lot lines.
- (c) All parking areas shall be set back a minimum of 50 feet from the front lot line and 25 feet from all other lot lines.

- (d) The proposed use shall not have a primary access from a local residential street.
- (e) Associated uses such as a convent, faculty residence, cafeteria, dormitory, field house, or infirmary shall be located on the same lot as the principal use and comply with the building setback requirements set forth in this resolution. Such associated uses shall only be allowed if they comply with any use specific standards found in this Article or in [Article 7: Accessory and Temporary Use Regulations](#).

**(4) Government Offices and Buildings**

The following standards shall apply to any government office or building:

- (a) The proposed use shall not have a primary access from a local residential street.
- (b) Such establishments shall be, to the maximum extent feasible, located adjacent to nonresidential uses such as churches, parks, or commercial districts.

**(5) Hospitals**

The following standards shall apply to any hospital:

- (a) The minimum lot area shall be five acres.
- (b) The minimum lot width shall be 300 feet.
- (c) All buildings shall be set back a minimum of 100 feet from all lot lines.
- (d) All parking areas shall be set back a minimum of 50 feet from all lot lines.
- (e) The proposed use shall not have a primary access from a local residential street.
- (f) Helipads shall be set back a minimum of 250 feet from any residential lot line.

**(D) Commercial and Office Use Classification**

**(1) Automotive Repair (Heavy)**

The following standards shall apply to any automotive repair (heavy) use:

- (a) A heavy automotive repair use shall be subject to the same requirements as an automotive service use as established in Section [5.04\(D\)\(2\)](#).
- (b) The storage of non-operational vehicles for longer than one week shall be permitted if stored in the rear yard and screened by a solid wall or fence with a minimum height of six feet. All vehicles shall be required to have a valid license plate.
- (c) Parking, storage, or salvaging of junk vehicles, as defined by the ORC, shall be prohibited unless the activity is within an enclosed building.
- (d) The principal building shall be set back a minimum of 100 feet from any adjacent residential lot. Parking for the storage of vehicles, whether operational or non-operational, shall be set back a minimum of 50 feet from any adjacent residential lot.

**(2) Automotive Service (Minor Repair) Use or Fuel Station**

The following standards shall apply to any automotive service (minor repair) use or fuel station:

**(a) Lot Area and Setback Requirements**

**(i)** Fuel pumps shall be set back a minimum of 20 feet from all lot lines and 50 feet from all adjacent residential lot lines.

**(ii)** Canopies shall be set back a minimum of 10 feet from all lot lines and 50 feet from all adjacent residential lot lines.

**(b)** All hydraulic hoists, oil pits, and all lubricants, greasing, vehicle washing and repair equipment shall be enclosed entirely within a building. No outdoor disassembly or repair of motor vehicles shall be permitted.

**(c)** Activities shall be limited to:

**(i)** The sale of automotive fuel;

**(ii)** The servicing of motor vehicles with minor repair work;

**(iii)** Hand washing of vehicles within an enclosed building;

**(iv)** The retail sale of vehicle parts and products relating to minor repair work such as, but not limited to, oil, grease, antifreeze, batteries, windshield wipers, etc.

**(d)** Space for overnight parking, overnight accommodations, or the inclusion of showers within the building shall be prohibited.

**(e)** Any major repair work, including automobile body repair and painting, automobile glass work, automobile transmission work, automobile engine overhaul and repair, and radiator repair work shall be classified as "automotive repair (heavy)" and shall be subject to Section [5.04\(D\)\(1\)](#).

**(f)** Vehicles being serviced or awaiting same shall be stored for no longer than seven days on the site if in unenclosed areas.

**(g)** The storage and disposal of solid waste and recyclable materials, including used or discarded motor vehicle parts or equipment, and fluids, shall comply with all applicable federal, state, and local requirements.

**(h)** Outdoor solid waste and recyclable storage areas shall be screened in accordance with [Article 10: Landscaping Standards](#).

**(3) Commercial Entertainment or Recreation (Outdoors)**

The following standards shall apply to any outdoor commercial entertainment or recreational uses:

**(a)** All structures shall be set back a minimum of 100 feet from all lot lines.

**(b)** Any outdoor areas utilized for such use shall be set back a minimum of 250 feet from all residential lot lines.

**(c)** The BZA may require portions of the site with high activity areas to be enclosed by a fence having a minimum height of six feet.

**(d)** The proposed use shall not have a primary access from a local residential street.

**(4) Day Care Centers (Child or Adult)**

**(a)** All buildings shall be set back a minimum of 50 feet from all other lot lines and 100 feet from any the lot line of any lot occupied by residential uses..

**(b)** All parking areas shall be set back a minimum of 25 feet from all lot lines.

- (c) Day care centers are permitted in residential districts only when accessory to another permitted public and institutional use.
- (d) For the protection of children and adults enrolled in the day care center, a fence or wall having a height of at least five feet shall enclose all outdoor activity areas. An entry gate shall be securely fastened.
- (e) A drop-off/pick-up location shall be provided to ensure the safety of the children and adults. Such location shall not impede traffic on or off the site
- (f) A day care center for children shall comply with the following:
  - (i) An outdoor play area equal in area to the ground floor area of the day care facility is required. The required outdoor activity area shall not be located closer than 50 feet to any adjacent residential lot.
  - (ii) Play structures and other similar apparatus shall not be located closer than 50 feet to any residential property.
- (g) The center and its staff shall be in full compliance with all applicable federal, state and local laws and regulations, including facility licensure to begin and continue operation.
- (h) The proposed use shall not have a primary access from a local residential street.

**(5) Funeral Homes or Mortuaries**

The following standards shall apply to any funeral homes or mortuaries:

- (a) The required number of off-street parking spaces shall be designed in parallel aisles so as to facilitate the structuring of funeral processions that leave from the funeral home site to travel to the cemetery.
- (b) The principal building and any accessory structure used in conjunction with the typical activities of a funeral home or mortuary shall be set back a minimum of 50 feet from any adjacent residential lot line.
- (c) If the use includes a crematorium, the portion of the building or site used for the crematorium shall be set back a minimum of 250 feet from adjacent residential lot lines.
- (d) The proposed use shall not have a primary access from a local residential street.

**(6) Kennels (Commercial) and Animal Day Cares**

Kennels may be permitted in a residential district as an agricultural use if meets the agricultural use exemption requirements of Section [3.02\(A\)](#). In such cases, the kennel shall not be subject to the standards of this resolution. All other commercial kennels and animal day cares shall be subject to the following:

- (a) All structures and activities related to the subject kennel use shall be located a minimum distance of 100 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
  - (i) All non-soundproofed structures or area where animals are confined shall be located a minimum distance of 500 feet from any residential district.

- (ii) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.
  - (iii) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.
  - (iv) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- (b) There shall be no burial or incineration of animals on the premises.

**(7) Retail and Service Commercial Uses**

The following standards shall apply to any retail or service commercial use in the M-1 or M-2 Districts:

- (a) The use shall not occupy more than 10 percent of the principal building.
- (b) Such uses shall not be permitted within an accessory building.

**(8) Sexually Oriented Business**

**(a) Purpose**

It is the purpose and intent of these use standards to regulate sexually oriented businesses to promote the health, safety, morals, and general welfare of the citizens of the township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the section to condone or legitimize the distribution of obscene material.

**(b) Classification**

Sexually oriented businesses are classified and include the following:

- (i) Adult Arcade;
- (ii) Adult bookstore;
- (iii) Adult novelty store;
- (iv) Adult video store;
- (v) Adult cabaret;
- (vi) Adult hotel or motel;
- (vii) Adult motion picture theatre;
- (viii) Adult theatre;
- (ix) Massage parlor;
- (x) Sexual encounter establishment;



(xi) Escort agency; and

(xii) Nude model studio.

**(c) Conditional Use Permit Required**

(i) A conditional use is required for all sexually oriented businesses.

(ii) No more than one sexually oriented business shall be operated in any building or structure.

**(d) Setbacks**

(i) Sexually oriented businesses shall be set back a minimum of 250 feet from the lot lines of any lot that contains any of the following uses:

A. Another sexually oriented business;

B. Church or place of worship;

C. Educational facility (primary or secondary);

D. Active park or recreational use;

E. Passive park, recreation, or open space use;

F. A quasi-public, fraternal, or service facility that is designed to provide services to children under the age of 18 (e.g., boys or girls clubs);

G. Any establishment that sells alcohol; or

H. A use that falls under the residential use classification in [Table 5-1: Permitted Use Table](#).

**(ii) Measurement of Distance**

For the purposes of these regulations, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure where an adult entertainment establishment is conducted, to the nearest property line of the premises of a use set forth in [Section 5.04\(D\)\(8\)\(d\)](#), above.

**(e) Application Requirements**

(i) An application for a permit must be made on a form provided by the Township. Any person desiring to operate a sexually oriented business shall file with the Township an original and seven copies of all materials required for submission.

(ii) All property included in a sexually oriented business must meet all the conditions applicable to the applicable zoning district.

(iii) The completed application shall contain a map, drawn to scale, sufficient and marked to indicate all land uses within 1,000 feet of the property lines and the property lines of any use identified in [Section 5.04\(D\)\(8\)\(d\)](#).

**(f) State of Nudity Allowed for Modeling Classes**

(i) Nothing in this section shall prohibit a person appearing in a state of nudity for a modeling class operated:

- A.** By a proprietary school, licensed by the State of Ohio, a college, junior college, or university supported entirely or partly by taxation;
    - B.** By a private college or university which maintains and operated educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
    - C.** In a structure which has no sign visible from the exterior of the structure and no other advertising that indicated a nude person is available for viewing;
  - (ii)** In these instances, the class must be structured so that a student must enroll at least three days in advance of the class.
  - (iii)** In these instances, no more than one nude model is on the premise at any one time.
- (g) Advertising and Lighting**
  - (i)** No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
  - (ii)** No portion of the interior premises shall be visible from outside the premises.
  - (iii)** Nothing contained in this section of the article shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this resolution as it may be amended from time to time, or any subsequently amended.
- (h) Prohibition of Distribution of Sexual Devices**
  - (i)** No sexually oriented business shall distribute, for commercial purposes, sell or offer for sale any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Any violation of the Ohio Revised Code 2907.09 which occurs on premises of sexually oriented businesses shall result in the revocation of the conditional use permit.
  - (ii)** Such devices, instruments or paraphernalia include but are not limited to: phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non-medical enema kits, body piercing implements (excluding earring or other decorative jewelry) or other tools of sadomasochistic abuse.
- (i) Public Indecency Prohibited**

Public indecency is prohibited within the State of Ohio.

**(9) Vehicle Sales and Leasing**

The following standards shall apply to any vehicle sales or leasing use:

- (a)** Only repair of vehicles customarily associated with sales or leasing establishments shall be permitted and shall be in compliance with Section 5.04(D)(2).
- (b)** No scrap metal, scrap or salvaged parts, junk vehicles or used oil, antifreeze, transmission or other such fluids shall be stored outside, above ground, unless completely screened from view.

**(10) Veterinary Offices and Animal Hospitals (No Boarding)**

The following standards shall apply to any veterinary office or animal hospital:

- (a)** The boarding of animals shall be restricted to short-term overnight lodging only as necessary for animals receiving medical attention, and there shall be no outside runs or kennels associated with the veterinary office.
- (b)** Odor and noise shall be adequately controlled to ensure that animals do not create a nuisance.
- (c)** All waste material shall be removed from the site on a daily basis and no animal carcass or animal waste shall be buried on site or be allowed to accumulate on the premise.

**(E) Industrial Use Classification**

**(1) Industrial Service Uses and Light Industrial Uses**

All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.

**(2) Research and Development Facilities**

The following standards shall apply to any laboratory or research and development facility:

- (a)** All work shall be performed entirely within an enclosed building; and all storage of supplies, parts and merchandise shall be within an enclosed building except as provided elsewhere in this resolution.
- (b)** Uses that employ hazardous materials as defined and classified in the H-1, H-2, H-3, and H-4 Use Groups in Chapter 3 of the Ohio Basic Building Code shall be specifically prohibited.

**(3) Self-Storage Facilities**

The following standards shall apply to any self-storage facility:

- (a)** There shall be a minimum setback of 150 feet between all residential lot lines and all buildings related to the self-service storage use.
- (b)** The Goshen Township Fire Department shall be provided with 24-hour access to the grounds. A lockbox shall be provided for its use.

- (c) The only commercial uses permitted on-site shall be the rental of storage space and the pick-up and/or deposit of goods on the property in storage. Storage spaces, including outdoor storage areas, shall not be used to manufacture, fabricate, or process goods; service or repair vehicles, small engines, or electrical equipment; or to conduct similar activities; conduct garage sales or retail sales of any kind; or conduct any other commercial or industrial activity on-site.
- (d) Temporary auction sales of storage unit contents may be permitted up to four times per calendar year.

**(a) Fencing and Screening**

- (i) A solid fence or wall shall be required around the perimeter of the storage area. Ornamental gates may be used for ingress and egress.
- (ii) Outdoor storage is permitted with the exception of junk vehicles, as defined in the ORC.
- (iii) All buffering required by [Article 10: Landscaping Standards](#) shall be located outside of any fencing area.

**(F) Miscellaneous Use Classification**

**(1) Gas and Oil Wells**

The following standards shall apply to any gas or oil well:

**(a) Purpose**

The purpose of the standards in this section are to provide for health, safety, and the welfare of the public through the regulation of drilling and operation of wells for oil, gas or other hydrocarbons in gaseous or liquid form within the boundaries of Goshen Township.

**(b) State Standards**

Gas and oil wells shall be subject to all applicable state regulations established in both the ORC and the OAC.

**(c) Standards for Gas and Oil Wells**

- (i) Exploration for, drilling of, and production of oil or gas or oil and gas wells may be conducted in all zoning districts if the owner or operator of the well or wells holds all necessary mineral and surface rights, and a lawful and valid permit for said well or wells from the Ohio Department of Natural Resources (ODNR), Division of Oil and Gas, hereafter referred to as the Division of Oil and Gas.

- (ii)** No zoning permit shall be required for the drilling, operation, production, plugging or abandonment of any gas or oil well. However, all owners and operators of oil and gas wells in the township must complete an application for registration of the well or wells, prior to the commencement of any site work for oil and/or gas operations on the site, and submit the application to the Zoning Inspector. Such registrations shall be updated, as necessary, to be valid and up-to-date at all times.
- (iii)** The applicant shall provide the Zoning Inspector with a plat of all buried and surface transmission lines serving or connected to the well, for which the applicant must have written and recorded easements or leases. All buried transmission lines crossing or intersecting any township road shall be marked by a permanent marker on both sides of the road in a location and format acceptable to the township. The minimum depth of such lines below roads, perennial or intermittent streams, and ditches shall be established by the township prior to the excavation to install such lines. No transmission lines intended for burial under Township roads shall be covered until the installed line is inspected by the township. The applicant also shall coordinate the laying of transmission lines with all public utilities servicing the township.
- (iv)** At no time shall an operator of an oil or gas well move drilling equipment or any equipment onto a township road without prior written approval of the Board of Trustees and issuance of proper permits and road maintenance bonds in the amounts specified by the Board of Trustees. This rule shall be in effect from the time drilling commences until the oil or gas well is unproductive and plugged.
- (v)** All storage tanks, separators and well installations shall be entirely enclosed by a six foot high chain link type fence, with three strands of barbed wire above the fence. The fence shall be set back a minimum of five feet outside of all tanks, pumps, separators, and any related miscellaneous apparatus.
- (vi)** All fenced in areas that exceed 300 square feet in area shall have two exits remote from each other with a minimum width of four feet to facilitate orderly and safe firefighting operations. All fences and gate installations shall be inspected by the authorized inspector before the producing operation commences. All gates, including the drive entrance gate, shall be locked and keyed the same and a key shall be given to the Goshen Township Fire Department. Fences and gates shall be kept in a good state of repair until the well is abandoned and tanks, separators, and pump equipment are removed.

- (vii) Access roads shall be paved with suitable road materials to prevent mud deposits on public roads and to provide emergency vehicular access during inclement weather. Access roads for the exclusive use of the oil or gas well owner or operator, shall have a gate with a locking device, keyed as required above, installed at or near the public road entrance to prevent unauthorized entry from the public road. Before any drilling equipment moves onto the property, the Zoning Inspector shall be notified to make an inspection of the drive and pad area.
- (viii) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

**(2) Mixed Use Buildings**

- (a) Developments consisting of multiple principal uses shall incorporate only those use types permitted in the applicable zoning district.
- (b) Mixed use developments may also include attached residential dwellings as part of a mixed use building where office or nonresidential uses are located on the first floor and residential uses are located on the upper floors.
- (c) When determining peripheral buffer requirements for parcels with multiple principal uses, the proposed use that requires the most extensive buffer according to [Article 10: Landscaping Standards](#), shall govern.
- (d) The presence of a home occupation and/or a residential business in conjunction with a residential use shall not constitute a mixed use/multi-tenant development.
- (e) The maximum residential gross density for mixed-use buildings (mix of residential and nonresidential in the same structure) shall be six dwelling units per acre.
- (f) Residential dwelling units shall be prohibited on the first floor of mixed-use buildings.
- (g) Mixed use buildings shall be subject to the architectural standards of [Article 9: Architectural Standards](#), regardless if the building contains residential uses.

**(3) Wireless Telecommunication Facilities**

**(a) Purpose**

These regulations are established to provide for the construction and use of wireless telecommunication towers and facilities as permitted uses and conditional uses depending on the specific land areas of the township in which such facilities are proposed to be located. The purpose of these regulations is to balance the competing interests created by the Federal Telecommunications Act of 1996, Public Law 104-104, and the interests of the township in regulating wireless telecommunication towers and related facilities for the following purposes:

- (i) To protect property values;
- (ii) To regulate a commercial use so as to provide for orderly and safe development within the township;
- (iii) To provide for and protect the health, safety, morals and general welfare of the residents of the township;

- (iv) To protect residential properties, parks, open spaces and the non-intensive commercial zoning districts which are characteristic of the township from the adverse effects of towers and related facilities;
- (v) To promote co-location of wireless telecommunication facilities in order to decrease the number of towers in the township; and
- (vi) To maintain, where possible, the integrity of the existing regulations contained in the zoning resolution.

**(b) Procedure**

Any applicant that plans to construct a wireless telecommunications facility in a residential zoning district shall provide written notice in accordance with ORC § 519.211(B).

**(i) Trustee Action**

- A. If the Board of Trustees receives notice from a property owner under this section within the time specified or if a board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under this section, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to a conditional use review (See Section [3.06: Variance or Conditional Use](#)). The notice shall be sent no later than five days after the earlier of the date the Board of Trustees first receives such a notice from a property owner or the date upon which a Board of Trustees member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the ORC shall apply to the tower.
- B. If the Board of Trustees receives no notice under this section within the time prescribed by that division or no Board of Trustees member has an objection as provided under this section within the time prescribed, the tower or facility shall be allowed as a permitted use.

**(c) Conditional Use Review Requirements**

All wireless telecommunications towers and facilities that are subject to conditional use review shall submit the following items in addition to the submittal requirements for a conditional use:

- (i) The application shall include a detailed description of the wireless telecommunications tower or facility's capacity including the number and types of antenna that it can accommodate.
- (ii) The applicant shall demonstrate that the telecommunications tower or facility must be located where it is proposed in order to service the applicant's service area, including an explanation of why a tower or facility and this proposed site is technically necessary.

- (iii)** Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property has granted an easement or entered into a lease for the proposed facility and that the vehicular access is provided to the facility.
- (iv)** Documentation shall be provided that certifies the wireless telecommunication facility complies with all current Federal Communications Commission (FCC) regulations for non-ionizing electromagnetic radiation (NIER);
- (v)** The applicant shall post a performance bond in the amount set by the Board of Trustees for the purpose of insuring that an abandoned, obsolete or destroyed wireless telecommunication facility shall be removed in compliance with Section 5.04(F)(3)(e). Any successor-in-interest or assignee of the applicant shall be required to additionally execute such bond.

**(d) Development Standards**

Any wireless telecommunication tower or facility subject to conditional use review shall be located in the township only in compliance with the following regulations and upon issuance of a zoning permit from the Zoning Inspector

- (i)** In order for the BZA to consider the location of a wireless telecommunication tower and facility as a conditional use in a residential district, the applicant shall document that:
  - A.** There is no technically suitable space for the applicant's antenna(s) and related facilities in nonresidential zoning district where wireless telecommunication facilities are permitted; or
  - B.** If an area in a nonresidential zoning district is technically suitable, the applicant shall provide evidence of written contact showing that it has requested all property owners with technically suitable locations to permit it to locate a tower facility in all technically suitable area(s) under reasonable terms and that each request was rejected; or
  - C.** If another tower, building or structure in the township, in an area technically suitable for the facility, the applicant shall provide evidence of written contact showing that it has requested to co-locate on the existing tower(s), building(s) or structure(s) and that each co-location request was rejected by the owner of the tower, building or structure.
- (ii)** As part of a conditional use approval, the applicant shall submit evidence that a technically suitable location is not available in any area set forth in Section 5.04(F)(3)(d)(i) and shall list the locations of every tower, building or structure and all of the areas set forth in Section 5.04(F)(3)(c)(ii) that could support the proposed antenna(s) so as to allow it to serve its intended function, and the reasons why such towers, buildings, structures or areas have been determined not to be technically suitable, or not available as set forth in 5.04(F)(3)(d)(i).



- (iii)** As part of a conditional use approval, the owner/operator of the telecommunications tower shall agree to allow co-location until said tower has reached full antenna capacity, but in no event shall the owner/operator agree to allow fewer than two antenna platforms for additional providers unrelated to the owner/operator. The opportunity to co-locate on the tower shall also be made available to the township and/or county safety forces upon request, provided that such use will not interfere with the owner/operator's use or that of any other provider unrelated to the owner/operator. Agreement to this provision shall be included in the applicant's lease with the landowner, if different from the owner/operator of the tower. Written documentation shall be presented to the Zoning Inspector evidencing that the owner of the property on which the tower is to be located has agreed to the terms of this subsection as well as all other applicable requirements, regulations and standards set forth in this section.
- (iv)** Towers shall be located, to the extent possible, to minimize any adverse impacts on residential property.
- (v)** The minimum setback of the tower from all property lines shall comply with the following:

  - A.** A distance equal to the height of the tower plus 50 feet; or
  - B.** When it is demonstrated, because of its design and construction, that in case of collapse, adjacent property will not be affected, the minimum setback shall be 40 feet from any property line abutting a nonresidential lot or 100 feet from any property line abutting a residential lot, provided that the base of the tower and required enclosure shall comply with the front yard setbacks for the district in which it is located.
- (vi)** All towers shall be of a monopole design. Lattice-type towers shall be prohibited.
- (vii)** All towers shall be the minimum height necessary for adequate transmission and reception of telecommunication signals and to accommodate the antennae, and shall be no taller than existing towers housing similar antennae. In addition, towers shall comply with the following maximum height requirements, as measured from the neutral grade at the base of the tower:
- (viii)** The maximum height of any tower shall be 150 feet.
- (ix)** All poles having a height greater than 95 feet shall be designed to accommodate at least three antennae.
- (x)** Any accessory structure related to the wireless telecommunication facility shall not exceed a height of 10 feet.

- (xi)** The base of the tower and all related facilities shall be completely enclosed with a secure, non-electrified, chain linked fence with barbed wire at the top, having a minimum height of eight feet. Such fence shall be completely screened from view by a landscape buffer area of not less than 15 feet in depth, consisting of hardy evergreen shrubbery and other appropriate landscaping that achieves the screening objective. The initial plantings shall be no less than six feet tall and shall be maintained and restored, if necessary.
- (xii)** Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent feasible.
- (xiii)** The antennae and support structures shall be camouflaged or disguised in order to minimize visibility of the structure and blend, to the maximum extent feasible, with the existing surroundings. At a minimum, towers shall be painted a non-contrasting gray or similar color, unless otherwise required by the Federal Communications Commission (FCC) or Federal Aviation Administration (FAA).
- (xiv)** Wireless telecommunications towers shall be artificially lighted only when the height of the tower is equal to or greater than 100 feet or when required by the Federal Aviation Administration (FAA). Any lighting so required shall be installed to minimize the impact on adjoining properties.
- (xv)** All buildings and shelters accessory to the wireless telecommunications facility shall comply with the setback regulations set forth in the applicable zoning district. The maximum size of such accessory building or shelter shall be 300 square feet for a single shelter, and a combined total of 750 square feet when more than one wireless telecommunication facilities is located on the site. The outside storage of equipment related to a telecommunications facility shall be prohibited.

**(e) Abandoned Telecommunication Facilities**

- (i)** The owner or operator of a wireless telecommunication facility shall notify the township within 30 days of a wireless telecommunication facility's permanent abandonment. Such facility shall be removed by the applicant and the site restored to its original state within 120 days from the date of notification to the township.
- (ii)** Any tower that has had no antenna mounted upon it for a period of six months, or if the antenna mounted thereon are not operated for a period of three months, shall be considered abandoned, and the owner thereof shall remove the tower within and restore the site to its original state within 120 days after receipt of a notice from the Zoning Inspector to do so.
- (iii)** In the event that more than one wireless communication service provider is using the antenna support structure, the antenna support structure shall not be considered abandoned until all such users cease using the structure as provided in this section.

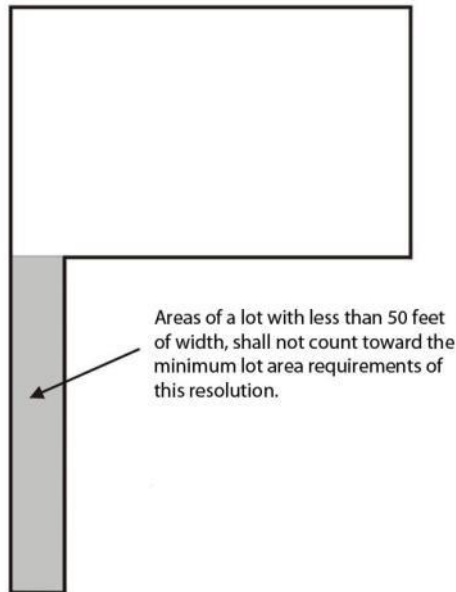
## 5.05 AREA, SETBACK, AND OTHER SITE DEVELOPMENT STANDARDS

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### (A) Measurements, Computations, and Exceptions

#### (1) Lot Area Measurements

- (a) The area of a lot includes the total horizontal surface area within the lot's boundaries.
- (b) The area of a panhandle on a flag lot (when narrower than 50 feet) and other narrow appendages to lots with less than 50 feet of width, shall not count toward the minimum lot area requirement for the applicable zoning district.



*Figure 5-A: Areas not contributing to the minimum lot area requirement*

- (c) For nonconforming lots, see Section [14.07: Nonconforming Lots of Record](#).
- (d) With the exception of approval of a smaller lot as part of a PD District or governmental acquisition of land as provided for in [Article 14: Nonconformities](#), no lot shall be reduced in area so that the lot area per dwelling unit, lot width, yards, building area, or other requirements of this resolution are not met.

#### (2) Setbacks and Yards

##### (a) Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthestmost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure except when in conformance with this resolution. See [Figure 5-B](#).

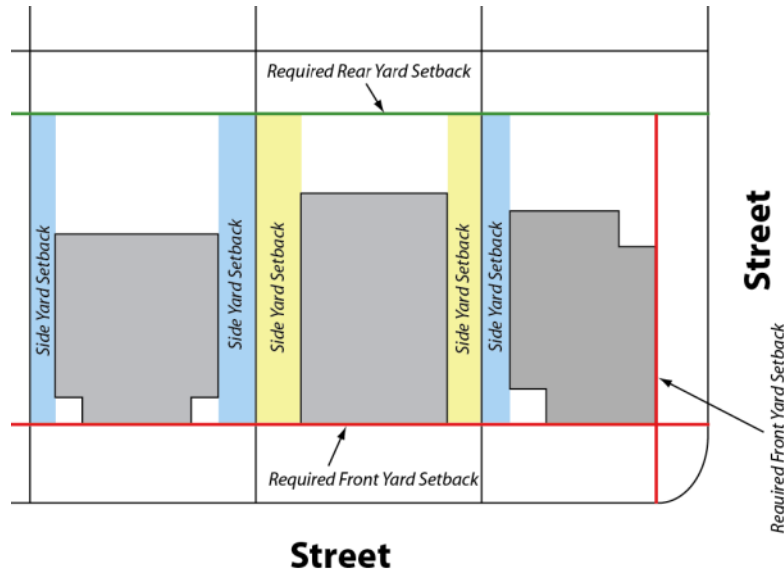


Figure 5-B: Measurement of typical front, side, and rear yard setbacks.

**(b) Yards and Obstructions**

- (i)** Every part of a required yard shall be open to the sky and unobstructed except:
  - A.** As otherwise provided in this section;
  - B.** For accessory buildings as allowed in Section 7.01: [Accessory Use Regulations](#);
  - C.** For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
  - D.** Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and
  - E.** The ordinary projections of chimneys and flues may be permitted by the Clermont County Building Department when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.
- (ii)** Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall maintain a minimum of seven feet in setback from the front lot line and three feet from all other lot lines.
- (iii)** An open unenclosed porch, or paved terrace may project into a front yard for a distance not exceeding five feet but cannot encroach upon the setbacks.
- (iv)** Awnings and canopies may extend into any required setback but shall maintain a minimum setback of one foot from all lot lines.

**(c) Front Yard Setback**

- (i)** Unless otherwise noted, the required minimum front yard setback shall be measured from each street right-of-way or, where a right-of-way is not identified, the lot line adjacent to the street. See [Figure 5-C](#).

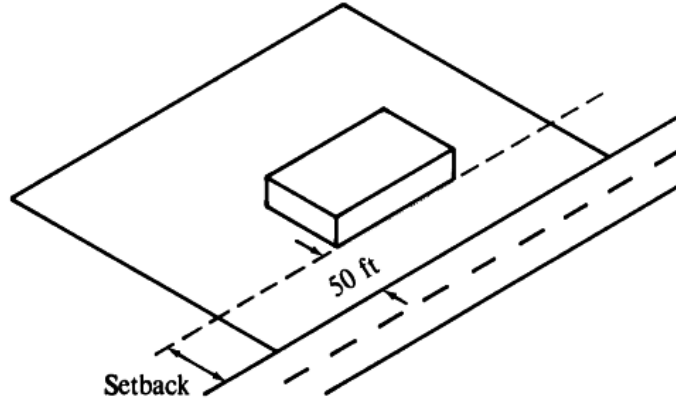


Figure 5-C: Measurement of a 50-foot front yard setback.

**(ii) Front Yard Modifications**

Notwithstanding [5.05\(A\)\(2\)\(c\): Front Yard Setback](#), in areas where 50 percent of the street frontage on any block is occupied by principal buildings erected prior to the effective date of this resolution, the minimum required front yard setback shall not be less than the average depth of the existing front yards along that same block frontage. See [Figure 5-D](#).

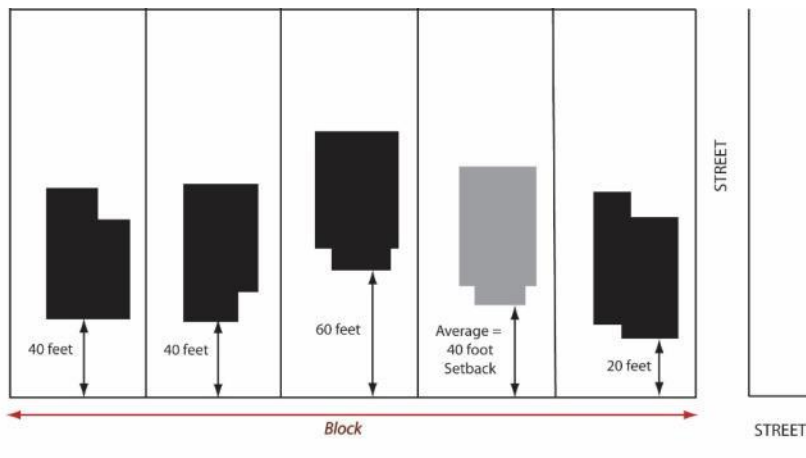
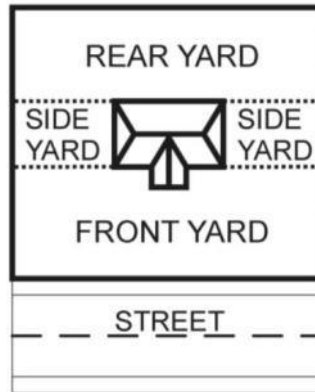


Figure 5-D: Setback averaging along a block for lots of record.

**(d) Interior Lots (Side and Rear Yards)**

- (i)** The lot line located along the street shall be the front lot lines and the front yard setback shall be applied. See [Figure 5-E](#).
- (ii)** The lot line located directly behind the rear of the structure shall be the rear lot line and the rear yard setback shall be applied. See [Figure 5-E](#).

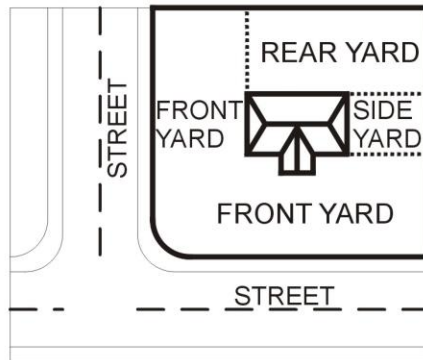
- (iii) All other lot lines shall be considered the side lot line and the side yard setback shall be applied. See [Figure 5-E](#).



*Figure 5-E: Typical yard locations for an interior lot.*

**(e) Corner Lots**

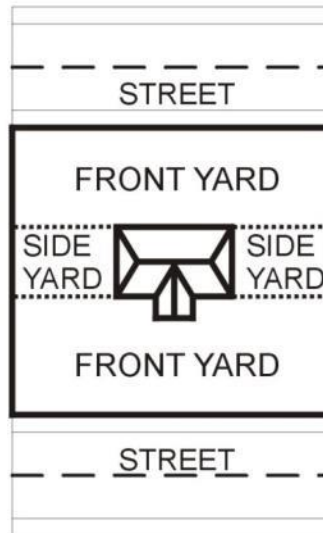
- (i) On corner lots, the required minimum front yard setback shall be provided from each street or section thereof. See [Figure 5-F](#).
- (ii) The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See [Figure 5-F](#).
- (iii) All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See [Figure 5-F](#).



*Figure 5-F: Typical yard locations for a corner lot.*

**(f) Through Lots**

- (i) Where a lot is considered a through lot, the required minimum front yard setback shall be provided on all lot lines that abut a street. See [Figure 5-G](#).



*Figure 5-G: Typical yard locations for through lots.*

- (ii)** The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See [Figure 5-G](#).
  - (iii)** For the purposes of allowing accessory uses in a rear yard, the front yard that is located to the rear of the house shall be considered the rear yard.
- (g) Flag or Panhandle Lots**
- (i)** Flag or panhandle lots shall not be used to avoid the construction of a street.
  - (ii)** The panhandle shall have a minimum street frontage as required the applicable zoning district.
  - (iii)** The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in [Figure 5-H](#).
  - (iv)** The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

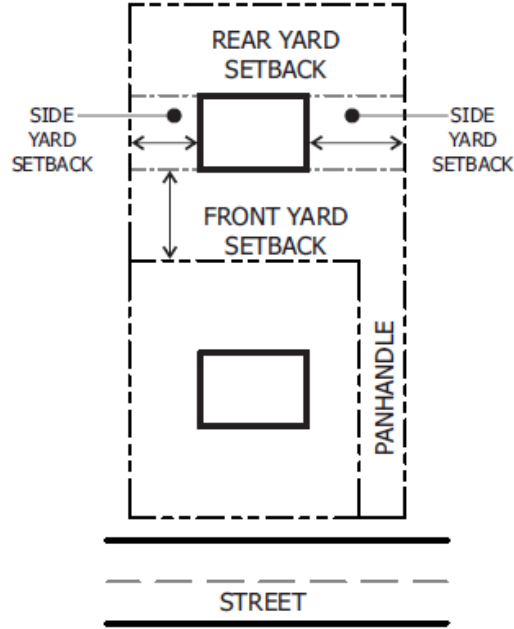


Figure 5-H: Yard and front yard setback locations on a flag or panhandle lot.

- (v) The stacking of flag or panhandle lots shall be prohibited. See [Figure 5-I](#).

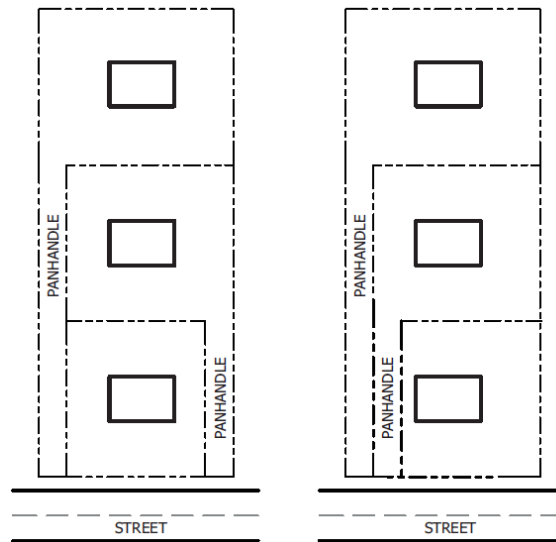


Figure 5-I: The above illustration shows the stacking of flag or panhandle lots, which is prohibited.

**(h) Cul-de-Sac or Curved-Street Lot**

- (i) For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See [Figure 5-J](#).



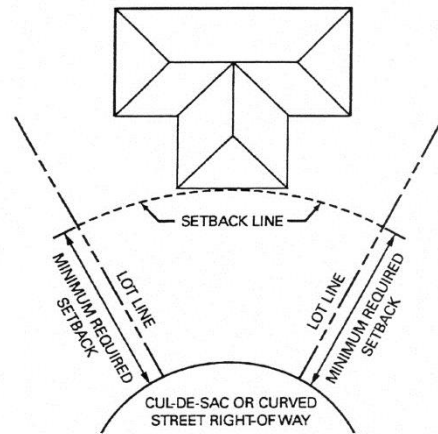


Figure 5-J: Setback line of a lot with frontage on a curved street or cul-de-sac.

- (ii) On a cul-de-sac roadway, knuckle, or eyebrow, the required street frontage shall be required and measured at the street right-of-way on the curve of the cul-de-sac, knuckle, or eyebrow.

(i) **Other Lot Types**

For any type of irregular lot not addressed in this section, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the effect on adjoining properties.

(3) **Lot Width and Street Frontage Measurements**

Lot width is the distance between the side lot lines measured along the front yard setback line. See [Figure 5-K](#).

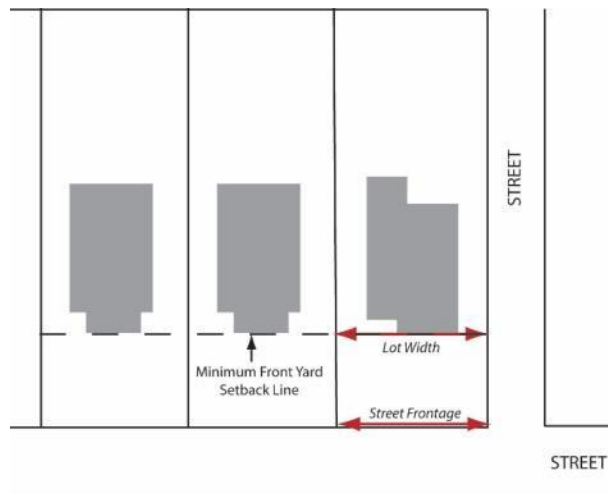


Figure 5-K: Measurement location of lot width and street frontage

**(4) Height Measurement and Exceptions**

**(a) Height Measurement**

- (i)** Where specified in stories, building height shall be measured in number of stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, and at-grade structured parking. This excludes features that are less than one-half story or completely below grade, such as basements, cellars, crawl spaces, sub-basements, and underground parking structures.
- (ii)** Where specified in feet, the building height shall be measured from the average grade at the corners of the structure to the highest point on the roof, regardless of roof type. See [Figure 5-L](#).



*Figure 5-L: Measurement of building or structure height*

- (b)** Where specified, fencing and wall height shall be measured in accordance with [Section 8.02: Fencing, Walls, Hedges, and Similar Structures](#).
- (c)** The height of all other structures shall be measured from the lowest grade adjacent to the structure to the highest point of the structure.
- (d) Exceptions to Height Limits**

Height limitations stipulated in this resolution shall not apply:

- (i)** To barns, silos or other agricultural buildings or structures on farms (not located in an improved platted subdivision); to church spires, belfries, cupolas and domes, monuments, chimneys, smokestacks, flag poles; to parapet walls extending not more than four feet above the limiting height of the building.
- (ii)** To bulkheads, elevator penthouses, water tanks, monitor and lookout towers, provided:

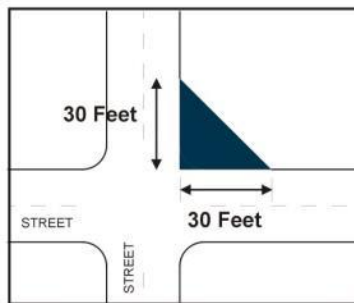
- A.** The height of any such structure shall not be greater than the number equal to the height of the first story of the principal structure; and
- B.** The total footprint of the structure shall not exceed 60% of the footprint of the principal structure and shall have the same materials as the principal structure unless an alternative material is approved by the Zoning Inspector.

**(B) General Site Development Standards**

**(1) Height Limit at Street Corners (Traffic Safety Visibility Triangle)**

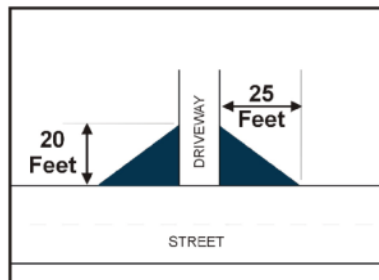
Development proposed adjacent to any public or private street, in every district, shall be designed to provide a clear visibility area for pedestrian and traffic safety.

- (a)** A traffic safety visibility triangle area, which may include private property and/or public right-of-way, is a triangle area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or the right-of-way lines where there is no curb) and connecting the lines across the property. See [Figure 5-M](#).



*Figure 5-M: Traffic safety visibility triangle for intersecting streets.*

- (b)** For intersections of streets and driveways, the traffic safety visibility area shall be created by measuring 25 feet from the edge of the driveway along the street and 20 feet along the driveway, perpendicular from the street. See [Figure 5-N](#).
- (c)** This requirement shall not apply to lots with single-family or two-family dwellings.



*Figure 5-N: Traffic safety visibility triangle for driveway and street intersections.*

- (d) No structure, sign, or landscape element shall exceed 30 inches in height, measured from the top of the curb, within the traffic safety visibility area, unless approved by the Zoning Inspector.
- (e) An exception to this requirement shall be for existing trees where the canopy is trimmed to a minimum of eight feet above grade.

**(C) Site Development Standards for Residential Zoning Districts**

- (1) [Table 5-2](#) establishes the minimum site development standards for residential zoning districts.
- (2) All dwellings shall have at least one story above ground level.
- (3) There shall not be more than one principal building on an individual lot except as otherwise permitted as part of a PD District.
- (4) Development in the R-3, R-4, R-5, and R-6 must be connected to a centralized water and sewer system regardless if privately or publicly owned (i.e., no on-site wells or septic systems allowed in these districts).
- (5) The maximum lot coverage for any single-family lot shall be 50 percent including, but not limited to, the footprints of the principal building, any accessory buildings, pools, and similar structures.

**(6) Floor Area Requirements**

In order to promote healthful living conditions and to stabilize the value and character of residential areas, dwelling units shall be erected, altered, moved, maintained and occupied only in accordance with the following minimum floor area requirements. For the purposes of calculating the floor area, all areas within basements, garages and any attached or detached accessory building or structure shall not be included.

- (a) The total minimum floor area for a single-family dwelling unit shall be 1,400 square feet.
- (b) The total minimum floor area for a dwelling unit in a two-family dwelling or multi-family dwelling shall be 700 square feet per unit.

**(7) Conversion of Dwelling to More Units**

A residence may not be converted to accommodate an increased number of dwelling units unless:

- (a) The number of dwelling units in the principal building is permitted in the applicable zoning district;
- (b) The lot will still meet all applicable lot area, setback, and use standards as established in this resolution;
- (c) The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district; and
- (d) The conversion is in compliance with all other relevant codes and resolutions.

**Article 5: Base Zoning Districts and Principal Use Regulations**  
5.05: Area, Setback, and Other Site Development Standards

**TABLE 5-2: SITE DEVELOPMENT STANDARDS FOR RESIDENTIAL ZONING DISTRICTS**

	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH (FEET)	MINIMUM SETBACKS			MAX. BUILDING HEIGHT (FEET) [2]
			FRONT YARD (FEET)	SIDE YARD (FEET)	REAR YARD (FEET)	
<b>AGRICULTURAL AND RURAL RESIDENTIAL DISTRICT (R-1)</b>						
Single-Family Dwellings	40,000 sq. ft.	150	50	10	35	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35
<b>LOW-DENSITY SINGLE-FAMILY DISTRICT (R-2)</b>						
Single-Family Dwellings	30,000 sq. ft.	125	50	10	35	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35
<b>MODERATE-DENSITY SINGLE-FAMILY DISTRICT (R-3)</b>						
Single-Family Dwellings	12,800 sq. ft.	80	50 [3]	10	35	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35
<b>LOW-DENSITY ATTACHED RESIDENTIAL DISTRICT (R-4)</b>						
Single-Family Dwellings	10,000 sq. ft.	70	50 [3]	10	35	35
Two-Family Dwellings	20,000 sq. ft.	90	50 [3]	10	40	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35
<b>MODERATE-DENSITY ATTACHED RESIDENTIAL DISTRICT (R-5)</b>						
Single-Family Dwellings	18,000 sq. ft.	90	50 [3]	10	35	35
Two-Family Dwellings	20,000 sq. ft.	100	50 [3]	10	40	35
Multi-Family Dwellings	28,000 sq. ft. for 3 units + 5,000 sq. ft. for each additional unit up to a maximum of 6 units	120	50	20 [4]	50	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35
<b>HIGH-DENSITY ATTACHED RESIDENTIAL DISTRICT (R-6)</b>						
Two-Family Dwellings	12,800 sq. ft.	80	50 [3]	10	40	35
Multi-Family Dwellings	14,200 sq. ft. for 3 units + 1,400 sq. ft. for each additional unit up to a maximum of 15 units	90 (3-4 units) 105 (5-8 units) 120 (9-15 units)	50	20 [4]	50	35
All Other Principal Uses	43,560 sq. ft.	100	50	20	50	35

**NOTES:**

**[1]** sq. ft. = square feet – Clermont County Public Health may require a larger lot area than established for the applicable zoning district if an on-site wastewater system (e.g., septic system) is required.

**[2]** Building heights are the maximum heights except as provided in Section 5.05(A)(4)(d): [Exceptions to Height Limits](#).

**[3]** The front yard setback shall be 50 feet for all streets except for local residential streets (township streets), where the setback may be reduced to 35 feet.

**[4]** If the multi-family dwelling is located adjacent to an existing lot in the R-1, R-2, R-3, or R-4 Districts, then the side yard setback from such lot shall be increased to a minimum setback of 50 feet. Additional buffering requirements might be applicable. See [Article 10: Landscaping Standards](#).

**Article 5: Base Zoning Districts and Principal Use Regulations**

5.05: Area, Setback, and Other Site Development Standards

**(D) Site Development Standards for Nonresidential Zoning District**

- (1)** Table 5-3 establishes the minimum site development standards for nonresidential zoning districts.
- (2)** There can be more than one principal building on an individual lot. When multiple principal buildings are located on an individual lot, the spacing between the buildings shall be reviewed and approved by the Goshen Township Fire Chief or their designee.
- (3)** The maximum impervious surface coverage shall be calculated by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater by the total lot area. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

**TABLE 5-3: SITE DEVELOPMENT STANDARDS FOR NONRESIDENTIAL ZONING DISTRICTS**

DISTRICT	MINIMUM LOT AREA [1]	MINIMUM LOT WIDTH (FEET)	MAXIMUM IMPERVIOUS SURFACE COVERAGE	SETBACKS			MAX. BUILDING HEIGHT (FEET) [3]
				FRONT YARD (FEET)	SIDE AND REAR YARD [2] ADJACENT TO A RESIDENTIAL DISTRICT (FEET)	SIDE AND REAR YARD [2] ADJACENT TO A NONRESIDENTIAL DISTRICT (FEET)	
All Principal Uses in the Local Business District (B-1)	None	50	80%	0	35	0	45
All Principal Uses in the General Business District (B-2)	20,000 sq. ft.	80	75%	50	50	10	45
All Principal Uses in the Town Center Business District (TC)	None	50	75%	0	35	0	45
All Principal Uses in the Light Manufacturing District (M-1)	20,000 sq. ft.	80	75%	50	50	20	45
All Principal Uses in the Heavy Manufacturing District (M-2)	43,560 sq. ft.	100	60%	50	75	20	45

NOTES:  
**[1]** sq. ft. = square feet  
**[2]** The applicable standard shall apply to each side and rear lot line.  
**[3]** Building heights are maximum heights except as provided in Section [5.05\(A\)\(4\)\(d\): Exceptions to Height Limits](#).

# Article 6: Planned Development Districts

## 6.01 ESTABLISHMENT AND PURPOSE OF PLANNED DEVELOPMENT DISTRICTS

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### (A) Overall Purpose

In order to fully provide for the purpose and intent of this resolution as outlined in Section [1.01: Purpose](#), while also providing for some level of flexibility in meeting the standards established within the resolution, Goshen Township has established options for planned development districts. The overall purpose for these districts is to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Goshen Township. The township's character is related to the physical attributes of the township, including its land use patterns and natural resources. The planned development districts are intended to achieve the following land use objectives:

- (1) Provide for a variety of housing options and lot sizes to promote the planning of a development that is more sensitive to the protection of open spaces and accommodation for all demographics in Goshen Township;
- (2) Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the open space character of the surrounding area;
- (3) Permit the flexible spacing of lots and buildings in order to encourage the separation of pedestrian and vehicular circulation; the provision of readily accessible open space and recreation areas; and the creation of functional and interesting activity areas;
- (4) Promote economical and efficient use of land and reduce infrastructure costs through unified development;
- (5) Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses;
- (6) Provide for flexibility in situations where existing development, subdivided lots, or base zoning district requirements may limit the potential for future development; and
- (7) Provide a higher level of design review to ensure attractive, well-planned developments and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.

### (B) Types of Planned Development Districts

There are two major types of planned development districts in Goshen Township that include:

#### (1) Planned Development Districts with Zoning Amendment

- (a) A general Planned Development District requires the submission of a preliminary and final development plan in accordance with Section [6.02\(E\): Planned Development District Review Procedure](#), which requires an amendment to the Goshen Township Zoning Map in order to establish the district. Within this type of district, there are three major sub-types of districts including:
  - (i) PD-R: Residential Planned Development District;
  - (ii) PD-B: Business Planned Development District; or
  - (iii) PD-M: Mixed-Use Planned Development District.



- (b) An application for a general PD district may only be submitted at the option of the property owner or their authorized agent.
- (c) An application for a general PD may be for any property in the township.

**(2) PDO State Route 28 Planned Development Overlay District**

- (a) The purpose of the State Route 28 Planned Development Overlay District (PDO) is to, in part, implement the State Route 28 Corridor Development Plan recommendations for the area of the township located along State Route 28, west of the Town Center area. The PDO provides for more flexibly options for development in areas that has a mix of existing land use and zoning, as well as lots that, due to their size and shape, may make development under a base zoning district difficult. Furthermore, it is the purpose of this district to encourage development that is designed in a manner as to enhance the gateway into the community, improve traffic flow along State Route 28, and create new economic development options in the township.
- (b) The zoning for this overlay district has been established on the zoning map and therefore does not require a simultaneous zoning map amendment.
- (c) The review of development shall occur at the option of the property owner and only requires the submission of a PDO plan for review by the Zoning Commission during one hearing, as established in [Section 6.03\(B\): Review Procedure](#).

**(C) PDs Approved Prior to the Effective Date of this Resolution**

Any Planned Development (PD) District or Planned Business Development District (PBDD) approved prior to the effective date of this resolution shall continue in accordance with the approved plans. Modifications, amendments, and expansion of existing PDs shall be in accordance with [Section 6.02\(J\): Modifications to Approved Preliminary or Final Development Plans](#).

**(D) Deviation from Standards**

- (1) The Zoning Commission and Board of Trustees may approve deviations from any of general development standards in this article except those standards found in [Table 6-1](#).
- (2) Such deviation must be reviewed and approved as part of the preliminary development plan.
- (3) In approving a deviation from these standards, the Zoning Commission and Board of Trustees must find that:
  - (a) The proposed alternative achieves the purposes of the PD district to the same or better degree than the subject standard;
  - (b) The proposed alternative achieves the goals and intent of this resolution and the growth management plan to the same or better degree than the subject requirement; and
  - (c) The proposed alternative results in benefits to the township that are equivalent to or better than compliance with the established standard.



## **6.02 PLANNED DEVELOPMENT DISTRICTS (PD)**

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This section shall apply to any planned development district that requires a zoning map amendment and will be classified as a PD-R, PD-B, or PD-M District. Applications subject to the PDO State Route 28 Planned Development Overlay District shall be subject to the provisions of Section [6.03: PDO State Route 28 Planned Development Overlay District](#).

### **(A) Minimum Project Area**

- (1)** An application for a PD shall be for property that is under a single ownership or, if under several ownerships, the application shall be filed jointly by all owners of the properties included in the proposed PD boundaries.
- (2)** The minimum gross area of a tract of land developed as a PD shall be 10 acres.
- (3)** The Zoning Commission may authorize review of a tract of land smaller than 10 acres if, upon written request by the owner of land, they find that either:
  - (a)** The requested smaller land area has unique natural features that would not be preserved if the parcel were developed as a conventional subdivision; or
  - (b)** The ownership of the property and surrounding land and/or other use and development restrictions abutting the property reasonably prevent the applicant from acquiring the additional land necessary to satisfy the minimum area required.
- (4)** All land within the PD shall be contiguous in that it shall not be divided into segments by existing or proposed limited access highways, arterial streets, and other streets except local and collector streets, or any tract of land (other than roads or right-of-way for utility or related purposes) not owned by the developer of the PD. The determination of local streets for the purposes of this provision shall be based upon the specifications of the Clermont County Subdivision Regulations.

### **(B) Permitted Uses**

- (1)** The following is a list of uses allowed in each type of planned development district subtypes.

#### **(a) PD-R: Residential Planned Development District**

Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a PD-R District:

- (i)** Agricultural use classification;
- (ii)** Residential use classification; and
- (iii)** Public and institutional use classification.

#### **(b) PD-B: Business Planned Development District**

**(i)** Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a PD-B District:

- A.** Agricultural use classification;
- B.** Public and institutional use classification;
- C.** Commercial and office use classification; and
- D.** Industrial use classification.

- (ii) Mixed use buildings and multi-tenant developments from the miscellaneous use classification are also allowed in the PD-B Districts.

**(c) PD-M: Mixed-Use Planned Development District**

- (i) Any uses that fall within the following use classifications in [Table 5-1](#) may be considered in a PD-M District:
  - A. Agricultural use classification;
  - B. Residential use classification;
  - C. Public and institutional use classification;
  - D. Commercial and office use classification; and
  - E. Industrial use classification.
- (ii) Mixed use buildings and multi-tenant developments from the miscellaneous use classification are also allowed in the PD-M Districts.

**(2) Limiting Permitted Uses**

As part of the review of a PD preliminary plan application, the Zoning Commission and Board of Trustees may identify uses that are permitted within a specific PD type that should be limited (with set conditions) or prohibited within the proposed PD preliminary plan application. Any such limitations and conditions shall be established in the approval of the PD preliminary plan.

**(3) Accessory Uses and Structures in a PD District**

Accessory uses in a PD District shall be subject to the following standards:

- (a) Accessory uses and structures related to residential uses in a PD District shall be subject to the standards applied to accessory uses in the R-2 District.
- (b) Accessory uses and structures related to nonresidential uses in a PD District shall be subject to the standards applied to the B-2 District.

**(C) Development Standards**

Except as otherwise authorized by the Zoning Commission and the Board of Trustees, PD Districts shall comply with the following development standards:

**(1) Density and Intensity of Uses**

- (a) All PDs shall comply with the standards set forth in [Table 6-1](#).
- (b) A minimum of 40 percent of the floor area in a PD-M shall be residential dwelling units.
- (c) All open space required by this section shall be subject to [Article 11: Open Space Standards](#).

<b>TABLE 6-1: PD DENSITY AND INTENSITY STANDARDS</b>				
<b>PD DISTRICT TYPE</b>	<b>MINIMUM OPEN SPACE REQUIRED (OF TOTAL SITE)</b>	<b>MAXIMUM GROSS DENSITY (TOTAL SITE)</b>	<b>MAXIMUM NET DENSITY (ANY ONE ACRE)</b>	<b>MAXIMUM BUILDING HEIGHT</b>
PD-R	35%	3 units per acre	6 units per acre	35 feet
	50%	4 units per acre[1]	8 units per acre	35 feet
PD-M	25%	8 units per acre [1]	12 units per acre	45 feet
PD-B	No minimum open space is required and there is no maximum density applicable but the maximum lot coverage by buildings, pavement, and other hard surfaces shall not exceed 70% of the total site.			45 feet

**(2) Permitted Number of Dwelling Units**

- (a)** The maximum permitted number of dwelling units in a PD-R or PD-M project shall be calculated by multiplying the total area of “residential developable land” by the maximum gross density. For the purposes of this calculation, “residential developable land” is any land area except land that is designated as or for:
  - (i)** Rights-of-way that exist prior to the application, but not including right-of-ways that will be proposed as part of the application;
  - (ii)** Land that is the floodway or other areas that are not developable for residential units due to state or federal standards;
  - (iii)** Land that is permanently conserved; and
  - (iv)** Land designated solely for nonresidential development.
- (b)** The permitted number of dwelling units may be located on any size lot or in any area of the development in accordance with this article and outside of the required minimum open space area (See [Table 6-1.](#)).

**(3) Lot Standards for Residential Only Uses and Developments**

- (a)** The minimum lot area for any residential use shall be 5,000 square feet.
- (b)** The minimum lot width for any residential use shall be 50 feet.
- (c)** Lots of less than 8,000 square feet shall have garages that are either:
  - (i)** Rear-loaded; or
  - (ii)** Set back a minimum of five feet from the front façade of the remainder of the house.
- (d)** There shall be a minimum distance of 60 feet between the rear facades of any two homes and 10 feet between the side facades of any two homes. If lots are established, these distance requirements do not have to be equally applied to each lot (i.e., there does not have to be a five-foot side yard setback on each lot to meet the 10 foot side façade separation).
- (e)** The minimum front yard setback shall be 25 feet from any local residential street right-of-way, however, the facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the street right-of-way. For homes that have frontage along a county designated road, the minimum front yard setback shall be 40 feet.

- (f) If no right-of-way exists, the minimum front yard setback shall be 25 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater. The facade of any front-loading garage (the garage portion of the front façade) shall be setback 30 feet from the edge of pavement or the back of any easement the county may require along the street for the purposes of utilities, whichever is greater

**(4) Lot Standards for Mixed Use and Nonresidential Uses**

There shall be no minimum lot area or lot width requirements for mixed use buildings or other nonresidential uses.

**(5) Floor Area Requirements for Dwelling Units**

All dwelling units shall comply with the floor area requirements of Section [5.05\(C\)\(6\): Floor Area Requirements](#).

**(6) Architectural Standards**

At a minimum, all planned development applications shall be subject to the architectural standards of [Article 9: Architectural Standards](#).

**(7) Buffering**

- (a) A setback of 20 feet shall be provided along the perimeter of a PD-R District where such district is adjacent to existing residential subdivisions. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development.
- (b) A setback of 50 feet shall be provided along the perimeter of a PD-B or PD-M District where such district is adjacent to existing residential subdivisions or a residential zoning district. No structures or parking shall be permitted in this setback area. The perimeter setback is intended to be a landscaped buffer that provides 100% screening of the development.
- (c) The planting and landscaping material standards of Section [10.04: Landscaping Materials and Standards](#), shall apply.
- (d) The applicant may request, or the Zoning Commission may recommend and the Board Trustees may approve, modifications in the width or use of the perimeter setback when unique conditions warrant such modifications including opportunities for connectivity to adjacent uses and developments.

**(D) Street, Drive, and Sidewalk Requirements**

**(1) General Street and Drive Design Criteria**

- (a) The area of the proposed project devoted to streets and related pavement should be the minimum necessary to provide adequate and safe movement through the development.
- (b) Street alignments should follow natural contours and be designed to conserve natural features.
- (c) The locations of streets should be planned to avoid excessive stormwater runoff and the need for storm sewers.
- (d) Dead-end streets shall be prohibited, except as stub streets.

- (e) Permanent cul-de-sac streets are strongly discouraged and should only be utilized in instances where they are necessary due to topography, configuration of land, existing road layouts or other special circumstances. The Zoning Commission and Board of Trustees may require stub streets to extend to the development boundaries for planned road connections.

**(2) Pedestrian Circulation, Walkways, and Trails**

- (a) A pedestrian circulation system shall be included in a PD-R or PD-M District and should be designed to ensure that pedestrians can walk safely and easily throughout the development, without having to walk or utilize the street for travel. The pedestrian system should provide connections between properties and activities or special features within common areas and need not always be located along streets. If the pedestrian system intersects a public or private street within the development, "pedestrian crossing" signs shall be posted.
- (b) A trail system may be provided within the area of open space. The system should be designed to minimize disturbance of the site with regard to the natural drainage system and topography. To the maximum extent feasible, natural materials should be used in the construction and maintenance of the trail system.
- (c) When developed adjacent to contiguous to a public trail, park, or recreation area, the development shall provide pedestrian access from the development to the public area by way of connecting walkway, trail, boardwalk, or bridge.

**(E) Planned Development District Review Procedure**

**(1) Planned Development (PD) Initiation**

- (a) A PD District may be initiated by the property owner or an agent of the property owner.
- (b) All PD District applications shall be subject to Section [3.03: Common Review Requirements](#).

**(2) Preliminary Development Plan Review Procedure**

**(a) Step 1 – Pre-application Conference (Optional)**

- (i) The applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (ii) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Goshen Township or its officials regarding any aspects of the plan or application discussed.

**(b) Step 2 – PD District Zoning Map Amendment and Preliminary Development Plan Application**

- (i) Applications for a PD District shall be submitted to the Zoning Commission at the township offices.

- (ii) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
      - (iii) Each application shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
      - (iv) All applications shall be submitted with the required fees as established in the Goshen Township fee schedule.
  - (c) **Step 3 – Referral to the Clermont County Planning Commission**
    - (i) Within five days after the filing of an application (Step 2), the township shall transmit a copy thereof to the Clermont County Planning Commission.
    - (ii) The Clermont County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed PD District and preliminary development plan, and shall submit such recommendation to the Zoning Commission.
    - (iii) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.
  - (d) **Step 4 – Public Hearing and Recommendation by the Zoning Commission**
    - (i) Upon the filing of a PD District zoning map and preliminary development plan (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment and preliminary development plan.
    - (ii) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
    - (iii) Notification shall be given in accordance with the ORC.
    - (iv) Within 30 days after completion of the Zoning Commission’s public hearing, the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed PD District zoning map amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Clermont County Planning Commission to the Board of Trustees.
  - (e) **Step 5 – Public Hearing and Decision by the Board of Trustees**
    - (i) Upon receipt of the recommendation from the Zoning Commission (Step 4), the Board of Trustees shall set a time for a public hearing on such proposed PD District zoning map amendment and preliminary development plan.
    - (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

- (iii) Notification shall be given in accordance with the ORC.
- (iv) Within 20 days after its public hearing, the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. If the Board of Trustees denies or modifies the Zoning Commission's recommendations, the majority vote of the Board of Trustees shall be required.
- (v) Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, general design standards, and building locations. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed final development plans.
- (vi) The Board of Trustees' decision on the PD District zoning map amendment and the preliminary development plan is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section [3.05\(C\): Effective Date and Referendum](#). After approval of the PD zoning map amendment and preliminary development plan, and after the subsequent referendum period has ended, the zoning map shall be changed to reflect this amendment.
- (vii) In approving a preliminary development plan, the township shall establish the maximum gross density of the PD. The project density approved by the Board of Trustees in the preliminary development plan shall be subject to the application of the development standards of this resolution and any conditions of the approved preliminary development plan. If, upon the application of the development standards and the conditions of the approved plan, the applicant cannot achieve the maximum approved density, then the applicant shall be confined limited to the density achieved from the application of the standards and any conditions.

**(3) Review Criteria for a Preliminary Development Plan**

- (a) The following criteria shall serve as conditions for the review and recommendation or decision on the preliminary development plan:
  - (i) The PD and preliminary development plan are consistent with the intent and purpose of this resolution and, in particular, the furtherance of the purpose of the PD as set forth in Section [6.01\(A\): Overall Purpose](#).
  - (ii) The PD and preliminary development plan are consistent with the adopted Goshen Township Growth Management Plan;
  - (iii) The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Clermont County Thoroughfare Plan, or other adopted transportation plans. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development;

- (iv) The proposed infrastructure, utilities, and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities;
- (v) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;
- (vi) Required open space areas are identified and provisions have been made for the care and maintenance of such areas;
- (vii) The design and layout of the open space areas incorporate existing natural resources in a method that provides benefit to the overall community while ensure long time protection of the resources; and
- (viii) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.

**(b) Crucial Features of the PD District (Preliminary Development Plan)**

- (i) The township may incorporate a list of "crucial features of the PD District" as part of a preliminary development plan approval.
- (ii) The crucial features of the PD District are those items or features that the township finds crucial or indispensable to the PD District approval and as such, the township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PD District. Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
- (iii) The Zoning Commission may include a recommendation on the list of crucial features as part of their overall recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee's decision.
- (iv) If a list of crucial features is included in the decision on the preliminary development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PD records.

**(4) Final Development Plan Review Procedure**

**(a) Step 6 – Submission of a Final Development Plan**

- (i) Once the PD zoning map amendment and preliminary development plan have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.
- (ii) Prior to submitting a final development plan(s), the applicant should obtain preliminary subdivision plan approval from Clermont County to ensure compliance with the subdivision regulations prior to finalizing the final development plan under this article.



- (iii) The final development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
- (iv) The detailed final development plan shall be consistent with the applicable PD requirements in this zoning resolution and the contents of the approved preliminary development plan.
- (v) A final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified open space within all residential planned developments.

**(b) Step 7 – Public Meeting and Decision by the Zoning Commission**

- (i) Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in [Section 6.02\(E\)\(5\): Review Criteria for a Final Development Plan](#), have been met.
- (ii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of 10 days in advance of the scheduled meeting. The notice shall be sent through the regular mail and comply with [Section 3.03\(D\): Constructive Notice for All Proceedings](#).
- (iii) Within 30 days of the Zoning Commission's public meeting, the Zoning Commission shall approve, approve with modifications, or deny the proposed final development plan.
- (iv) After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or modifications approved by the township to be maintained for township records.
- (v) The approved final development plan shall be kept on record in the township offices together with all resolutions, applications, plats, plans, and other information regarding the development.
- (vi) The resolutions prepared by the Zoning Commission and Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PD.
- (vii) The use of the PD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this zoning resolution and subject to the procedures and penalties specified in [Article 15: Enforcement and Penalties](#).

**(5) Review Criteria for a Final Development Plan**

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

- (a) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of open space as indicated on the preliminary development plan and final development plan.
- (b) The proposed detailed final development plan for an individual section of the overall PD is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan
- (c) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained. No individual phase shall exceed the approved density. Each phase shall include a proportionate amount of the required open space to ensure that each phase is in compliance with the open space requirements.
- (d) That any part of the PD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Zoning Commission and Board of Trustees, left in its natural state.
- (e) That any exception from the design standards provided in the PD District is warranted by the design and amenities incorporated in the detailed final development plan.
- (f) That the detailed final development plan is consistent with the intent and purpose of this zoning resolution.
- (g) Proposed covenants, easements and other provisions meet development standards and protect the public health, safety, and general welfare.
- (h) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- (i) Preliminary development plans and final development plans shall include a list of any and all features in the PD Plans which were crucial, and indispensable, in order to gain PD approval from the township. This list, under the heading, "Crucial Features for this PD," shall be reviewed for approval or denial as part of the PD District process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.

**(F) Time Limits**

- (1) The final development plan shall be submitted within one year after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.
- (2) Upon expiration of the preliminary development plan, the property shall still be zoned as the applicable PD sub-type with a voided preliminary development plan. The property owner or authorized agent may submit an application and new preliminary development plan for consideration pursuant to [Section 6.02\(E\)\(2\): Preliminary Development Plan Review Procedure](#), or an application for a zoning map amendment to another district (See [Section 3.05: Zoning Text or Map Amendment](#).)
- (3) An applicant can request an extension of any applicable time limit by requesting a status review of the PD District with the Zoning Commission and requesting an extension as part of that review.

- (4) If the applicant has not received subdivision plat approval or an extension pursuant to this article within one-year of the approval of the final development plan approval, both the preliminary and final development plans will become null and void.
- (5) Upon the expiration of the preliminary and/or final development plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PD District zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new preliminary development plan, with all applicable fees, pursuant to the review procedure established in this article.

**(G) Phased Developments**

- (1) For phased developments, the Zoning Commission and Board of Trustees may approve a phased final development plan schedule as part of the preliminary and/or final development plan approval. In such case, the approved time frames shall establish when the approved development plans shall expire.
- (2) When an applicant proposes to complete the project in phases, each phase shall have adequate provision for access, open space, parking, storm water management, and other public improvements to serve the development in accordance with the applicable criteria set forth in this article. Each phase shall be provided with temporary or permanent transitional features, buffers, or protective areas in order to prevent any adverse impact on completed phases, future phases, and adjoining property. The open space areas shall be reasonably proportioned in each phase of the project, and the proposed construction of any recreation facilities shall be clearly identified on a phasing plan.

**(H) Approved Plans Stay with Land**

- (1) Approved preliminary and final development plan shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.
- (2) If there is a change in land ownership, the new land owner may:
  - (a) Continue with the PD process and development in accordance with this article and the approved plans;
  - (b) Submit a new preliminary development plan and/or final development plan in accordance with this article; or
  - (c) Submit an application for a zoning map amendment in accordance with Section [3.05: Zoning Text or Map Amendment](#)

**(I) Required Conditions for the Issuance of a Zoning Permit**

- (1) A zoning permit may be issued for a structure in a PD District, in accordance with an approved final development plan, following approval by the Clermont County Planning Commission of a final subdivision plat for that portion of the PD District within which the proposed structure is to be located, and recording of the approved subdivision plat.
- (2) No zoning permit shall be issued for any property in a PD District and no construction, except preliminary excavation, shall begin until an approved final development plan is in effect for that phase or property. The final development plan becomes effective upon approval by the Zoning Commission.

**(J) Modifications to Approved Preliminary or Final Development Plans**

- (1)** If an applicant proposes to modify an approved preliminary development plan or final development plan, the applicant shall submit the proposed modifications to the Zoning Inspector for transmittal to the appropriate authority based on paragraphs **(3)** and **(4)** below.
- (2)** The proposed modifications shall be classified as a minor or major modification based on the following:

**(a) Minor Modifications**

Minor modifications shall include, but are not limited to, changes that do not involve:

- (i)** Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;
- (ii)** A reduction of more than 10 percent in the number of parking spots;
- (iii)** A change of the permitted uses to a use not otherwise permitted in the proposed PD District;
- (iv)** Any change that will increase demand on any on- or off-site infrastructure;
- (v)** Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PD District; or
- (vi)** An expansion of a building footprint that affects the specified setbacks of the approved plan.

**(b) Major Modifications**

Major modifications shall include, but are not limited, to:

- (i)** A change in density or intensity;
- (ii)** Changes to the property or project boundaries of the entire PD District;
- (iii)** Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations;
- (iv)** Anything not classified as a minor modification above; or
- (v)** Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.

**(3) Review of Minor Modifications**

- (a)** The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved preliminary development plan or final development plan.
- (b)** Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.

- (c) The decision of the Zoning Commission on minor modifications shall be deemed administrative.
- (d) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.

**(4) Review of Major Modifications**

- (a) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the preliminary development plan pursuant to Section [6.02\(E\)\(2\): Preliminary Development Plan Review Procedure](#), with the following provisions:
  - (i) The new plan shall not be subject to review by the Clermont County Planning Commission; and
  - (ii) Major modifications shall be subject to new application fees.
- (b) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.

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**6.03 PDO STATE ROUTE 28 PLANNED DEVELOPMENT OVERLAY DISTRICT**

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This section shall apply to any planned development application related to the State Route 28 Planned Development Overlay District. Applications for a planned development that requires a zoning map amendment and will be classified as a PD-R, PD-B, or PD-M District shall be subject to the provisions of Section [6.02: Planned Development Districts \(PD\)](#).

**(A) Applicability**

- (1) Property owners that are subject to the PDO zoning district may continue to use their property in accordance with the requirements of the applicable base zoning district.
- (2) At the election of the property owner, the owner may choose to develop pursuant to the PDO District, in accordance with this section, without requiring the rezoning of the base zoning district.

**(B) Review Procedure**

The PDO is a planned development subject to township review prior to the issuance of a zoning permit. The review shall be completed in accordance with the procedure below:

**(1) Step 1 – Pre-application Conference (Optional)**

- (a) The applicant may request to meet with the Zoning Commission to discuss the initial concepts of the proposed PDO development and general compliance with applicable provisions of this zoning resolution, prior to the submission of the application.
- (b) Discussions that occur during a pre-application conference or any preliminary meeting with the Zoning Commission, or any representative of the township, are not binding on the township and do not constitute official assurances or representations by Goshen Township or its officials regarding any aspects of the plan or application discussed.
- (c) The purpose of the pre-application conference is to informally discuss application requirements, review procedures, and details of the proposed development.

- (d) Applicants are encouraged to bring a preliminary development plan to the pre-application conference.
- (e) No formal application is required to facilitate a pre-application conference. The applicant need only contact the Zoning Inspector to set up a meeting date.

**(2) Step 2 –Application**

- (a) Applications for any development under the PDO district shall be submitted to the Zoning Commission at the township offices.
- (b) The application shall include all such forms, maps, and information, as may be prescribed by the Zoning Inspector to assure the fullest practicable presentation of the facts for the permanent record.
- (c) All applications shall be submitted with the required fees as established in the Goshen Township fee schedule.

**(3) Step 3 – Public Hearing and Decision by the Zoning Commission**

- (a) Upon the submittal of the application (Step 2), the Zoning Commission shall fix a reasonable time for the public hearing on the application.
- (b) Written notice of the public hearing shall be given to all adjacent property owners at least ten days prior to the public hearing regarding the proposed development. Notice shall also be published in a newspaper of general circulation at least ten days prior to the public hearing. All notice shall be accomplished in accordance with [3.03\(D\): Constructive Notice for All Proceedings](#).
- (c) Within 30 days after the close of the Zoning Commission’s public hearing, the Zoning Commission shall decide on the approval, denial, or modification of the proposed application.
- (d) After approval of the application, the applicant shall be required to submit a revised plan incorporating any revisions or modifications approved by the township to be maintained for township records. The Zoning Inspector shall have the authority to take the revised plan back to the Zoning Commission if there are any questions as to whether the revised plan illustrates all conditions of the approval.
- (e) Once an approved plan, with all approved modifications, has been submitted, the applicant may make application for zoning permits in accordance with [Section 3.04: Zoning Permit](#).

**(C) Review Criteria**

The Zoning Commission shall study and review the proposed PDO plan to:

- (1) See that all requirements of this section and any other applicable section of this code have been satisfied; and
- (2) Ascertain that the following specific conditions are fully met:
  - (a) That the PDO is consistent with the intent and purpose of this zoning resolution and, in particular, the State Route 28 Corridor Development Plan;
  - (b) The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses;

- (c) That the areas proposed shall be used only for those uses permitted under these provisions and the usual accessory uses;
- (d) That the internal streets and primary and secondary roads that are proposed shall properly interconnect with the surrounding existing primary and secondary road network as designated by the Clermont County Engineer. The township may require a traffic impact study for a preliminary development plan;
- (e) The proposed infrastructure, utilities, and all other proposed facilities are adequate to serve the development and properly interconnect with existing public facilities;
- (f) That any part of the PDO not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved, or if approved by the Zoning Commission, left in its natural state; and
- (g) The plan has been transmitted to all other agencies and departments charged with responsibility of review and that the plan addresses any concerns by these agencies.

**(D) Modifications to Approved Plans**

Any modification to an approved PDO plan shall be subject to the review procedure identified in this section.

**(E) Permitted Uses**

Any use permitted in the B-2 (See [Table 5-1.](#)) shall be permitted in the PDO subject to approval in accordance with this section.

**(F) Accessory Uses and Structures**

Accessory uses shall be regulated per the underlying base zoning district except where an applicant utilizes the PDO process outlined in this section. In such cases, accessory uses shall be permitted as follows:

- (1) Accessory uses allowed for the B-2 District shall be permitted as accessory to any nonresidential use.
- (2) For residential uses, accessory uses allowed for the R-1 District shall be permitted as accessory to single-family dwellings and accessory uses allowed for the R-3 District shall be permitted as accessory uses for multi-family dwellings.
- (3) All accessory uses shall be subject to the standards of Section [7.01: Accessory Use Regulations](#).

**(G) Site Development Standards**

- (1) The minimum front yard setback shall be 50 feet as measured from the street right-of-way to the principal building.
- (2) There shall be no minimum side yard setback for lots developed under this PDO process.
- (3) The minimum rear yard setback shall be 20 feet except when the lot is adjacent to a residential lot outside of the PDO, in which case, the minimum rear yard setback shall be 50 feet.
- (4) The maximum building height shall be 45 feet.



**(H) Green Space**

Lots that are over one acre in area shall preserve 10 percent of the gross area of the property as green space that may include required landscape areas or required buffer areas, provided they are landscaped or natural.

**(I) Parking, Access, and Mobility**

- (1)** Cross access easements to adjacent parcels shall be provided in order to achieve better circulation throughout the corridor and to minimize driveway cuts along public roads, unless waived by the Clermont County Engineer.
- (2)** All cross access easements shall comply with the county's access management requirements.
- (3)** Shared maintenance agreements shall be filed with the Clermont County Recorder.
- (4)** Off-street parking, loading, and vehicle stacking, shall be subject to [Article 12: Parking, Loading, and Circulation Standards](#).

**(J) Landscaping and Buffers**

- (1)** Unless otherwise stated in this section, the landscaping and buffering requirements of [Article 10: Landscaping Standards](#) shall apply to development within the PDO.
- (2)** The Zoning Commission may waive requirements of [Article 10: Landscaping Standards](#), as part of the PDO process if an alternative form of landscaping or buffering is proposed that would meet or exceed the purposes of the PDO District and the purpose stated in [Article 10: Landscaping Standards](#).

**(K) Signs**

All signs shall be subject to the standards of [Article 13: Signage Standards](#).

**(L) Outdoor Lighting**

All outdoor lighting shall be subject to the standards of Section [8.01: Exterior Lighting](#).



# Article 7: Accessory and Temporary Use Regulations

## 7.01 ACCESSORY USE REGULATIONS

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### (A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this resolution.

### (B) General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be subordinate to and serves the principal building or use.
- (3) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves.
- (4) An owner shall be required to apply for and receive a zoning permit unless exempted or not required by this section.
- (5) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning resolution.
- (6) Accessory uses and structures are prohibited in any open space area that is preserved by a covenant deed restriction, or other private agreement.
- (7) Accessory structures used for exempted agricultural purposes shall be exempt from these regulations.
- (8) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision, unless specifically allowed as a home occupation.
- (9) Accessory buildings and structures with a floor area less than or equal to 20 square feet shall not require a zoning permit but shall comply with the location and setback requirements of this section.
- (10) Buildings and structures that are an integral part of an agricultural use (e.g., barns, silos, sheds, etc.) that is exempt from the regulations of this resolution are similarly exempted from these accessory use regulations.

### (C) Size Requirements and Location

#### (1) Setbacks

- (a) Detached accessory structures shall be set back a minimum of 10 feet from the principal building. This setback shall not apply to fences, walls, or hedges that are regulated by Section [8.02: Fencing, Walls, Hedges, and Similar Structures](#).
- (b) Detached accessory structures shall be set back a minimum of 50 feet from any street right-of-way.

- (c) Accessory buildings and structures with a floor area greater than 200 square feet shall be set back a minimum of 10 feet from the side and rear lot lines unless otherwise specified.
- (d) Accessory buildings and structures with a floor area less than or equal to 200 square feet shall be set back a minimum of five feet from the side and rear lot lines.

**(2) Maximum Size**

- (a) For residential districts, the aggregate square footage of the following accessory buildings and structures shall not exceed more than seven percent of the total lot area on which they are located:
  - (i) Detached garages and carports;
  - (ii) Detached storage/utility sheds, gazebos, and other similar structures;
  - (iii) Porches and decks (not attached to the principal dwelling);
  - (iv) Freestanding solar panels;
  - (v) Swimming pools, hot tubs, and spas; and
  - (vi) Other accessory buildings similar in nature to the above mentioned structures, as determined by the Zoning Inspector
- (b) In no case shall the aggregate square footage of the accessory structures listed above exceed 2,000 square feet.
- (c) There is no maximum square footage of accessory buildings or structures in the business zoning districts.

**(3) Maximum Height**

The maximum height of accessory structures or buildings shall be 25 feet or the maximum height of the principal building, whichever is less. The height shall be measured as defined in Section [5.05\(A\)\(4\): Height Measurement and Exceptions](#).

**(D) Permitted Accessory Uses**

[Table 7-1](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 7-1](#).

**(1) Permitted Use (P)**

- (a) A "P" in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (b) Permitted uses or structures are approved administratively by the Zoning Inspector through the zoning permit procedure (See Section [3.04: Zoning Permit](#)).

**(2) Permitted Use with Use-Specific Standards (PS)**

- (a) A "PS" in a cell indicates that the accessory use or structure category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 7-1](#). Permitted uses with standards are subject to all other applicable regulations of this resolution.

- (b) Uses or structures permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning permit procedure (See Section [3.04: Zoning Permit.](#)).

**(3) Conditional Use (C)**

- (a) A "C" in a cell indicates that an accessory use or structure may be permitted if approved through the conditional use review (See Section [3.06: Variance or Conditional Use.](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 7-1.](#)
- (b) Conditional uses are subject to all other applicable regulations of this resolution.
- (c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for conditional uses in Section [3.06\(C\): Conditional Use Review Criteria.](#)

**(4) Prohibited Uses (Blank Cells)**

A blank and/or shaded cell indicates that an accessory use or structure is prohibited in the respective zoning district.

**(5) Permit Required**

The "Permit Required" column identifies if a zoning permit is required for the applicable accessory use or structure.

**(6) Yards Permitted**

The "Yards Permitted" column identifies in which yards the applicable accessory use or structure is permitted. See also Section [5.05\(A\): Measurements, Computations, and Exceptions](#), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

**(7) Numerical References (Last Column)**

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

**(8) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 7-1](#), the applicant may choose to take one of the actions identified in Section [5.03\(B\)\(6\): Unlisted Uses.](#)

**(9) Accessory Uses in Planned Development Districts**

Accessory uses for development within a planned development district shall be regulated based on the principal use. Accessory uses for residential principal uses shall be as regulated for residential zoning districts in [Table 7-1.](#) Accessory uses for nonresidential principal uses shall be as regulated for nonresidential zoning districts in [Table 7-1.](#)

**Article 7: Accessory and Temporary Use Regulations**

7.01: Accessory Use Regulations

**TABLE 7-1: PERMITTED ACCESSORY USE TABLE**

<b>PERMITTED USES</b> <b>P = PERMITTED USE</b> <b>PS = PERMITTED WITH ADDITIONAL USE-SPECIFIC STANDARDS</b> <b>C = CONDITIONAL USE</b> <b>BLANK CELL = PROHIBITED</b>	<b>RESIDENTIAL ZONING DISTRICTS</b>	<b>BUSINESS ZONING DISTRICTS</b>	<b>ZONING PERMIT REQUIRED</b>	<b>YARDS PERMITTED</b> <b>F = FRONT</b> <b>S = SIDE</b> <b>R = REAR</b>	<b>USE-SPECIFIC STANDARDS</b>  <b>SEE SECTION</b>
	<b>R-1, R-2, R-3, R-4, R-5, AND R-6</b>	<b>B-1, B-2, TC, M-1, AND M-2</b>			
Accessory Dwelling Units	C		Yes	R	<a href="#">7.01(E)(1)</a>
Accessory Recreational Structures	PS		Yes	R	<a href="#">7.01(E)(2)</a>
Amateur Radio Antennas	PS		Yes	S or R	<a href="#">7.01(E)(3)</a>
Automated Teller Machines (ATM) (Indoors)		P	No	Inside principal building	
Automated Teller Machines (ATM) (Outdoors)		PS	Yes	S or R	<a href="#">7.01(E)(4)</a>
Community Gardens	PS	PS	Yes	F, S, or R	<a href="#">7.01(E)(5)</a>
Detached Accessory Buildings or Structures	P	P	Yes	S or R	
Drive-Through Facilities		PS in B-1 and B-2	Yes	S or R	<a href="#">7.01(E)(6)</a>
Farm Markets	PS	PS	No	F, S, or R	<a href="#">7.01(E)(7)</a>
Home Occupations	PS		Yes	Inside principal building	<a href="#">7.01(E)(8)</a>
Outdoor Dining		PS	Yes	F, S, or R	<a href="#">7.01(E)(8)(j)</a>
Outdoor Display or Sales		PS	Yes	See <a href="#">7.01(E)(10)</a>	<a href="#">7.01(E)(10)</a>
Outdoor Storage and Bulk Sales		PS	Yes	See <a href="#">7.01(E)(11)</a>	<a href="#">7.01(E)(11)</a>
Outdoor Vending Machines and Drop Boxes		PS	No	See <a href="#">7.01(E)(12)</a>	<a href="#">7.01(E)(12)</a>
Outdoor Wood Furnaces	PS		Yes	S or R	<a href="#">7.01(E)(13)</a>
Playsets, Treehouses and Trampolines	P		No	S or R	
Porches or Decks	PS	PS	Yes	F, S, or R	<a href="#">7.01(E)(14)</a>
Raising of Small Livestock	PS		No	S or R	<a href="#">7.01(E)(15)</a>
Satellite Dishes	PS	PS	See <a href="#">7.01(E)(16)</a>		<a href="#">7.01(E)(16)</a>
Small Wind Energy Conservation Systems - Blade Tip Power System Turbines (BTPS)	C	C	Yes	S or R	<a href="#">7.01(E)(17)</a>
Small Wind Energy Conservation Systems - Horizontal Axis Wind Turbines (HAWT)	C	C	Yes	S or R	
Small Wind Energy Conservation Systems - Vertical Axis Wind Turbines (VAWT)	C	C	Yes	S or R	

<b>TABLE 7-1: PERMITTED ACCESSORY USE TABLE</b>					
<b>PERMITTED USES</b> <b>P = PERMITTED USE</b> <b>PS = PERMITTED WITH ADDITIONAL USE-SPECIFIC STANDARDS</b> <b>C = CONDITIONAL USE</b> <b>BLANK CELL = PROHIBITED</b>	<b>RESIDENTIAL ZONING DISTRICTS</b>	<b>BUSINESS ZONING DISTRICTS</b>	<b>ZONING PERMIT REQUIRED</b>	<b>YARDS PERMITTED</b> <b>F = FRONT</b> <b>S = SIDE</b> <b>R = REAR</b>	<b>USE-SPECIFIC STANDARDS</b>  <b>SEE SECTION</b>
	<b>R-1, R-2, R-3, R-4, R-5, AND R-6</b>	<b>B-1, B-2, TC, M-1, AND M-2</b>			
Solar Panels – Freestanding Panels	C	C	Yes	R	<a href="#">7.01(E)(18)</a>
Solar Panels – Roof Mounted Panels	PS	PS	Yes	See <a href="#">7.01(E)(18)</a> .	<a href="#">7.01(E)(18)</a>
Swimming Pools	PS	PS	Yes	S or R	<a href="#">7.01(E)(19)</a>
Type-B day care homes (1-6 children)	P		Yes	Inside principal building	
Unenclosed Patios	PS	PS	No	F, S or R	<a href="#">7.01(E)(20)</a>

**(E) Use-Specific Standards**

**(1) Accessory Dwelling Units**

This section is intended to allow the creation of accessory dwelling units on existing lots in residential zoning districts that already contain one legally created dwelling unit under the following provisions:

- (a)** There shall be a minimum lot area of 10,000 square feet.
- (b)** An accessory dwelling unit may be created by the:
  - (i)** Conversion of an attic, basement, garage, or other previously uninhabited portion of a residential structure or detached residential accessory structure (e.g., garage); or
  - (ii)** Addition onto an existing residential structure.
  - (iii)** A manufactured home, mobile home, recreational vehicle, or other moveable habitable space shall not be used as a second unit.
- (c) Accessory Dwelling Unit Development Standards**
  - (i)** Only one accessory dwelling unit shall be permitted on a lot.
  - (ii)** Accessory dwelling units shall be exempt from the minimum lot area requirements in the applicable zoning district.
  - (iii)** An accessory dwelling unit shall contain separate kitchen and bathroom facilities.
  - (iv)** Accessory dwellings units shall only be allowed when attached to the principal dwelling unit or located above a detached garage on the same lot.
  - (v)** Each accessory dwelling unit shall have an entrance separate from the primary dwelling.
  - (vi)** An accessory dwelling unit shall not exceed 800 square feet or 25 percent of the floor area of the primary dwelling, whichever is less.

- (vii) One accessible off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the primary dwelling in Section 12.05: Off-Street Parking Requirements.
- (viii) Each accessory dwelling unit shall be constructed so as to be compatible with the existing primary dwelling, as well as the surrounding neighborhood in terms of design, form, height, materials, and landscaping.
- (ix) Accessory dwelling units that are added on to an existing principal structure shall comply with the site development standards of the applicable zoning district.
- (x) Accessory dwelling units shall only be permitted where the property owner resides on the same lot.

**(2) Accessory Recreational Structures**

Accessory recreational structures may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a) The structure shall be set back a minimum of 200 feet from the front lot line and 50 feet from all other lot lines.
- (b) Up to one basketball hoop is permitted, without a zoning permit, on every lot, without having to meet the setback requirements above. Such hoops are not permitted in the right-of-way.
- (c) Any fencing related to accessory recreational structures shall be subject to Section 8.02: Fencing, Walls, Hedges, and Similar Structures.
- (d) All lighting used to illuminate such recreational facilities shall not be located in a required yard setback and shall not directly shine on adjacent properties.

**(3) Amateur Radio Antennas**

The construction/erection of towers supporting amateur radio antennas shall be a permitted with the following conditions:

- (a) Such tower shall not exceed 70 feet in height.
- (b) Such tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.
- (c) Amateur radio support structures (towers) shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

**(4) Automated Teller Machines (ATM) (Outdoors)**

Automated teller machines may be permitted when compliant with the following regulations and any other applicable sections of this resolution:

- (a) All vehicular entrances or exits shall be set back a minimum of 200 feet from the intersection of any streets under county or state authority.

- (b) The ATM shall be subject to the vehicle stacking requirements of Section [12.07: Vehicle Stacking Requirements](#).
- (c) The ATM shall be connected to the principal building either as part of an attached canopy affixed to the principal building or as an integral part of the principal building.

**(5) Community Gardens**

Community gardens may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (b) Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- (c) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (d) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.
- (e) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (f) There shall be no retail sales on site, except for produce grown on the site.
- (g) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- (h) Fences and walls shall be subject to the provisions of Section [8.02: Fencing, Walls, Hedges, and Similar Structures](#).

**(6) Drive-Through Facilities**

Drive-through facilities may be permitted when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Drive-through facilities shall be subject to the vehicle stacking requirements of Section [12.07: Vehicle Stacking Requirements](#).
- (b) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 300 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.
- (c) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.



- (d) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (e) A fence or screen between four and six feet in height shall be constructed along any lot line abutting a residential district.
- (f) **Drive-Through Signs**
  - (i) One drive-through sign for each stacking lane shall be allowed provided it does not exceed 40 square feet in sign area. Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum signage area.
  - (ii) Drive-through signage shall not be included in the total calculated allowed signage for a property under [Article 13: Signage Standards](#).
  - (iii) No drive-through sign shall exceed seven feet in height measured from the grade of the adjacent driving surface to the top of the sign.
  - (iv) All drive-through signs shall be internally illuminated.

**(7) Farm Markets**

Farm markets may be permitted with standards when they are used in conjunction with any lawful agricultural use pursuant to the ORC and shall be subject to the following standards and any other applicable sections of this resolution:

- (a) A farm market shall only be permitted where 50% or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- (b) The farm market shall be located on the same property where the produce is raised.
- (c) The structure shall not exceed 800 square feet.
- (d) The structure and sign shall be set back a minimum of 30 feet from all side and rear lot lines.
- (e) The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.
- (f) Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of [Article 13: Signage Standards](#).

**(8) Home Occupations**

Home occupations may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Such use shall be conducted entirely within the dwelling unit or an accessory building. In all cases, all activities related to the home occupation must take place within the enclosed building.
- (b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.



- (c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- (d) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and one additional person who does not reside at the home where the occupation takes place. No building or structure shall be used to operate a business, store equipment, or supplies used for a business, or serve as a location where more than four employees meet or park prior to going to work off-site but where such employees do not work anywhere on the property.
- (e) The maximum floor area the use may cover shall not exceed 15 percent of the total floor area of the dwelling unit.
- (f) One, non-illuminated sign with a maximum square footage of four square feet may be permitted, without a permit, if it is mounted flat against the wall of the principal building.
- (g) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- (h) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- (i) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- (j) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- (k) An auto repair business, shop, or use shall only be allowed when all work is completed within an enclosed garage and where there is no storage of vehicles being serviced outside of such garage.
- (l) The following are examples of permitted types of home occupations:
  - (i) Clerical and other similar business services;
  - (ii) Instruction in music, dance or other type of teaching with a maximum number of two students at a time;
  - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office oriented occupations;
  - (iv) Artists, sculptors, photographers, and other providers of home crafts;
  - (v) Barber shop/beauty salon with a maximum of one chair;
  - (vi) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - (vii) Any similar use as determined by the Zoning Inspector.

**(9) Outdoor Dining**

Outdoor cafes and food service areas may be permitted when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Outdoor dining areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking areas. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- (b) A minimum of five feet of clear walking space shall be maintained on the sidewalk for pedestrian traffic.
- (c) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (d) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning permit.
- (e) Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.

**(10) Outdoor Displays and Sales**

Seasonal and permanent facilities for outdoor display and sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- (a) Outdoor display and sales areas shall require the issuance of a zoning permit. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.
- (b) Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- (c) Outdoor display and sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building.
- (d) Outdoor display and sales areas may also be permitted in any rear yard.
- (e) In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent residential lot.
- (f) The placement of the use shall not result in the reduction of the number of parking spaces required to serve the principal use(s) on the site.
- (g) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- (h) The outdoor display and sales areas shall be maintained in good order and appearance.
- (i) A specific schedule of operation shall be filed and approved as part of the submitted application.

- (j) The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section 7.01(E)(11): [Outdoor Storage and Bulk Sales](#) .

**(11) Outdoor Storage and Bulk Sales**

Outdoor storage and bulk sale activities that are accessory to another principal use may be permitted upon compliance with the following:

- (a) The outdoor storage of goods shall be prohibited on vacant lots.
- (b) The outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use.
- (c) Areas devoted to outdoor storage shall be located in the side and rear yard only and shall comply with the building setbacks set forth in the applicable zoning district. Outdoor storage may also be located in the front yard when placed on a sidewalk area located within ten feet of the front façade of the principal building.
- (d) No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.
- (e) The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 20 percent of the ground floor area of the principal building.
- (f) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- (g) The outdoor storage area may also be used for a sales area for the related principal use.
- (h) In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 50 feet from any adjacent residential lot.
- (i) **Screening**
  - (i) All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
  - (ii) If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
  - (iii) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
  - (iv) Outdoor storage of materials shall not include a junkyard or similar storage.

**(12) Outdoor Vending Machines and Drop Boxes**

Outdoor vending machines and drop boxes may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Outdoor drop boxes shall be prohibited in the TC District.
- (b) No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site visibility requirements (See Section 5.05(B)(1)).
- (c) The placement of the facility shall not result in the reduction of the number of parking spaces below the number of spaces required for the principal use by this resolution.
- (d) The facility or equipment shall be maintained in good operating order and appearance.
- (e) Vending machines shall only be placed along the façade of the principal building. See [Figure 7-A](#).



*Figure 7-A: The above is an image of a vending machine that is appropriately located along the façade of the building.*

- (f) Drop boxes shall only be permitted in the side or rear yard.
- (g) A maximum of one drop box and two vending machines are permitted on any single lot. One additional drop box and one vending machine shall be permitted on a lot for each two acres of lot area in excess of an initial two-acre lot. This limitation on the number of boxes or machines shall not apply to dumpsters outside of the building or vending machines located within the building.
- (h) Signage shall be limited to a maximum of six square feet on each vending machine and drop box and shall not count toward the sign area allowed in [Article 13: Signage Standards](#).
- (i) The township shall have the authority to place more than one drop box on a single lot when providing recycling services to the general public.

**(13) Outdoor Wood Furnaces**

Outdoor wood furnaces shall only be permitted as an accessory use on lots with a minimum lot area of two acres.

**(a) Setbacks**

Outdoor wood furnaces shall be set back:

- (i)** A minimum of 50 feet from all lot lines;
- (ii)** A minimum of 100 feet from the boundaries of all recorded subdivisions with lots less than five acres in size; and
- (iii)** A minimum of 100 feet from all residential dwellings not located on the property where the outdoor wood furnace will be situated.

**(b) Permitted and Prohibited Fuels**

- (i)** Fuel burned in any new or existing outdoor wood furnace shall be only natural, untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
- (ii)** The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
  - A.** Wood that has been painted, varnished, or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
  - B.** Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
  - C.** Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
  - D.** Rubber, including tires or other synthetic rubber-like products.
  - E.** Any other items not specifically allowed by the manufacturer or this section.

**(c) Nonconforming Use**

Outdoor wood furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor wood furnace does not meet the standards of this section, the outdoor wood furnace shall be considered a nonconforming use subject to the nonconforming use provisions of this zoning resolution (See [Article 14: Nonconformities](#)).

**(14) Porches or Decks**

Porches and decks may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a)** Porches or decks that are enclosed (with screening or other materials), have a roof, that are physically attached to the principal structure, or that extend more than three feet above the average grade shall meet the setback requirements for principal buildings in the applicable zoning district. See Section [5.05: Area, Setback, and Other Site Development Standards](#).
- (b)** All other porches may extend into required setbacks in accordance with Section [5.05\(A\)\(2\): Setbacks and Yards](#).

**(15) Raising of Small Livestock**

The keeping of up to four chickens, rabbits, or similarly sized livestock is permitted on lots with an area of less than one acre provided that:

- (a)** The principal use is a single-family dwelling;
- (b)** No person shall keep any rooster;
- (c)** No person shall slaughter any of the livestock for commercial sales;
- (d)** The livestock shall be provided with a covered enclosure for protection from the elements; and
- (e)** Livestock must always be confined within a fenced area of the yard at all times.

**(16) Satellite Dishes**

Satellite dishes may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a)** Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning permit. To the maximum extent possible, the dish should be located in the side or rear yard.

**(17) Small Wind Energy Conservation Systems**

Small wind energy conservation systems may be permitted as a conditional use when compliant with the following regulations and any other applicable sections of this resolution:

- (a)** Systems that are five megawatts or larger in capacity are regulated by the Ohio Public Utilities Commission.
- (b)** Blade Tip Power System Turbines (BTPS) are the only type permitted as part of these regulations.
- (c)** The minimum lot area shall be five acres.
- (d)** Any post or pole that the BTPS system is attached to must be affixed to the principal building.
- (e)** The tip of the rotor blades shall not extend more than 10 feet above the highest point of existing roofline.
- (f)** No portion of a turbine, including the rotor blades, shall be located within 20 feet of the ground if ground-mounted. There are no clearance requirements for roof-mounted systems.
- (g)** No portion of a turbine may extend over parking areas, driveways, or sidewalks.
- (h)** The maximum rotor diameter shall be six feet.
- (i)** All portions of a ground-mounted BTPS system shall be set back a minimum of 50 feet from all lot lines.
- (j)** Small wind energy conversion systems shall not exceed 55 dbA, measured five feet above ground level at the closest lot line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.

- (k) All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.
- (l) No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- (m) Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.
- (n) The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.
- (o) Any small wind energy conversion system that is not operated on a functional basis for a period of six consecutive months shall be deemed abandoned. The Zoning Inspector may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within 60 days of receipt of notification by certified mail. If said facility is not either operational or removed after 60 days, the township may remove the system at the owner's expense.

**(18) Solar Panels**

Solar panels may be permitted with standards or as a conditional use, depending on the applicable district, when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Freestanding solar panels shall require approval as a conditional use and shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- (b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- (c) Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.

**(19) Swimming Pools**

Public or private swimming pools may be permitted with standards when compliant with the following regulations and any other applicable sections of this resolution:

- (a) Any public or private in-ground or above ground swimming pool, wading pool, or other pool containing over 1.5 feet of water depth shall be considered an accessory structure subject to these regulations.
- (b) Every pool subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four feet. Such fence shall be constructed so as to have no openings, holes, or gaps larger than four inches in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of the enclosure.

- (c) If pool meets the manufacturer’s child proof regulation, fencing would not be required.
- (d) Above-ground pools with vertical surfaces of at least four feet in height shall not be required to have fences and gates except in areas where access may be gained to the pool.
- (e) The only pools that are permitted as accessory uses in a business zoning district or the mixed use zoning districts shall be those that are accessory to an existing residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.
- (f) The construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.
- (g) For the purpose of these regulations, ponds that are used primarily for agricultural or domestic water supply, decoration, wildlife preservation or fishing shall not be considered as structures or swimming pools.

**(20) Unenclosed Patios**

All unenclosed patios shall meet the required setbacks of the applicable district unless otherwise permitted in [Section 5.05\(A\)\(2\): Setbacks and Yards](#).

**7.02 TEMPORARY USES AND STRUCTURES**

**(A) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(B) Permitted Temporary Uses and Structures**

- (1) [Table 7-2](#) summarizes permitted temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited in the township.

<b>TABLE 7-2: TEMPORARY USES AND STRUCTURES</b>		
<b>TEMPORARY USES AND STRUCTURES</b>	<b>PERMIT REQUIRED</b>	<b>ADDITIONAL REQUIREMENTS</b>
Construction Trailers	No	<a href="#">7.02(D)(1)</a>
Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes	No	<a href="#">7.02(D)(2)</a>
Real Estate Sales/Model Homes	Yes	<a href="#">7.02(D)(3)</a>
Seasonal Agricultural Sales	Yes	<a href="#">7.02(D)(4)</a>
Temporary Special Events	Yes	<a href="#">7.02(D)(5)</a>
Temporary Structures for Public or Institutional Uses	Yes	<a href="#">7.02(D)(6)</a>

- (2) [Table 7-2](#) establishes whether the temporary use requires a zoning permit in accordance with [Section 3.04: Zoning Permit](#).



**(C) General Standards Applicable to All Temporary Uses and Structures**

- (1)** All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- (2)** All temporary uses and structures shall:
  - (a)** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - (b)** Be compatible with the principal uses taking place on the site;
  - (c)** Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (d)** Not include permanent alterations to the site;
  - (e)** Not maintain temporary signs associated with the use or structure after the activity ends;
  - (f)** Not violate the applicable conditions of approval that apply to a site or use on the site;
  - (g)** Not interfere with the normal operations of any permanent use located on the property; and
  - (h)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- (3)** Temporary tents and seasonal covers are prohibited with the exception that a temporary tent may be permitted as part of a special event. See Section [7.02: Temporary Uses and Structures](#).

**(D) Use-Specific Standards**

**(1) Construction Trailers**

- (a)** Construction trailers shall be located on the same site or in the same development as the related construction.
- (b)** Construction trailers shall be used in conjunction with development subject to valid building permit and zoning permit.
- (c)** Construction trailers shall be removed from the site upon completion of construction.
- (d)** Construction trailers shall also be removed from the site if construction is abandoned or halted for six or more consecutive months.

**(2) Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes**

- (a)** Portable storage units shall only be permitted for the following situations:
  - (i)** For storage at a nonresidential construction site for a period not to exceed 90 consecutive days;
  - (ii)** When necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed 180 consecutive days;
  - (iii)** When the occupant of the property is relocating for a period not to exceed 30 consecutive days; or

- (iv) For storage on any lot in a nonresidential zoning district for a period not to exceed 30 consecutive days up to two times per calendar year.
- (b) Up to one construction dumpster and one portable toilet facility shall be permitted during the construction of any lawful structure in any zoning district, provided the dumpster and portable toilet facility are removed upon completion of the improvements. Additional dumpsters shall be allowed where a demolition permit has been approved by the county.
- (c) In residential districts, any construction dumpster or portable toilet facility that is not located on a paved surface shall be set back a minimum of 10 feet from all adjacent lot lines.
- (d) Only one portable storage unit shall be permitted on a single lot at any one time.
- (e) Portable storage units, construction dumpsters, and portable toilet facilities, shall not be placed in the public road right-of-way unless a permit is approved, and shall not block sidewalks, fire lanes, or bike paths.
- (f) Portable storage units, construction dumpsters, and portable toilet facilities must be placed and kept on a hard surface at all times.
- (g) No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.
- (h) Portable storage units, construction dumpsters, and portable toilet facilities shall be allowed on paved driveways in the front yard or shall otherwise be located in the side or rear yard.
- (i) Portable storage units, construction dumpsters, and portable toilet facilities shall not be connected to any utility.

**(3) Real Estate Sales Office/Model Home**

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- (a) Is located on a lot approved as part of the subject development;
- (b) Is operated by a developer or builder active in the same phase or section where the use is located; and
- (c) Is removed or the model home is converted into a permanent residential use once 80% occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or sale of a completed building to a private party beyond the builder or developer.

**(4) Seasonal Agricultural Sales**

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

**(a) Location**

- (i)** The property contains an area not actively used by another use that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing open space, landscaping, traffic movements, or parking space availability.
- (ii)** The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.

**(b) Range of Goods Limited**

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

**(c) Hours of Operation**

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

**(5) Temporary Special Events**

- (a)** A temporary zoning permit for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than ten consecutive days provided the applicant receives other applicable permits from the Clermont County Building Department and the Goshen Township Police and Fire Department.
- (b)** Temporary tents for outdoor sales may be permitted for a 14-day period twice in one calendar year. The use of a temporary tent shall require review by the Zoning Inspector and the Goshen Township Fire Department as part of the zoning permit review. Temporary tents may also require a building permit from Clermont County.
- (c)** Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise resolutions and ordinances.

**(6) Temporary Structures for Public or Institutional Uses**

Temporary structures serving educational institutions shall comply with the following standards:

**(a) Location**

- (i)** The use shall be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- (ii)** The use shall not be permitted within required off-street parking, required open space areas, or required landscaping areas.

**(b) Standards**

- (i)** Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- (ii)** Parking shall be provided for the temporary structure in conformance with [Article 12: Parking, Loading, and Circulation Standards](#).

**(c) Approval and Duration**

This use is permitted if approved by the Zoning Inspector, and may remain on the site for no more than two years. This period may be renewed for two additional uses, for good cause shown, upon approval of a written request, submitted to the Zoning Inspector at least 30 days prior to the expiration of the zoning permit or business use certificate, as applicable. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.

# Article 8: General Development Standards

## 8.01 EXTERIOR LIGHTING

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### (A) Purpose

The purpose of this exterior lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

### (B) Applicability

- (1) All outdoor lighting fixtures shall be subject to review as part of this article except that single-family and two-family dwellings shall be exempt from all requirements except Section 8.01(C) and Section 8.01(D).
- (2) A photometric plan showing the following shall be submitted as part of a zoning permit application, or for a conditional use application:
  - (a) The proposed intensity levels of the lighting throughout the site indicating foot-candle measurements;
  - (b) The lighting levels for the proposed site and an area extending a minimum of 30 feet onto adjacent properties;
  - (c) The locations of each of the proposed lighting fixtures (wall mounted and pole);
  - (d) The minimum, maximum, and average intensity/illumination for the site;
  - (e) Details of all proposed outdoor lighting fixtures indicating manufacturer, model and style of the fixture. A graphic representation of the fixture is required. The fixture lamp type (i.e. low pressure sodium, metal halide, etc.) shall be indicated on the proposed plans;
  - (f) The proposed height of the lighting fixtures;
  - (g) The hours of use of the lighting fixtures; and
  - (h) Any additional submittal requirements as may be determined by the Zoning Inspector.
- (3) **Exemptions**
  - (a) All exterior lighting fixtures producing light directly by the combustion of fossil fuels, such as kerosene lanterns or gas lamps are exempt from the requirements of this section.
  - (b) Holiday lighting shall be exempt from the requirements of this section.
  - (c) All temporary emergency lighting needed by the police, fire department, other emergency service vehicles, and public service vehicles, as well as all vehicular luminaries, shall be exempt from the requirements of this section including flashing or blinking lights.
  - (d) Street lights shall be exempt from the provisions of this section.
- (4) **Prohibited Lights**
  - (a) Search lights, beacons, laser source lights, or any similar high-intensity or flashing lights are prohibited, except in emergencies by police and/or fire department personnel.

- (b) No open lights, such as strings of light bulbs, shall be permitted. This prohibition shall not include holiday lighting.

**(C) General Provisions Applicable to All Districts and Development**

- (1) Exterior lighting shall be installed in a manner to deflect from adjacent residential developments.
- (2) All exterior lighting for residential and nonresidential uses shall be located, screened, or shielded so adjacent lots located in residential districts or recorded subdivisions are not directly illuminated. Shielding may also be required for high intensity light fixtures to prevent glare to adjacent uses, public right-of-ways, and drives. Perimeter lighting, when adjoining residential districts or recorded subdivisions, shall be by shielded fixtures to prevent light trespass onto adjacent properties.
- (3) No exterior lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers, pedestrians or adjacent properties. Shields and/or filters are required for light fixtures with high intensity and glare potential.

**(D) Lighting for Residential Uses**

Lighting for single-family and two-family dwellings shall be exempt from most provisions of this article with the exception that for light fixtures that are not attached to the house or to an accessory building, there shall be a maximum height of 12 feet from the finished grade adjacent to the base of the light fixture to the top most point of the fixture. The light bulb shall not produce more than 1,600 lumens.

**(E) Exterior Lighting Requirements**

**(1) Type of Fixtures**

- (a) All light fixtures shall be full cut-off type fixtures except for decorative light fixtures. See [Figure 8-A](#).
- (b) Non-cutoff lighting may only be used for decorative purposes when located adjacent to the building. See [Figure 8-A](#).

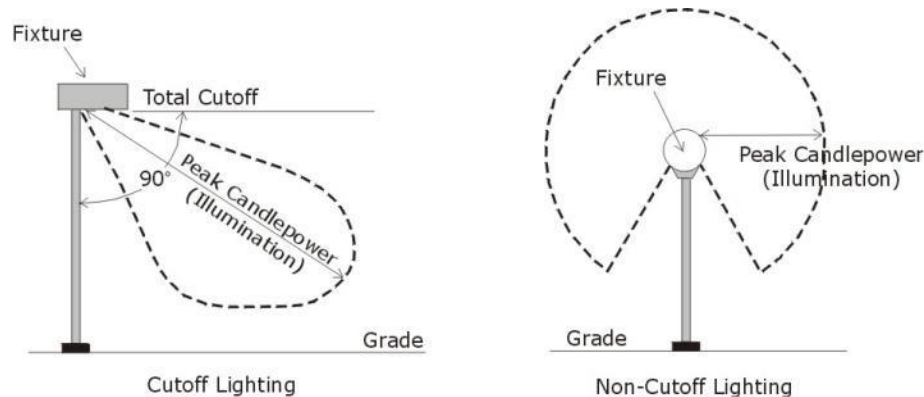


Figure 8-A: Illustration of cutoff lighting versus non-cutoff lighting

**(2) Height of Fixtures**

- (a) In all districts, the maximum height of any non-cutoff light fixture shall be 12 feet.
- (b) All cut-off exterior lighting shall be designed, located, and mounted with the maximum height as follows:

- (i) The maximum height of light fixtures for nonresidential uses in residential zoning districts shall be 15 feet.
- (ii) The maximum height of light fixtures in the B-1 and TC Districts shall be 18 feet.
- (iii) The maximum height of light fixtures in the B-2, M-1, or M-2 District shall be 24 feet.
- (iv) The maximum height for residential uses or areas in a PD District shall be 15 feet while the maximum height for nonresidential uses shall be 24 feet.
- (c) In no case shall the height of light fixtures exceed the maximum permitted building height within the applicable zoning district.
- (d) Lighting located under canopies shall be flush mounted or recessed within the canopy.
- (e) Height shall be measured from the finished grade adjacent to the base of the light fixture to the top most point of the fixture.

**(3) Illumination**

- (a) Exterior lighting shall be designed and located to have the following maximum illumination levels. The levels shall be measured at the finished grade at the lot line as demonstrated by a lighting plan:
  - (i) The maximum illumination at a lot line that abuts a lot zoned or used for residential purposes shall be 0.0 foot-candles.
  - (ii) The maximum illumination at a lot line that abuts a lot in a nonresidential district shall be 1.0 foot-candles.
  - (iii) The maximum illumination at a lot line for properties used for outdoor sports and recreation shall be reviewed for compliance with regard to the intent of these guidelines to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way.
  - (iv) In parking areas, the light intensity shall average a minimum of 0.5 foot candles, measured five feet above the surface.
  - (v) In pedestrian areas, the light intensity shall average a minimum of 2.0 foot candles, measured five feet above the surface.
  - (vi) The illumination across any property shall be designed so as to not create excessively dark spots that may create safety issues.
- (b) All applicants are strongly encouraged to submit lighting plans with components that reduce light pollution including, but not limited to, automatic shut-off of fixtures, auto-dimming to adjust lighting based on ambient lighting, and the use of as little lighting as necessary without creating safety issues.

**(4) Modifications**

Should any exterior light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Zoning Inspector for approval, together with adequate information to assure compliance with this section, which must be received prior to substitution.

## **8.02 FENCING, WALLS, HEDGES, AND SIMILAR STRUCTURES**

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**(A) Applicability**

- (1) Fences, walls, retaining walls, hedges and other similar structures may be permitted in all zoning districts in accordance with this section.
- (2) Fences, walls, and hedges related to an exempt agricultural use (See Section [3.02\(A\): Agricultural Use Exemption.](#)) shall also be exempt from these regulations.

**(B) Zoning Permit Required**

- (1) The construction of fences, walls, and similar permanent structures shall require the issuance of a zoning permit.
- (2) The planting of hedges shall not require a zoning permit but shall be done in a manner that will comply with the location and height requirements of this section.

**(C) Decorative Fencing Exemption**

Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length but which comply with the height, yard and maintenance requirements set forth in this subsection, shall not require a zoning permit.

**(D) Retaining Walls**

- (1) An embankment to be retained on any lot that exceeds 48 inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the BZA determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches. See [Figure 8-B.](#)



*Figure 8-B: Retaining walls shall be benched, or terraced, so that no individual wall exceeds a height of six feet.*

- (2) Retaining walls over 48 inches, measured from the top of the footing to the top of the wall, are required to be designed and certified by a registered professional engineer licensed in Ohio. A copy of the signed construction drawing should be submitted with a zoning permit application.
- (3) Retaining walls shall be constructed as a decorative landscape element with vegetated plantings that soften edges and create visual interest.
- (4) Retaining walls shall not be designed or constructed to obstruct the natural flow of water unless approved by any applicable agency having jurisdiction (e.g., Clermont County Soil and Water Conservation District, Clermont County Engineer, etc.).



- (5) A retaining wall shall not be constructed to a height that exceeds one foot above the highest finished grade.
- (6) In reviewing an application for a retaining wall, the Zoning Inspector may forward the application to the Clermont County Engineer for review and comment.

**(E) Location and Height Standards**

- (1) No fencing, walls, or hedges shall be located in a utility easement or a right-of-way. Fences, walls, hedges, or other similar structure constructed in these areas may be subject to removal from the authority having jurisdiction.
- (2) The property owner shall assume responsibility for determining the legal, proper placement of the fence, wall, hedge, or similar structure, upon the subject property.
- (3) Barbed wire fencing and razor fencing shall only be permitted on top of other fencing in the M-1 and M-2 District for security purposes. Such fencing shall only be permitted in the side and rear yards.
- (4) Electric fencing is prohibited except as part of fencing for agricultural uses exempt from zoning.

**(5) Front Yards**

- (a) Fencing or walls in the front yard setback area shall not exceed four feet in height.
  - (i) For corner lots, the above maximum height shall apply to the front yard setback for each street frontage.
  - (ii) For through lots, the above maximum height shall apply to the street on which the front of the house faces.
- (b) Hedges and other plantings of any height may be planted in the front yard.
- (c) Fences or walls in the front yard shall have uniform openings aggregating at least 50 percent of their surface area when viewed from a perpendicular direction.
- (d) All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of Section [5.05\(B\)\(1\)](#).

**(6) Side and Rear Yards**

- (a) Fences and walls located in the side or rear yards shall not exceed a height of six feet in residential zoning districts and eight feet in nonresidential zoning districts.
- (b) Informal plantings, trees, and hedges may be taller than the above maximum height.

**(F) Measurement**

- (1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See [Figure 8-C](#).

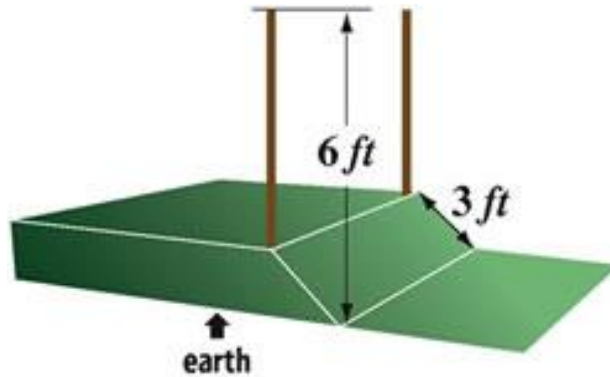


Figure 8-C: Fencing shall be measured from the lowest point within three feet on either side of the fence.

- (2) Fencing or walls should follow the natural contour of the land on which it is located. See [Figure 8-D](#).

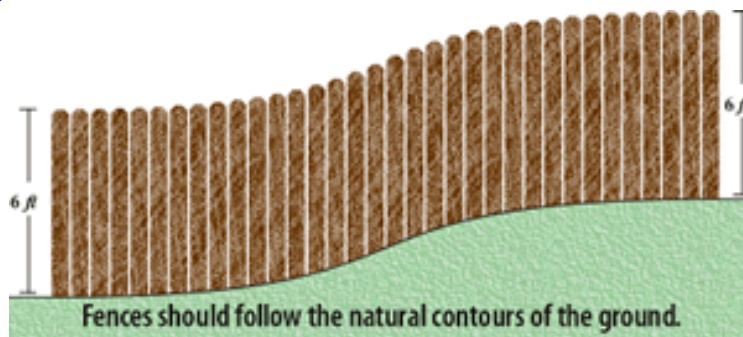


Figure 8-D: This illustrates how fencing is measured along a natural contour.

- (3) A fence may be erected on top of a wall or retaining wall but the combined height of the fence and wall or retaining wall, shall not exceed the heights specified within this section for a fence, wall, or a retaining wall.

**(G) Construction, Maintenance and Repair**

- (1) No fence, wall, or hedge shall be constructed and maintained so as to be hazardous to existing or future neighboring uses.
- (2) Barbed or razor wire is prohibited except in the M-1 and M-2 Districts where it may be utilized for security purposes in a side or rear yard.
- (3) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced.
- (4) When erected near a property or lot line, the entire fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.
- (5) All fences, walls, and hedges shall be maintained in a neat and orderly manner.

# Article 9: Architectural Standards

## 9.01 PURPOSE

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The purpose of architectural standards is to ensure the exterior of new construction and additions to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of commercial structures in the township.

## 9.02 AUTHORITY TO REVIEW

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- (A) For the purposes of this section, the Zoning Commission shall be authorized to review and make decisions on architectural standards as provided for in Section 519.171 of the Ohio Revised Code.
- (B) Such review shall take place through the zoning permit review procedure, the Planned Development Overlay District review, or the planned development review procedure, whichever is applicable.

## 9.03 ARCHITECTURAL STANDARDS FOR MULTI-FAMILY DWELLINGS

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### (A) Applicability

The standards of this section shall apply to all multi-family dwellings, including those in any planned development district.

### (B) Standards

- (1) Front facades shall incorporate variation in mass through one or more of the following methods every thirty feet of façade frontage:
  - (a) Wall offsets in the form of projections and/or recesses in the façade plane. Wall offsets shall have a minimum depth of two feet;
  - (b) Bay windows;
  - (c) Façade color changes;
  - (d) Use of pilasters, columns or other detailing to articulate the façades; or
  - (e) Roofline changes when coupled with correspondingly aligned façade material changes.
- (2) In addition to wall offsets, front facades and side façades on buildings on corner lots, shall provide a minimum of three of the following design features for each residential unit fronting onto the street:
  - (a) One or more dormer windows or cupolas;
  - (b) A recessed entrance;
  - (c) A covered porch;
  - (d) Pillars, posts, or pilasters;
  - (e) One or more bay windows with a minimum twelve inch projection from the façade plane;
  - (f) Eaves with a minimum 6- inch projection from the façade plane;
  - (g) A parapet wall with an articulated design, which entails design variation rather than a simple rectilinear form; or

- (h)** Multiple windows with a minimum four inch wide trim.



*Figure 9-A: This image illustrates how multiple design features are incorporated into the design to de-emphasize the fact that this is a single structure.*



*Figure 9-B: This multi-family development lacks sufficient façade variation yielding a monotonous appearance*

- (3)** Individual multi-family dwelling structures served by common entryways and containing six or fewer units shall be constructed to give the appearance of a large single-family detached home (See [Figure 9-C.](#)).



*Figure 9-C: These images demonstrate how an attached residential structure of six or fewer units can be constructed to appear as a large detached residential structure.*

- (4) To the degree practicable, all roof vents, pipes, antennas, satellite dishes, and other roof penetrations and equipment (except chimneys) shall be located on the rear elevations or configured to have a minimal visual impact as seen from the street.

## **9.04 ARCHITECTURAL STANDARDS FOR NONRESIDENTIAL BUILDINGS**

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### **(A) Applicability**

The standards in this section shall apply to all nonresidential development in B-1, B-2, and TC Districts as well as all nonresidential development in a planned development district. The standards shall also apply to all mixed-use buildings.

### **(B) Standards**

#### **(1) General Requirements for all Nonresidential and Mixed-Use Buildings**

- (a) Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing, adjacent development.
- (b) The primary entrances of buildings shall be oriented:
  - (i) Towards a street along the perimeter of the development;
  - (ii) Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
  - (iii) In another direction as approved by the Zoning Commission.

#### **(2) Unified Theme**

Where there are multiple buildings within a single development, the architectural design of buildings, including freestanding outparcel structures, should be organized around a consistent architectural theme in terms of the character, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with a development's architectural character.

#### **(3) Building Facades**

Building facades shall comply with the following standards:

- (a) Blank building walls facing streets are prohibited.

- (b) These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved as open space.



*Figure 9-D: This figure shows two methods of using architectural features to create wall surface relief on wall elevations that are not the primary elevation.*

**(4) Multi-Sided Architecture for Nonresidential Uses**

Although the front façade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings that are visible from a public roadway, an adjacent building, or other private way not subject to buffering requirements in [Article 10: Landscaping Standards](#), shall incorporate architectural detailing on all facades that is consistent with the front façade.

**(5) Building Design and Mass**

All elevations of principal buildings that are visible from a public right-of-way shall consist of a base, a body, and a cap (See [Figure 9-E](#)).



*Figure 9-E: Image of a building with a clear, base, body, and cap*



- (a) The cap shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
- (b) The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture. A cap and base shall incorporate at least two of these design elements.
- (c) Elevations for all new or modified buildings shall include design, massing, materials, shape, and scale that create a unified design on the premises that is visually compatible with the surrounding buildings.

**(6) Ornamentation**

All visible elevations shall include decorative features such as cornices, pilasters, and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See [Figure 9-F](#).



*Figure 9-F: The above image illustrates a building that contains pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of the large facade.*

**(a) Façade Offset Required**

Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See [Figure 9-G](#).

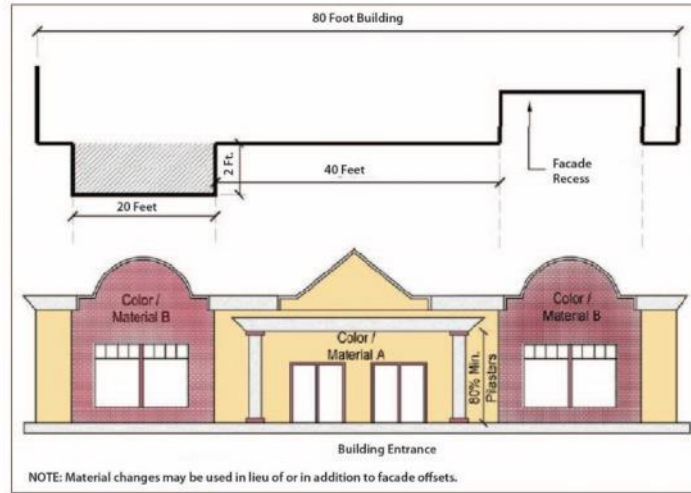


Figure 9-G: Illustration of how the façade offset provisions may be applied.

**(b) Offset Alternatives**

The following alternatives can be used in place of the required front façade offsets as shown in [Figure 9-G](#):

- (i)** Façade color changes following the same dimensional standards as the offset requirements;
- (ii)** Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade’s height; and/or
- (iii)** Roofline changes when coupled with correspondingly aligned façade material changes.

**(7) Roofs**

**(a) Roof Styles**

The height of any pitched roof shall not exceed one-half of the overall building height.

**(b) Roof Line Changes**

- (i)** Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (ii)** When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See [Figure 9-H](#).





*Figure 9-H: Illustration of roofline changes along a long façade wall*

**(c) Flat Roofs**

- (i)** When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them.
- (ii)** The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.
- (iii)** Thin parapets that are less than four feet in depth shall not extend more than two feet above the roof unless necessary to conceal mechanical equipment.

**(d) Asymmetric or Dynamic Roofs**

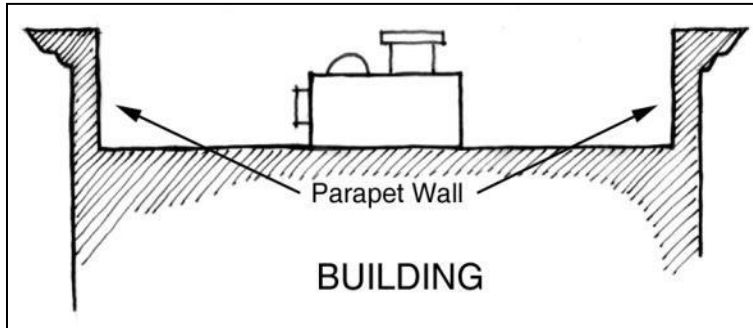
Asymmetric or dynamic roof forms allude to motion, provide variety and flexibility in nonresidential building design, and allow for unique buildings. Asymmetric or dynamic roof forms shall be permitted on nonresidential buildings as an alternative to flat roofs. See [Figure 9-I](#), for an example of buildings with a dynamic roof form.



*Figure 9-I: An example of dynamic roof lines*

**(e) Roof Mounted Mechanical Equipment**

Building walls, parapets, and/or roof systems shall be designed to conceal all roof-mounted mechanical equipment from view from adjacent properties and public rights-of-way. Such equipment shall also be screened from view from any properties that may see the building from above (e.g., if adjacent properties are along higher elevations). See [Figure 9-J](#).



*Figure 9-J: Example of how parapet walls are utilized to screen roof mounted mechanical equipment.*

**(8) Customer Entrances**

For buildings with a total gross square footage of 20,000 square feet or more, customer entrance shall be provided in accordance with this subsection.

**(a) Required Entrances**

Each side of a building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure that face public streets. See [Figure 9-K](#).

**(b) Entrance Design**

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features.

- (i)** Canopies/porticos above the entrance;
- (ii)** Roof overhangs above the entrance;
- (iii)** Entry recesses/projections;
- (iv)** Arcades that are physically integrated with the entrance;
- (v)** Raised corniced parapets above the entrance;
- (vi)** Gabled roof forms or arches above the entrance;
- (vii)** Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (viii)** Display windows that are directly adjacent to the entrance;
- (ix)** Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- (x)** Integral planters or wing walls that incorporate landscaped areas or seating areas.



*Figure 9-K: This large retail center utilized several different design features to articulate the individual facade and customer entrances.*

**(C) Additional Architectural Standards for the TC District**

In addition to the standards established for all nonresidential and mixed-use buildings in this article, buildings in the TC District shall be subject to the following requirements.

**(1) General Requirements for all Nonresidential Buildings**

- (a)** Buildings shall be parallel to the street they front unless an alternate orientation is consistent with existing, adjacent development.
- (b)** The primary entrances of buildings shall be oriented:
  - (i)** Towards a street along the perimeter of the development;
  - (ii)** Towards streets in the interior of the development if none of the building's facades has frontage on a public street; or
  - (iii)** In another direction as approved by the Zoning Commission.
- (c)** No overhead garage doors are permitted facing a street.

**(2) Architectural Styles**

Traditional architecture is favored in the TC District, rather than radical design themes, structures and roof forms, which would draw unnecessary attention to the buildings. Building facades that incorporate canopies or walls with mock gables must provide a roof component to provide depth and give a more authentic appearance.

**(3) Building Facades**

Building facades shall comply with the following standards:

- (a)** Blank building walls facing streets are prohibited.
- (b)** These requirements shall not apply to those walls that are not visible from a street and only visible from an alley, the rear yard of another nonresidential or mixed-use site, or completely hidden due to topography or natural features preserved as open space.

**(4) Colors**

A limited number of colors shall be utilized on a single structure. Muted or natural tones (or earth tones) shall be the preferred color for any applicable structure reviewed under this Article. Painting elements such as windows, trim, and cornices in white, gray or black may complement the main building color and is encouraged.

**(5) Wall Openings (Doors and Windows)**

- (a)** Building elevations that are visible from a public street should contain windows that occupy:
  - (i)** Between 50 and 70 percent of the total wall surface area on the first floor; and
  - (ii)** Between 20 and 60 percent of the total wall surface area on the second and higher floors.
- (b)** The bottom edge of the windows shall not be higher than three feet above grade on the ground floor.
- (c)** Up to a maximum of 20 percent of the windows that can be seen from all public rights-of-way, excluding alleys, may be opaque, including spandrel glass.
- (d)** The percent of the wall surface area used for windows that is less than this minimum requirement may be approved by the Zoning Commission during the PDO review process after taking into account the architectural style, general design, arrangement, texture, materials, and color of other structures and premises in the area.
- (e)** Doors and windows should be positioned to create a uniform pattern or visual rhythm along the building elevation.
- (f)** All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes.

**(6) Awnings**

Awnings shall be permitted on buildings as follows:

- (a)** All awnings must be made from a heavy duty canvass fabric or similar water-proof material, rather than metal, aluminum, plastic, or rigid fiberglass. However, awnings that are a permanent part of the building architecture may be constructed of metal, wood, or other traditional building materials where they will add diversity and interest to the facade, and only if the design and materials are consistent with the overall design of the building.
- (b)** All awnings shall be attached directly to the building, rather than supported by columns or poles.

# Article 10: Landscaping Standards

## 10.01 PURPOSE

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The purpose of this section is to protect and promote the public health, safety, general welfare, and beautification of Goshen Township through the township's ability to regulate land use in a method that utilizes the benefits of landscaping. Specifically, it is the purpose of this section to:

- (A) Protect privacy and provide buffering land uses of differing intensities;
- (B) Remove, reduce, lessen or absorb the impact between one use or zoning district and another;
- (C) Aid in noise, glare and heat abatement;
- (D) Contribute to the process of air purification, ground water recharge, and control of ground water runoff;
- (E) Prevent or reduce soil erosion and sedimentation and stormwater runoff;
- (F) Enhance energy conservation; and
- (G) Increase and maintain property values.

## 10.02 APPLICABILITY

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- (A) This article shall apply to new development and any collective substantial expansion of existing structures, except for individual single family dwellings and two family dwellings (duplexes) and parking lots of five spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established in [Table 10-1](#).

TABLE 10-1: SUBSTANTIAL EXPANSION	
WHEN EXISTING STRUCTURE IS....	A SUBSTANTIAL EXPANSION IS...
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

- (B) Section [10.05: Buffering between Land Uses](#) shall apply to any size expansion of a structure where such expansion will decrease the setback between the structure and a residential zoning district.
- (C) Where there is no expansion of a structure but the vehicular use area is expanded, this article shall apply to any new vehicular use areas.

### **10.03 LANDSCAPING PLAN**

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**(A) Landscaping Plan Requirement**

- (1) Any property to which this article applies shall illustrate all proposed landscaping and buffering, including the proposed landscaping material, on a site plan or on a separate landscaping plan as part of the application for a zoning permit, PDO review, or planned development districts, whichever is applicable.
- (2) All plans shall include identify the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.

**(B) Approval of a Landscaping Plan**

Criteria for the approval of a landscaping plan shall be as follows:

- (1) No zoning permit shall be issued without approval of a landscaping plan.
- (2) Failure to implement the landscaping plan within 12 months of the issuance of a zoning permit shall be deemed a violation of this resolution.
- (3) The township may seek professional advice from a landscape architect or licensed nurseryman in the review of the submitted plans. The cost of such consultation may be passed on the applicant.

**(C) Changes to an Approved Landscaping Plan**

The Zoning Inspector may authorize minor changes from the requirements of this article.

- (1) For purposes of this subsection, minor changes shall be defined as changes to the landscaping plans that are not visible and do not affect the theme or character established for the subject development project.
- (2) A revised plan shall be submitted to the Zoning Inspector for review and a decision.
- (3) The Zoning Inspector shall have the authority to forward the revised plan to the Zoning Commission for a decision if the Zoning Inspector questions whether the changes are minor.

### **10.04 LANDSCAPING MATERIALS AND STANDARDS**

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**(A) Responsibility for Installation of Landscaping Materials**

All landscaping and buffering shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise.

**(B) Use of Landscaped Areas**

Vehicle parking shall not be permitted in landscaped areas.

**(C) Easements**

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the township.

**(D) Landscaping Materials**

The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the applicable review authority.

**(1) Existing Landscape Material**

- (a)** Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part provided they meet all requirements of this article.
- (b)** The applicable review authority shall determine satisfaction of this requirement.

**(2) Walls and Fences**

- (a)** Walls and fences shall be constructed of weatherproof materials, including pressure treated wood, redwood, cedar, synthetic lumber, or vinyl, and aluminum or galvanized hardware. Except as specifically noted, chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy landscaping and screening requirements.
- (b)** Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this article.
- (c)** Walls and fences may be designed with a finished side on both sides of the fence, but where only one side is finished, the wall and fence shall be designed to orient that finished side away from the subject lot so the finished side faces the adjacent lots.

**(3) Plants**

- (a)** All plants shall be living and hardy within the United States Department of Agriculture's Hardiness Zone 6, and thriving in Clermont County. Plant materials used in conformance with the provisions of this section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under state regulations.
- (b)** Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.
- (c)** All landscaping materials shall be free of noxious weeds, disease, and pests.
- (d)** Nursery stock identification tags shall not be removed from any planting prior to inspection and approval of final installation by the township.
- (e)** The following are specific standards for landscaping materials.

**(i) Deciduous Trees**

- A.** Deciduous trees shall have a minimum caliper of at least two inches Diameter-at-Breast-Height (DBH) and a clear trunk height of six feet that conforms to acceptable nursery industry procedures at the time of planting.
- B.** If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.

**(ii) Ornamental and Understory Trees**

Ornamental and understory trees shall have a minimum height of four feet or a minimum caliper of at least 1.5 inches DBH that conforms to acceptable nursery industry procedures at the time of planting.

**(iii) Evergreen Trees**

- A.** Evergreen trees shall be a minimum of six feet in height at the time of planting.
- B.** Evergreen plantings used for buffering shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.

**(iv) Shrubs and Hedges**

- A.** Shrubs shall be at least 20 inches in height at the time of planting and have a mature height of not less than 36 inches.
- B.** Hedges shall be at least 36 inches in height at the time of planting.
- C.** All hedges shall be designed to provide an effective, dense screen and mature height of at least six feet within four years after the date of the final approval of each planting when used for perimeter landscaping or screening applications.

**(v) Grass and Ground Cover**

- A.** Grass of the fescue, bluegrass or perennial rye families shall be planted in species normally grown as lawns in Clermont County.
- B.** In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and grass seed shall be sown for immediate protection until complete coverage is achieved.
- C.** Grass sod shall be clean and free of weeds and noxious pests or diseases.
- D.** Ground cover shall be planted in such a manner as to provide 75 percent complete coverage after two growing seasons.

**(f) Additional Landscaping Beyond the Minimum Requirements**

Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

**(4) Species Diversity**

- (a)** When fewer than 40 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
- (b)** When 40 or more trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.
- (c)** Required shrubs shall utilize the same species diversity requirements.
- (d)** Nothing in this subsection shall be construed so as to prevent the utilization of a more diverse number of different species than specified above.

**(5) Earth Mounds or Berms**

Earth mounds or berms may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:



- (a) Mounds or berms shall conform to any county grading requirements. The maximum slope shall be a maximum of one foot in height for every three feet in length.
- (b) Mounds and berms shall be designed with physical variations in height and alignment throughout its length.
- (c) Landscaping plant materials may be installed on mounds or berms and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- (d) The landscaping plan shall show sufficient detail to demonstrate compliance with the above provisions, including a plan and profile of the mound or berm, soil types and construction techniques.
- (e) Mounds and berms shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- (f) No part of any mound shall be elevated more than 30 inches above natural grade within 10 feet of any right-of-way or property line, and the toe of such mound shall be located a minimum of three feet from any right-of-way or property line.
- (g) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound and to achieve a natural appearance.
- (h) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

**(6) Measurements**

Whenever there is a height measurement related to landscaping and buffering, such measurement shall be taken from the highest finished adjacent grade to the top of the material.

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**10.05 BUFFERING BETWEEN LAND USES**

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Development shall provide a buffer between land uses in accordance with this section. The buffer shall have the width, amount of vegetation, and other features to properly mitigate the negative effects of contiguous incompatible uses.

**(A) Buffer Location**

- (1) Buffer areas shall be located between the uses for which they are required to buffer or screen.
- (2) The buffer areas shall be placed on the property being developed, regardless of ownership.

**(B) Buffer Requirements**

- (1) Buffer areas shall be provided as set forth below:
  - (a) When a development in a B-1 or TC District abuts a residential district, a buffer area with a minimum width of 10 feet shall be provided adjacent to the residential zoning district.
  - (b) When a development in a B-2 District abuts a residential district, a buffer area with a minimum width of 20 feet shall be provided adjacent to the residential zoning district.

- (c) When a development in M-1 or M-2 District abuts a residential district, a buffer area with a minimum width of 30 feet shall be provided adjacent to the residential zoning district.
- (d) The above buffer widths shall be provided unless a greater setback is required as part of a variance or conditional use.
- (e) Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.
- (f) For buffering along the side yard, the buffer shall begin, at a minimum, at the front yard building setback line.

**(2) Landscaping Requirement**

The required buffer area shall consist of living vegetative material such as evergreen trees, shrubs, earth mounding, or fencing made of wood that results in 100 percent opacity, all year, to a height of six feet or more within one year of planting.

**(C) Height of Screening**

The height of screening shall comply with the following:

- (1) Visual screening walls, fences, mounds, or earthen berms and fences in combination shall be a minimum of six feet high measured from the natural grade, in order to accomplish the desired screening effect.
- (2) Vegetation shall be a minimum of six feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved no later than twelve months after the initial installation.

**(D) Placement of Screening**

The location of the wall, fence, or vegetation shall be placed within the buffer area to maximize the screening effect. Trees, evergreens, and/or hedges shall be adequately spaced and appropriately staggered to meet the screening objectives within two years after the initial installation. The landscaping plan shall indicate the specific type of option(s) to be used.

**(E) Development within Buffers**

- (1) The required buffer shall not contain any development, impervious surfaces, structures, or site features (except fences or walls) that do not function to meet the standards of this section or that require removal of existing vegetation, unless otherwise permitted in this resolution.
- (2) Sidewalks, trails, and other elements associated with passive recreation may be placed in required buffers if all required landscaping is provided.
- (3) Signs may be located in the required buffers.
- (4) Driveways, access roads, and similar uses may cross perpendicularly across a required buffer but shall be designed to limit disturbance of vegetation and shall have a maximum width of 24 feet.
- (5) Overhead and underground utilities that are required for the development are permitted to cross a required buffer.

## 10.06 LANDSCAPING AND SCREENING OF VEHICULAR USE AREAS

### (A) Interior Landscaping Of Parking Lots

#### (1) Amount of Landscaping Required

- (a) For all parking areas with 5 to 50 parking spaces, a total of five percent of the paved area (not including loading spaces or stacking lanes/spaces) shall be landscaped under the provisions of this section.
- (b) For all parking areas with more than 50 parking spaces, a total of 10 percent of the paved area (not including loading spaces or stacking lanes/spaces) shall be landscaped under the provisions of this section.

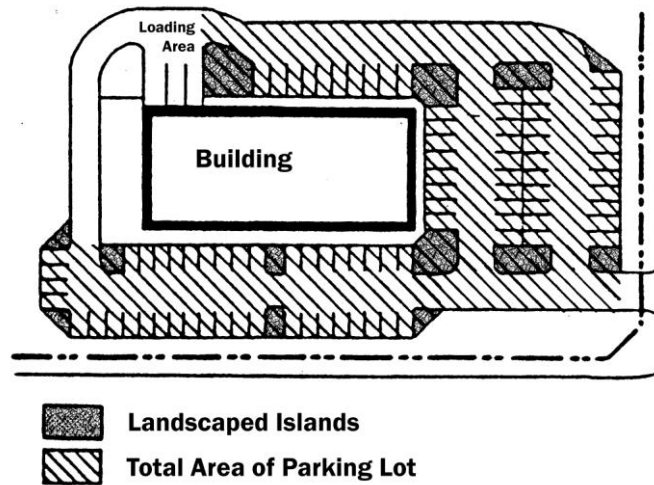


Figure 10-A: Parking Lot Interior Calculation

- (c) The required landscaping shall be located within landscaped islands. Landscaped areas that extend into parking areas from the perimeter landscaping may count toward this requirement but only that area that extended into the parking area. See Figure 10-A. See also Figure 10-B.



Figure 10-B: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.

- (2) Landscaped islands shall be developed and distributed throughout the parking lot to define major circulation aisles and driving lanes; and to provide visual and climatic relief from broad expanses of pavement.

- (a) Each island shall have a minimum dimension of four feet by nine feet.
  - (b) There shall be a minimum of one deciduous tree and one shrub provided for every 15 parking spaces; such trees shall be planted within the required landscaped islands but not all islands are required to have a tree or shrub.
  - (c) Additional shrubs or low, spreading plant materials may be planted within the required landscaped islands provided there is no impairment to the visibility of motorists or pedestrians.
- (3) Landscaped areas on the site that are outside of any vehicular use area and do not touch the parking area shall not be counted as interior parking lot landscaped areas.
  - (4) The landscaped islands shall be protected by the installation of continuous curbs or wheel stops with a height of six inches.
  - (5) The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.
- (B) Streetscape Landscaping Requirement in the TC District**
- (1) Off-street parking spaces in the TC District shall be located in the side and rear yard to the maximum extent feasible.
  - (2) Parking areas in the TC District shall be screened from any public street with a continuous row of deciduous trees along the street, or a wrought iron fence with a hedge between the fence and the street. This planting area shall be contained within a 25 foot grass area that may also contain a sidewalk if required by another section of this resolution.

## **10.07 SCREENING OF OUTSIDE STORAGE AREAS OR OTHER SERVICE AREAS**

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**(A) Intent and Applicability**

In addition to all other landscaping standards in this section, screening shall be required to conceal specific nonresidential areas of high visual or auditory impact. Such areas shall be screened at all times, unless otherwise specified, regardless of adjacent uses, districts, or other landscaping material.

**(B) Items to be Screened**

The following areas shall be screened in accordance with this section:

- (1) Large waste receptacles (dumpsters) and refuse collection points (including large recycling containers);
- (2) Loading and service areas;
- (3) Outdoor freezers or other accessory structures;
- (4) Outdoor storage areas (including storage tanks) not subject to the outdoor storage requirements of Section 7.01(E)(11);
- (5) Mechanical equipment and utility meters not located on, and screened by, the building or structure.

**(C) Screening Requirements**

- (1) All items to be screened shall be shielded from view from public roads and adjoining residential zoned property.

- (2) All items to be screened shall be located in the side or rear yards.
- (3) All items to be screened shall be provided with a visual screen consisting of fences, walls, berms or approved plant materials or a combination thereof. The screening shall be at least one foot higher than the item to be screened but not less than six feet in height and shall extend along three sides of the items to be screened. For dumpsters, a gate shall be required on the fourth side where access is provided to the dumpster. The gate shall be opaque enough to shield from view the interior of the service area. See [Figure 10-C](#) and [Figure 10-D](#).
- (4) All plant materials used for required screens around service areas shall be of an evergreen variety.
- (5) If an adjacent building provides screening on one side of the service area, only two sides need to be screened, bermed, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
- (6) Roof mounted mechanical equipment shall be screened by parapet walls or other screening device with height not lower than six inches below the height of mechanical equipment. See Section [9.04\(B\)\(7\)\(e\)](#).

**(D) Fence or Wall Screens**

- (1) Fences or walls shall be compatible with the architectural materials and patterns of the principal structure. See [Figure 10-C](#).
- (2) Under no circumstances shall a wall be constructed of unfinished concrete or cinder block.



*Figure 10-C: Use of a wall and fencing for screening that is architecturally compatible with the principal building.*



*Figure 10-D: The above image illustrates a vegetative screen that hides HVAC equipment and a dumpster.*

## **10.08 INSTALLATION AND MAINTENANCE**

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- (A)** Required yards and all other portions of the lot not covered by permitted structures shall be landscaped with grass, trees, shrubbery and/or other appropriate ground cover or landscaping material, which at all times shall be pruned, trimmed, and maintained in good and healthy condition.
- (B)** All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The property owner shall be responsible for continued, perpetual maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse, debris, and noxious and unsightly weeds at all times.
- (C)** The landscaping shall regularly be kept clean and free of debris, litter, and weeds.
- (D)** All unhealthy or dead plant material shall be replaced within 30 days, or by the next planting period, whichever comes first. Replacement material shall conform to the original intent of the landscaping and buffer plan.
- (E)** Violation of installation provisions or failure to maintain the landscaping shall constitute a violation of this resolution. Such violation shall be grounds for the Zoning Inspector to require replacement of the landscape material or initiate legal proceedings to enforce the provisions of this resolution.

# Article 11: Open Space Standards

## 11.01 PURPOSE

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This article addresses the character and design of those portions of a development that are not occupied and do not have platted lots or streets and that are reserved for parks, trails, landscaping, and other common open space uses. The standards of this article apply regardless of whether or not the land involved will be owned or be dedicated to the township, county, homeowners' association, or other agency, and regardless of whether or not such open space will be open to the public or other residents of the development. This article also establishes ownership and minimum maintenance standards for homeowner associations, property owner associations, and nonresidential property owners related to open space.

## 11.02 APPLICABILITY AND DETERMINATION

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The standards of this article shall apply in cases where open space is required to be set aside as part of the development requirement (e.g., open space residential subdivision) or in cases where an applicant voluntarily establishes open space as part of a development.

### (A) Required Areas to be placed in Open Space

- (1) In general, required open space shall be designed and located to conserve significant natural features and historical and cultural elements located on the site.
- (2) Floodplains and floodways, as established by FEMA and administered by Clermont County, shall remain as open space areas.
- (3) Retention or naturalized stormwater management areas that are designed to be an amenity, as determined by the Zoning Commission, can be considered as open space, however, only 50% of the surface area of any water body may be counted toward the open space requirements of this resolution.
- (4) In the case of phased developments, open space shall be provided in proportion with each developed phase.

### (B) Areas Not Considered Required Open Space

Areas that specifically shall not be considered required open space include:

- (1) Private and public streets, and associated rights-of-way;
- (2) Public or private parking areas, access ways, and driveways;
- (3) Required setbacks between buildings, parking areas, and project boundaries;
- (4) Required setbacks between buildings and streets;
- (5) Required minimum spacing between buildings and parking areas;
- (6) Private yards, including front, back, and side yards;
- (7) Small, lineal strips of land, generally located along lot lines, that do not protect natural resources (e.g., slopes, existing vegetation, etc.) and are maintained in a similar fashion as the adjacent yards (e.g., mowed);
- (8) Land that is subject to preexisting conservation easements or similar limitations on development; and
- (9) Above ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

### **11.03 USE OF OPEN SPACE**

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Any area designated for required open space:

- (A) Shall be preserved in its natural state with the exception that trails and walkways may be established within the open space;
- (B) Shall be designed and intended for the use of residents of the proposed development and/or the general public;
- (C) May be utilized for farming when authorized in a conservation easement or in a homeowners' association's covenants and restrictions;
- (D) May be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities;
- (E) May be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; and
- (F) May be used as active recreation areas. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 20 percent of the total acreage devoted to required open space.

### **11.04 DESIGN STANDARDS FOR OPEN SPACE**

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Land set-aside as open space shall comply with the following standards:

- (A) All areas of open space shall be accessible to residents or users of the development by providing at least 15 feet of frontage on a public road, or in the case of a nonresidential development, 15 feet of frontage on an internal access drive.
- (B) Areas of open space in residential subdivisions (of any type) shall be no less than 10,000 square feet in size.
- (C) Where appropriate, open space should be arranged in order to provide connections to existing or future open space areas, trails, or similar features on adjoining parcels.
- (D) Wherever feasible, areas of open space should be contiguous, thereby eliminating small, isolated pockets of open space.

### **11.05 PROTECTION AND MAINTENANCE**

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#### **(A) Reclamation of Disturbed Open Space**

Any required land areas designated for use as open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with non-invasive vegetation that appeared in those respective areas prior to construction or with other native vegetation. The planting of invasive plant species is prohibited.



**(B) Future Subdivision and Development of Open Space**

All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Goshen Township and duly recorded in the office of the Clermont County Recorder. Subject to permanent restrictions as set forth above, required open space in an open space residential subdivision shall be owned by an homeowners' association, Goshen Township (with its consent), a land trust or other conservation organization recognized by Goshen Township, or by a similar entity. Required open space may be held by the individual members of a homeowners' association as tenants-in-common or may be held in common ownership by a homeowners' association, community association, or other similar legal entity.

**(C) Conservation Easements**

With the permission of Goshen Township, the owner(s) of required open space may, in accordance with the applicable provisions of the ORC, grant or transfer a conservation easement to any entity described in the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Goshen Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Goshen Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

**(D) Homeowners' Associations**

The following shall apply where a homeowners' association will be established to maintain any open space or other common areas as required by this article:

- (1)** A homeowners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the open space.
- (2)** All homeowners' association agreements shall be submitted for approval as part of a zoning permit, conditional use, planned development overlay, or planned development application, as applicable. Copies of the proposed covenants, articles of incorporation, and bylaws of the association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' association shall permit the abrogation of any duties set forth in this section.
- (3)** All homeowners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the township may do any of the following:
  - (a)** If the open space or common area is owned by the township, township approved land trust or other qualified organization, county, state or park district, the township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowner's association, or seek to enforce the homeowner's association's duty to maintain through an injunction or any other civil remedy.

- (b)** If the open space or common area exists pursuant to a conservation easement in which the township is a party to such easement, the township may seek to enforce the terms of the conservation easement as provided in Section [11.05\(C\)](#).
- (c)** If the open space or common area is owned jointly or in common by the owners of the building lots, or by any other owner of the property to be maintained, the township may seek to enforce the association's non-performance of its obligations and duties through an injunction or any other civil remedy.

# Article 12: Parking, Loading, and Circulation Standards

## 12.01 PURPOSE

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The purpose of these parking, loading, and circulation requirements is:

- (A) To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the land use of each property;
- (B) To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility; and
- (C) To protect the light, air, visual amenities, and values of residential areas by the visual screening of large parking and loading areas.

## 12.02 APPLICABILITY

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Unless otherwise specified, the requirements of this article shall apply to the following:

- (A) A zoning permit application for the construction of a new principal building in all zoning districts;
- (B) The alteration, expansion, or enlargement of any use that would require a change in parking, loading, or vehicle stacking spaces as required in this article; or
- (C) The alteration, expansion, or enlargement of any use that has an existing nonconforming parking lot.

## 12.03 BICYCLE PARKING AND STORAGE

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Applicants are encouraged to provide bicycle racks and facilities on nonresidential properties including business and public or institutional uses.

## 12.04 GENERAL DESIGN STANDARDS FOR ALL VEHICULAR USE AREAS

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All parking, loading, and vehicle stacking areas shall meet the requirements of this subsection.

### (A) Cross-Access Agreements

- (1) Cross access easements to adjacent parcels shall be provided in order to achieve better circulation and to minimize driveway cuts along public roads, unless waived by the Clermont County Engineer.
- (2) All cross access easements shall comply with the county's access management requirements.

### (B) Maintenance

- (1) All vehicular use areas shall be maintained free from litter, junk, or rubbish.
- (2) All adjacent sidewalks shall be kept free from dirt, ice, sleet, and snow and in a safe condition for use by pedestrians.
- (3) All signs, markers or any other methods used to indicate direction of traffic movement and location of parking and/or loading spaces shall be maintained in a neat and legible condition.

- (4)** The owner shall maintain all paved surfaces in a smooth and dust-free condition and repair any disintegration of the surface by patching or resealing when such disintegration takes place. Such maintenance shall be at the owner's own expense.
- (5)** Any shared maintenance agreements between adjacent property owners shall be filed with the Clermont County Recorder.
- (6) Storage**  
The storage of a vehicle or utility trailer for more than 48 continuous hours in a vehicular use area for a nonresidential use is prohibited.
- (7) Landscaping**  
Landscaping for vehicular use areas shall be as established in [Article 10: Landscaping Standards](#).
- (8) Fire Code**  
All vehicular use areas shall conform to all requirements set forth in the applicable fire code.
- (9) Drainage**  
All vehicular use areas shall be graded, drained, and provided with adequate drainage and storm water management facilities so that the adjacent properties and rights-of-way, including sidewalks, are not subject to flooding by water run-off from the proposed vehicular use areas.

**(C) Other Uses within Required Vehicular Use Areas**

No vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any vehicular use area. Outdoor display, sales, or storage of any merchandise within any required vehicular use area are prohibited unless otherwise specifically permitted by this resolution.

**(D) Surfacing for Areas Serving Nonresidential Uses**

- (1)** All vehicular use areas shall be graded and paved with an asphalt or concrete surface unless otherwise provided in this article.
- (2)** Vehicular use areas may be surfaced with up to 100 percent of porous pavement (excluding gravel) or up to 25 percent of structural lawn. Porous pavement and structural lawns are not considered impervious surfaces for the purpose of calculating the maximum impervious surface ratio standards established in [Section 5.05\(D\): Site Development Standards for Nonresidential Zoning District](#).

**(E) Lighting**

All lighting within a vehicular use area shall be subject to the standards in [Section 8.01: Exterior Lighting](#).

**(F) Striping**

The individual parking spaces and loading spaces shall be striped according to the approved layout of the vehicular use area.

## **12.05 OFF-STREET PARKING REQUIREMENTS**

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### **(A) Rules for Computing Parking Spaces**

The following rules shall apply when computing parking spaces:

#### **(1) Multiple Uses**

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

#### **(2) Fractions**

When a measurement of the number of required spaces results in a fractional number, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number.

#### **(3) Area Measurements**

**(a)** Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a nonresidential building.

**(b)** Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

#### **(4) Occupancy or Capacity Based Standards**

**(a)** For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum occupant load capacity as defined by the Ohio Building Code, whichever is applicable, and whichever results in a greater number of parking spaces.

**(b)** In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

#### **(5) Unlisted Uses**

**(a)** Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Inspector shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

**(b)** If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, the Zoning Inspector may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) in Trip Generation or the American Planning Association's (APA) Parking Manual.

### **(B) Required Number of Spaces**

**(1)** [Table 12-1](#), defines the number of parking spaces required for each use within Goshen Township.

**Article 12: Parking, Loading, and Circulation Standards**

12.05: Off-Street Parking Requirements

- (2) For all uses except single-family and two-family dwellings, the total number of parking spaces required in [Table 12-1](#) may be reduced by 10 percent.
- (3) The total number of spaces required in [Table 12-1](#) may be reduced up to a maximum of 50% by utilizing the alternative parking options in Section [12.05\(E\): Special Parking Provisions](#).

<b>TABLE 12-1: NUMBER OF PARKING SPACES REQUIRED</b>	
<b>USE</b>	<b>NUMBER OF PARKING SPACES REQUIRED</b>
<b>RESIDENTIAL USES</b>	
All dwelling unit types	2 spaces per unit
Skilled nursing or personal care facilities, adult group homes, small or large residential facilities, and all other residential uses	1 space per each 3 beds or 1 per 5 residents, whichever is greater
<b>PUBLIC AND INSTITUTIONAL USES</b>	
Athletic fields	30 spaces per field
Cemeteries with a chapel or place of assembly	1 space per four seats in a chapel or place of assembly
Churches and places of worship	1 space per each 4 seats in the sanctuary, based on maximum seating occupancy
Community centers	1 space per 250 square feet of floor area
Cultural institutions	1 space per 400 square feet of floor area
Educational facilities (primary or secondary)	1.5 spaces per classroom, library, lecture hall, and cafeteria plus 1 space per three fixed seats of public assembly areas. High schools shall have an additional 1 space per five students at maximum capacity
Educational facilities, higher	6 spaces per each classroom and 1 space per 300 sq. ft. of administrative office space
Golf course	4 spaces per hole plus any additional spaces required for associated uses such as restaurants and/or taverns
Hospitals	1 space per each 2 beds
Parks	2 spaces per acre unless additional spaces are required based upon the facilities included, if listed separately (e.g., golf course or athletic field)
Tennis courts	4 spaces per tennis court
<b>COMMERCIAL AND OFFICE USES</b>	
Automotive service (minor)	1 space per 200 square feet of sales floor area plus 3 spaces per service bay
Banks and financial institutions	1 space per 300 square feet of floor area
Bed and breakfast establishments	1 space per guestroom plus two spaces for the permanent dwelling unit.
Commercial entertainment or recreation use (indoors)	1 space per 200 square feet or 1 space per four persons at maximum capacity, whichever is greater
Day care centers (adult or child)	1 space per 4 persons at maximum occupancy
Funeral homes	1 space per 50 square feet of floor area or 1 space per 4 seats at maximum occupancy, whichever is more
Hotels and motels	5 spaces total plus 1 space per sleeping room
Mixed use development	The cumulative parking based on the proposed uses
Multi-tenant buildings	1 space per 300 square feet of floor area up to 20,000 square feet then 1 space per 400 square feet of floor area thereafter
Offices – general, government, or other types	1 space per 300 square feet of floor area
Offices – medical or dental	1 space per 200 square feet of floor area

<b>TABLE 12-1: NUMBER OF PARKING SPACES REQUIRED</b>	
<b>USE</b>	<b>NUMBER OF PARKING SPACES REQUIRED</b>
Personal service establishments	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Research and development facilities	1 space per employee (based on the largest number of employees on one shift) plus 1 space per each vehicle used in the business
Restaurants and taverns	1 space per 100 square feet of floor area or 1 space for every two seats at maximum capacity, whichever is greater
Retail and service commercial uses, sales offices, and showrooms	1 space per 300 square feet of floor area up to 20,000 square feet then 1 space per 400 square feet of floor area thereafter
Sexually oriented businesses	1 space per 300 square feet of floor area
Theaters and assembly halls	1 space per each 3 seats at maximum occupancy
Veterinarian offices (no boarding)	1 space per 250 square feet

**(C) Parking Requirements for Physically Disabled**

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Building Code and shall include all necessary markings, striping, and signage.

**(D) Design Standards for Off-Street Parking**

**(1) Location of Parking Spaces**

- (a)** Off-street parking areas with five or more parking spaces shall be:
  - (i)** Set back a minimum of 30 feet from the road right-of-way; and
  - (ii)** Shall not be located in any required landscape areas as established in Section [Article 10: Landscaping Standards](#).
- (b)** Parking spaces in the residential zoning districts may be located in any required yard provided it is on a paved driveway or other parking surface. The driveway or parking surface shall be set back a minimum of one foot from all lot lines.
- (c)** In all business districts except the B-5 district, off-street parking may be located in any yard outside of any required landscaping or buffer areas. Such parking areas shall be set back a minimum of five feet from all lot lines and shall be surfaced in accordance with this article.

**(d) Off-Street Parking in the TC District**

- (i)** No new parking lot shall be created nor any existing parking lot expanded in front of a building unless the BZA determines that parking in front of the building would be acceptable for either of the following reasons as part of a variance application:
  - A.** Front yard parking is required to maintain the continuity of building setbacks in the block while making efficient use of the site; or
  - B.** Front yard parking is required for the purposes of traffic safety and to minimize driveway curb cuts where the new parking lot is proposed to connect with one or more parking lots on adjoining parcels.

- (ii) Unless the Zoning Commission determines that parking in front is permissible, new or expanded parking lots on the interior of the lots shall be located to the rear or side of the buildings, accessed by means of common driveways, preferably from side streets or lanes.
- (iii) Parking lots shall be small in scale where possible, and connected with parking lots on adjacent properties.

**(2) Minimum Dimensions of Off-Street Parking Spaces**

Parking spaces and driveway aisles shall have minimum rectangular dimensions of not less than the following:

- (a) Parking stalls shall conform to the minimum standards set forth in [Table 12-2](#) and [Figure 12-A](#).
- (b) Any parking space adjoining a landscaped area of the parking lot may include a two-foot overhang into the landscaped area as part of the required parking stall length, provided curbing or well-maintained wheel stops are used to prevent damage to landscaped areas.

<b>TABLE 12-2: PARKING AREA DIMENSIONS</b>				
<b>ANGLE OF PARKING (DEGREES)</b>	<b>ONE-WAY MANEUVERING AISLE WIDTH (FEET) "A"</b>	<b>TWO-WAY MANEUVERING AISLE WIDTH (FEET) "A"</b>	<b>PARKING STALL WIDTH (FEET) "B"</b>	<b>PARKING STALL LENGTH (FEET) "C"</b>
0 – Parallel	12	20	9	23
30 – 53	14	20	9	19
54 – 75	19	21	9	19
76 – 90	22	24	9	19



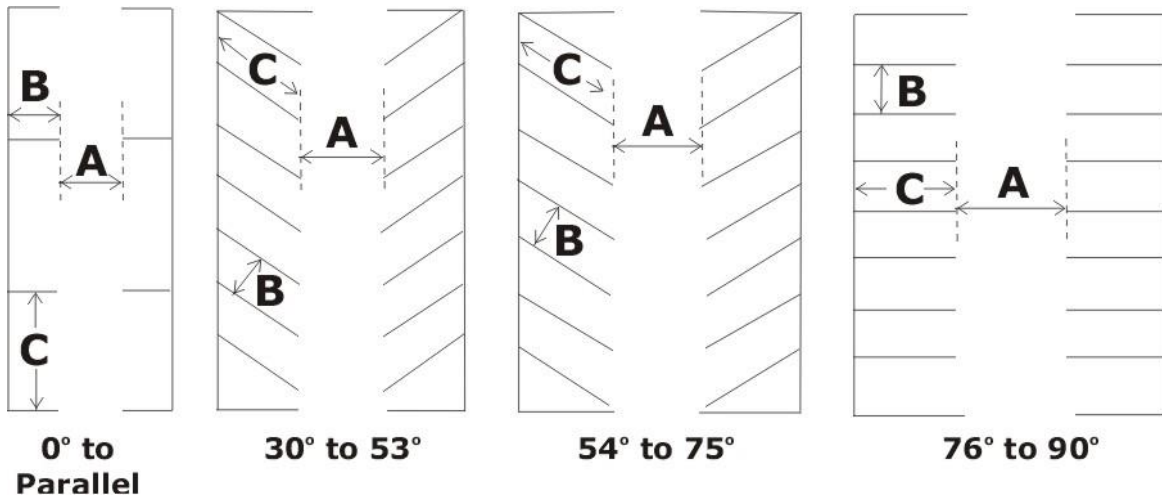


Figure 12-A: Parking area dimensions

**(3) Access to Off-Street Parking Spaces**

- (a) Except in the case of single- and two-family dwellings, any parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion.
- (b) The entrances and exits of the parking area shall be clearly marked and parking areas having more than one aisle or driveway shall have appropriate arrows and striping on the pavement to indicate traffic direction.

**(4) Wheels Stops**

- (a) Curbs or wheel stops that are at least four inches high and four inches deep shall be provided for parking spaces located adjacent to walkways and sidewalks to protect pedestrians.
- (b) Continuous curbing is discouraged but if curbing is used, it should be cut curbing or scissor curbing to allow for the passage of stormwater. See [Figure 12-B](#).



Figure 12-B: Cuts in the continuous curb allow for stormwater to be directed into landscaped areas.

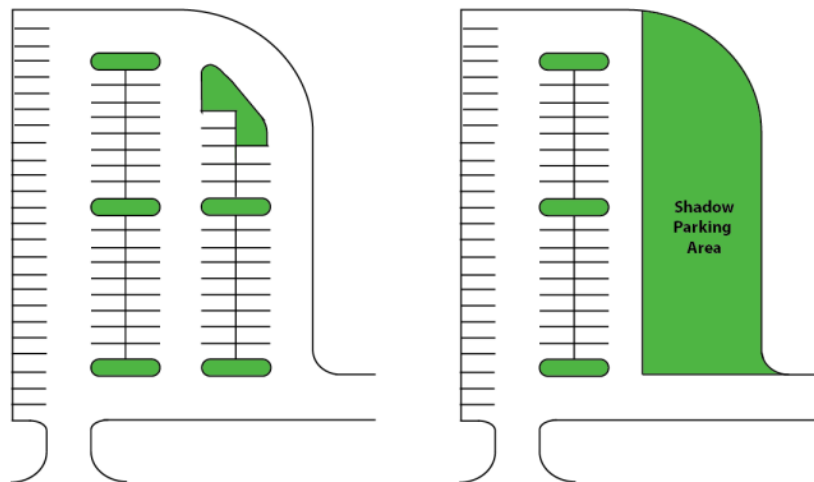
- (c) Where provided, wheel stops or curbs shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. In cases where the overhang will be over a landscaped area, the parking stall length may be reduced by two feet.
- (d) Where provided, wheel stops and curbs should be designed to allow for snow removal and access to snow storage areas, including on landscaped islands and adjacent buffers.

**(E) Special Parking Provisions**

The following are optional methods of accommodating parking as an alternative to constructing the required number of parking spaces on an individual lot pursuant to this article. The use of either one of these alternatives shall require review and approval by the Zoning Inspector as part of a zoning permit or business use certificate application.

**(1) Land Bank Parking**

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavement provided that the parking and unpaved areas complies with the following standards. See [Figure 12-C](#).



*Figure 12-C: Illustrative example of land bank parking (right side) where a portion of the designated parking area is not paved at the same time as the remainder of the parking area.*

- (a) The parking plan submitted as part of the application shall denote the location and layout of that portion of the parking area that is not required at the time of application. The plan shall indicate that the land bank parking spaces will be constructed in the event that the Zoning Inspector makes a finding, at any time, that all or any portion of this parking is necessary.
- (b) Land bank parking shall not account for more than 50 percent of the required parking spaces as established in [Section 12.05\(B\): Required Number of Spaces](#).
- (c) At no time shall any portion of the required parking area that is so designated for future parking be used for the construction of any structure. Pervious pavers may be used to provide parking provided that the pavers allow for grass and other vegetation to grow through the material.

- (d) At no time shall any portion of the required parking or loading area that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this resolution.
- (e) The owner shall initiate construction of the approved "future" parking area, as identified on the approved parking plan, within three months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Inspector, identifying that such parking is reasonably determined to be necessary.
- (f) Land bank parking areas shall be calculated into the storm water calculations as if the entire land bank parking area was paved.

**(2) Shared or Off-Site Parking**

A portion of the required parking spaces may be located on an adjacent or nearby property if the parking area complies with the following standards.

- (a) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (b) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses.
- (c) Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking area.
- (d) Shared or off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the BZA as part of a conditional use review.
- (e) Shared or off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- (f) In the event that a shared or off-site parking area is not under the same ownership as the principal use served, a written parking agreement shall be required and must be approved by the township's legal counsel.
- (g) No shared or off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.
- (h) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared or off-site parking may be approved if it complies with the following standards:
  - (i) A sufficient number of spaces shall be provided to meet the highest demand of the participating uses.
  - (ii) Evidence shall be submitted by the parties operating the shared parking area, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between the users of the parking spaces.

- (iii) Shared or off-site parking shall not account for more than 50 percent of the required parking spaces as established in Section [12.05\(B\): Required Number of Spaces](#).
- (iv) Any change in use of the activities served by a shared or off-site parking area will be deemed an amendment to the shared or off-site parking area plan and will require BZA review and approval.
- (v) All shared or off-site parking plans and agreements shall be recorded in the office of the Clermont County Recorder and a copy of the recorded document shall be provided to Goshen Township prior to any zoning permit or business use certificate being issued.

## **12.06 OFF-STREET LOADING REQUIREMENTS**

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Every building used for nonresidential purposes that customarily receives or distributes goods by motor vehicle shall provide space on the premises for loading purposes on the basis of the following regulations:

- (A) For buildings, or parts thereof, that exceed 10,000 square feet of gross floor area, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional loading space for every additional 25,000 square feet.

### **(B) General Design Standards**

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth in this subsection.

#### **(1) Location of Required Loading Spaces**

- (a) Loading spaces shall be located on the same lot as the building or structure to which they serve. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.
- (b) Loading spaces shall be set back a minimum of 25 feet from any lot line in a residential district unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six feet in height.
- (c) In all other cases, loading spaces shall be set back a minimum of ten feet from all lot lines.

#### **(2) Dimensions**

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

#### **(3) Access**

- (a) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation.
- (b) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

- (c) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

**(4) Screening**

- (a) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- (b) The screening material shall be at least 6 feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

**12.07 VEHICLE STACKING REQUIREMENTS**

Where drive-through facilities are permitted, vehicle stacking spaces shall be provided according to this section.

**(A) General Standards**

- (1) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 200 feet from any adjacent residential dwelling unit.
- (2) All drive-through areas, including but not limited to drive-through signs, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.
- (3) Drive-through signs shall be regulated in accordance with Section [7.01\(E\)\(6\)\(f\)](#): Drive-Through Signs.

**(B) Stacking Space and Lane Requirements**

- (1) The number of required stacking spaces shall be as provided for in [Table 12-3](#). See [Figure 12-D](#) for illustration of stacking spaces:

<b>TABLE 12-3: STACKING SPACE REQUIREMENTS</b>		
<b>ACTIVITY</b>	<b>MINIMUM STACKING SPACES (PER LANE)</b>	<b>MEASURED FROM:</b>
Financial Institution or Automated Teller Machine (ATM)	3	Teller or Window
Restaurant	6	First Pick-Up Window that is closest to the Drive-Through Sign/Order Box
Full Service Car/Truck Wash	6	Outside of Washing Bay
Self-Service or Automated Car/Truck Wash	2	Outside of Washing Bay
Other	As determined by the Zoning Inspector	

- (2) Stacking lanes shall be provided for any use having a drive-through establishment and shall apply comply with the following standards:

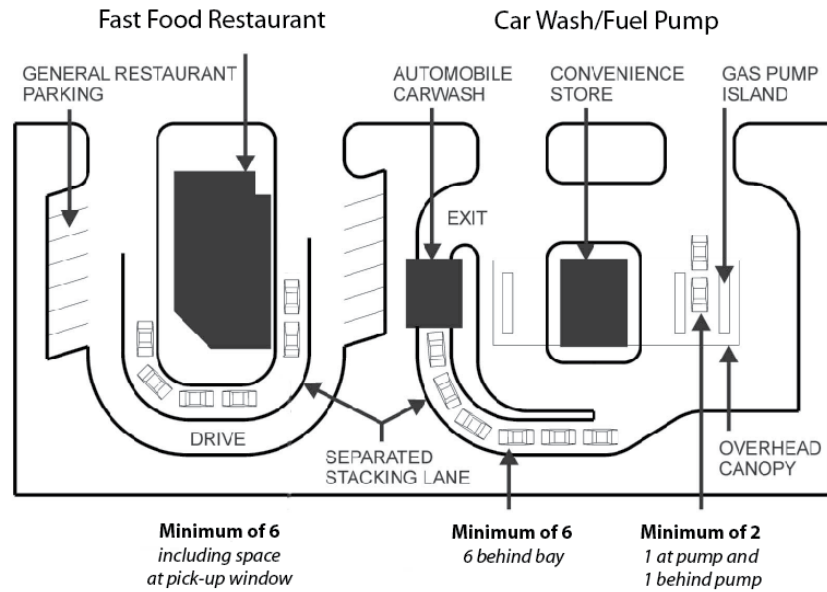


Figure 12-D: Location of stacking spaces and lanes. Note that the stacking lanes are oriented toward the side and rear yards rather than the front yard.

- (a) Drive-through stacking lanes shall have a minimum width of ten feet and a minimum length of 18 feet for each space required.
- (b) When stacking lanes are separated from other stacking lanes, bypass lanes or from other site areas, the separation shall be by means of a raised concrete median, concrete curb, or landscaping.
- (c) Stacking lanes shall be set back 25 feet from right-of-ways.
- (d) The number of stacking spaces required by Table 12-3 shall be required for each separate stacking lane. If two or more stacking lanes converge into one lane (e.g., two lane separate lanes to order at a restaurant converge to one lane after the drive-through sign), the stacking spaces shall be measured in accordance with Table 12-3 with the spaces located after the convergence point counting toward both stacking lanes.

## **12.08 SIDEWALKS AND SIDEWALK CONNECTIONS TO A RIGHT-OF-WAY**

### **(A) Sidewalk Requirements in the TC District**

- (1) Public sidewalks within the public right-of-way shall be provided adjacent to all new development sites that abut a public street within this TC District pursuant to the location and width specified in the Goshen Town Center Streetscape and Pedestrian Mobility Plan.
- (2) The sidewalk shall have a minimum width of five feet and shall be constructed and maintained in accordance with the Clermont County Engineer's Office standards.

### **(B) Connections to Existing Sidewalks in All Districts**

The following shall apply to all nonresidential developments and expansions:

## **Article 12: Parking, Loading, and Circulation Standards**

### 12.08: Sidewalks and Sidewalk Connections to a Right-of-Way

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- (1)** Where a sidewalk exists in a public right-of-way adjacent to the property subject to the application, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
- (2)** The pedestrian connection shall be a concrete path with a minimum width of four feet and shall be constructed and maintained in accordance with the Clermont County Engineer's Office standards.
- (3)** The sidewalk may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.

# Article 13: Signage Standards

## 13.01 PURPOSE

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The purpose of this article is to support the overall purpose of this resolution and to regulate the location, size, placement, and physical characteristics of signs to enable the public to locate goods, services, and facilities and to receive a wide variety of other messages, commercial and noncommercial, without difficulty and confusion. Accordingly, this section establishes regulations governing the display of signs that will:

- (A) Promote and protect the public convenience, comfort, prosperity, and general welfare;
- (B) Enhance the economy and the businesses of Goshen Township by promoting the reasonable, orderly, and effective display of signs and thereby encourage increased communication with the public;
- (C) Restrict signs and lights that will increase the probability of traffic congestion and accidents by distracting attention or obstructing vision; and
- (D) Reduce conflict among signs and light and between public and private information systems.

## 13.02 APPLICABILITY

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### (A) General Applicability

- (1) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the township except in accordance with the provisions of this section.
- (2) Unless otherwise provided, this section shall apply to any sign, in any zoning district, that is visible from the public right-of-way or from property other than the property on which the sign is located.
- (3) Any sign already established on the effective date of this section or future amendment thereto, and which sign is rendered nonconforming by the provisions herein, shall be subject to the nonconforming sign regulations of Section [13.12: Nonconforming Signs](#).

### (B) Exemptions

The following signs are entirely exempt from this section:

- (1) Any sign located entirely within buildings or other structures and/or otherwise not visible from the public right-of-way or from property other than the property on which the sign is located;
- (2) Any sign located on umbrellas or similarly related private patio furniture or seating;
- (3) Any sign on a truck, bus or other vehicle that is used in the normal course of a business for transportation (See also [Section 13.04\(G\)](#)); and
- (4) Any noncommercial, holiday lighting, signs, or related decorations.

### (C) Zoning Permit Required

Unless otherwise provided by this section, all signs shall require a zoning permit and a payment of fees. Exceptions to the certificate requirement are as follows:

- (1) A zoning compliance permit is not required for the maintenance of a sign or for a change of copy on signs with changeable copy.



- (2)** A zoning permit is not required for general maintenance, painting, repainting, cleaning and other normal maintenance and repair of a sign or any sign structure unless a structural change is made that results in anything more than a minor modification. This shall include the replacement of a sign face within a sign cabinet or similar structure where the sign face is designed to be easily removed and replaced.
- (3)** The following signs do not require a zoning permit, but are subject to the standards set forth in this section, as well as to general standards and prohibitions related to placement, lighting and maintenance of signs.

  - (a)** Wall signs with a maximum area of two square feet attached to the façade of a residential dwelling;
  - (b)** Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, way-finding signs, and signs of public service companies for the purpose of safety;
  - (c)** Commemorative plaques placed by a local, state, or federally recognized historical agency, with a maximum sign area of 48 square feet and maximum height of six feet;
  - (d)** Certain temporary signs with a commercial message as established in Section [13.11: Temporary Signs](#);
  - (e) Signs with a Noncommercial Message**

    - (i)** Any permanent sign allowed within this article may incorporate noncommercial messages provided the sign structure is permitted in accordance with this article. Such sign structure may require a zoning permit as specified in this article.
    - (ii)** Temporary signs that contain noncommercial messages are permitted in all zoning districts without a zoning permit provided they comply with this subsection.

      - A.** The sign shall not be located in the right-of-way.
      - B.** The sign shall be removed or replaced when such sign is deteriorated.
  - (f) Flags and Flag Poles**

    - (i)** Flags of that do not contain a commercial message are permitted in any zoning district.
    - (ii)** One flag with a commercial message may be permitted on any lot in a business zoning district provided the flag does not exceed 40 square feet in area.
    - (iii)** Flag poles may require a building permit from Clermont County, depending on their size, for structural purposes.
  - (g) Street Address Signs**

    - (i)** Every building is required to post its street address in a visible area for the purposes of identification for safety service personnel. This may be on the building, mailbox, or other visible element.

- (ii)** The signs shall have a minimum height of three inches and a maximum height as follows unless they are an integral part of another permanent sign, in which case, the regulations for the permanent sign shall control:

  - A.** For residential uses, the signs shall be no more than eight inches in height;
  - B.** For nonresidential uses that have a building setback of less than 100 feet, the maximum height shall be 12 inches.
  - C.** For nonresidential uses that have a building setback of between 100 feet and 200 feet, the maximum height shall be 18 inches.
  - D.** For nonresidential uses that have a building setback of more than 200 feet, the maximum height shall be 24 inches.
- (iii)** All street address signs shall contrast to the color of the surface on which they are mounted and shall be clearly identifiable from the street.

**(h) Incidental Signs**

Incidental signs are allowed on all private property, in addition to all other allowed signs, subject to the standards and limitations set forth in this section.

- (i)** Incidental signs may be wall or window signs not larger than 2 square feet and/or detached signs not larger than 4 square feet and with a height of no more than 3 feet.
- (ii)** Such signs are generally intended to provide information and warnings, such as "beware of dog," "no parking," "telephone," "rest rooms," "exit," "entrance," and so on. Such signs, however, may bear any message that is not a commercial message.
- (iii)** Such signs shall not be separately illuminated.

**(i) Window Signs**

Window signs are permitted on all principal structures in accordance with the following:

- (i)** All signs located within, attached or mounted to, or located inside of the building but positioned to be visible from outside of any window, shall be deemed a window sign.
- (ii)** Where window signs are permitted, such sign shall not occupy more than 50 percent of the window area to which it is attached. See [Figure 13-A](#) for locations used in the calculation of sign area.



*Figure 13-A: The window area is illustrated within the dashed line area for the two storefronts in the above image.*

- (iii) Window signs are not permitted in any window of a space used for residential uses or purposes.
- (iv) Window signs are permitted in windows on any floor where there is nonresidential activity.

### **13.03 SIGNS PARTIALLY EXEMPT FROM THIS SECTION**

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- (A) The following signs may be erected or constructed without a zoning permit, but may be subject to additional regulations under this section:
  - (1) Signs conforming to the *Manual of Uniform Traffic Control Devices* and bearing no commercial message;
  - (2) Signs installed by employees or officials of a state or federal agency in the course of their governmental duties and bearing no commercial message;
  - (3) Signs required by a state or federal statute;
  - (4) Signs required by an order of a court of competent jurisdiction (applicable to the site to which the sign is located);
  - (5) Signs installed by public utilities, in their rights-of-way or on their facilities, and bearing no commercial message other than such message is necessary to identify the use; and
  - (6) Signs installed by a transit company with a franchise or other right to operate in Goshen Township, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- (B) Where such sign is erected pursuant to a state statute or a court order, the sign may exceed the size standards of this article or otherwise deviate from the standards set forth in this article to the extent that the statute or court order expressly requires the larger size or other deviation. In all other respects, such signs shall conform to the standards of this article.
- (C) The signs established in Section 13.03(A) above shall be allowed in the public right-of-way in Goshen Township or on parks or other public property controlled by the township.
- (D) Sidewalk signs in the TC District are permitted in the right-of-way subject to the standards and conditions in Section 13.11(B)(3)(e): [Temporary Sidewalk Signs](#).

### **13.04 PROHIBITED SIGN TYPES**

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The following types of signs are specifically prohibited within the township:

- (A)** Signs that are applied to trees, bus shelters, utility poles, benches, trash receptacles, newspaper vending machines or boxes, or any other unapproved supporting structure, or otherwise placed in the public right-of-way;
- (B)** Any sign or sign structure which in the opinion of the Zoning Inspector is structurally unsafe, or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, or abandonment;
- (C)** No sign shall be installed, erected, or attached in any shape, manner, or form, to a fire escape or to any door or window that is required ingress and egress for fire safety.
- (D)** Pennants, streamers and other similar type devices;
- (E)** Signs that employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention except for electronic message centers permitted in accordance with this article;
- (F)** Laser lights, beacons and searchlights, except for emergency purposes;
- (G)** Motor vehicles, tractor trailers, or similar vehicles with signs painted on, attached to, or otherwise affixed to the vehicle shall not be parked or stored long-term on a lot as a form of signage. This standard does not apply to vehicles used in the day-to-day business of the applicable use (e.g., delivery vehicles or vehicles used by employees). Vehicles with signage that are parked for more than 24-hours on a lot without a principal use or parked, without any movement, for more than one week on a lot with a principal use, shall be considered a violation of this subsection.
- (H)** Any signs that utilizes illumination by means of bare bulbs, flames, or both;
- (I)** Any signs which imitate or resemble official traffic or governmental signs that are designed or used in a manner as to interfere with, mislead, or confuse drivers along streets;
- (J)** Any sign that violates the traffic clearance requirements of Section [5.05\(B\)\(1\)](#); and
- (K)** Roof signs.

### **13.05 SIGN COMPUTATIONS**

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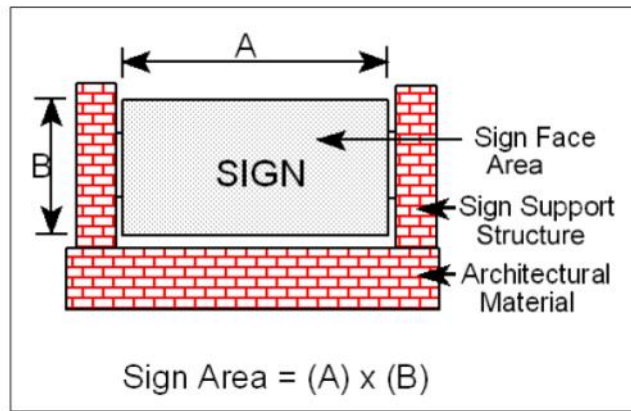
**(A) Sign Height**

- (1)** The height of a sign shall be computed as the distance from the base of the sign, at normal grade, to the top of the highest attached component of the sign. If the normal grade where the sign is to be installed is lower than the adjacent public street, the height of a sign can be measured from the grade at the edge of the street pavement nearest the sign, with appropriate topographic documentation, to the top of the highest attached component of the sign.
- (2)** The height of a sign may not be artificially increased by the use of mounding.

**(B) Sign Area**

The surface of a sign to be included when computing maximum allowable square footage of sign area shall be calculated as follows:

- (1)** For sign copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface. See [Figure 13-B](#) and [Figure 13-C](#).
- (2)** For sign copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the sign copy, the sign area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the sign. See [Figure 13-D](#).
- (3)** The calculation of sign area shall not include any supporting framework, bracing, or decorative fence or wall unless such structural support is determined to constitute an integral part of the sign design by means of text or other commercial message, as determined by the Zoning Inspector. See [Figure 13-B](#).



*Figure 13-B: Illustration of sign area calculation for a ground sign with copy on a distinct cabinet.*



*Figure 13-C: Illustration of computing sign area for wall signs with a background panel or cabinet.*



Figure 13-D: Illustration of sign area calculation for two differently shaped wall signs with individual letters.

- (4) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point.
- (5) When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (6) When the calculation for the sign area is based on a width or lineal measurement of the primary façade frontage, and when there is a question regarding the interpretation of the façade measurement, the Zoning Inspector shall have the authority to determine what is considered the primary façade and the maximum measurement of such façade. The Zoning Inspector may take into consideration:
  - (a) Whether the façade clearly faces a public street or right-of-way;
  - (b) The location of the principal building entrance and/or customer entrance; or
  - (c) Other unique features that clearly demonstrate that the applicable façade is a primary façade for the building.
- (7) The calculation of the width or lineal measurement of the primary façade shall be the measurement of the façade between two side façades. The calculation shall be based on viewing the primary façade that is visible from a 90 degree angle (i.e., straight on), regardless of façade insets, offsets, or angles. See [Figure 13-E](#).

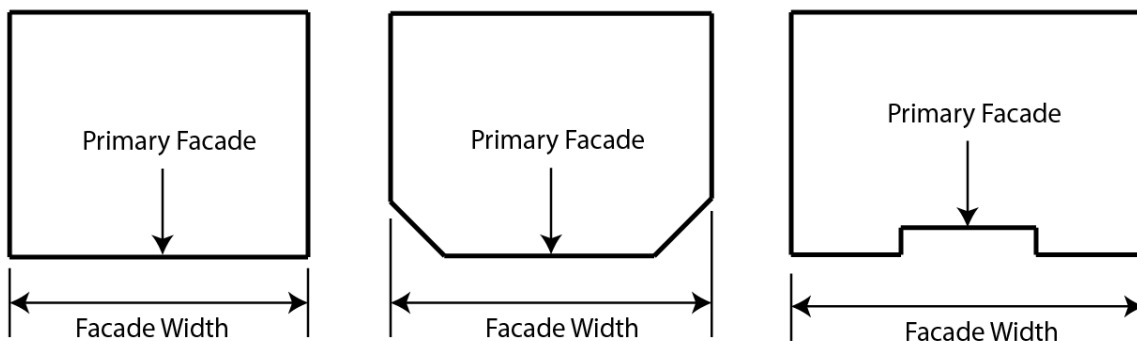


Figure 13-E: Illustration of façade width measurement on varied façade shapes.

- (8) When calculating street frontage, only the street frontage that lies in the unincorporated area of Goshen Township shall be used in the calculation.

### **13.06 PROHIBITED SIGN LOCATIONS**

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Signs may not be installed in any of the following locations:

- (A) In any public right-of-way, except as specifically authorized by this article;
- (B) In any utility easement, intersection visibility areas, or other areas where structures are prohibited;
- (C) In any public park or other public property, except as expressly authorized by this article;
- (D) On any traffic-control signs, construction signs, fences, utility poles, street signs, trees or other natural objects;
- (E) In any location where the view of approaching and intersecting traffic would be obstructed. No sign shall be located so as to interfere with the safe movement of vehicles or pedestrians entering, leaving, or crossing a public right-of-way;
- (F) On a bench, where the sign on such bench is legible from the public right-of-way;
- (G) In any residential area, except as expressly permitted in this article; and
- (H) On any property without the prior authorization granted by the property owner on which any sign is to be placed.

### **13.07 STANDARDS FOR ALL PERMANENT SIGNS**

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All permanent signs shall be subject to the following standards, regardless of the district in which they are located:

#### **(A) General Standards**

- (1) All freestanding signs shall be located in a landscaped area equal to or larger than the total sign area of the applicable sign. Such landscaped area may be an area that fulfills any landscaping requirements of this resolution.
- (2) The landscaped area shall include all points where sign structural supports attach to the ground.
- (3) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the applicable building or electrical codes.
- (4) Any sign requiring a structural steel foundation and/or electricity shall obtain foundation and/or electric permits from the Clermont County Building Department.
- (5) The back side of all permanent signs that do not contain a second sign face, and structural supports shall be completely enclosed.

#### **(B) Maintenance of Permanent Signs**

- (1) Where a permanent sign is located on a common area controlled by a homeowners' or property owners' association, such association shall be responsible for the maintenance of the sign and surrounding landscaped area. Failure to maintain the sign in good working order in accordance with this section may result in the city maintaining the sign and assessing the applicable property owners for the related costs.



- (2) Where the sign is located on a private property, the property owner shall be responsible for maintenance in accordance with the applicable provisions of this code. Failure of a private property owner to maintain the sign shall be considered a violation of this resolution.

**(C) Electronic Message Centers**

Where an electronic message center is permitted, the following standards shall apply:

- (1) Any message change shall be a static, instant message change.
- (2) Messages can only change once every eight seconds or more.
- (3) The transition time between messages shall be less than one second.
- (4) The electronic message center shall come equipped with an automatic dimming photocell, which automatically adjusts the display's brightness based on ambient light conditions.
- (5) The brightness level shall not increase by more than 0.3 foot candles (or 3.23 lumens per square meter or lux) (over ambient levels) as measured using a foot candle meter at a pre-set distance.
- (6) The procedure and distances for measurement of brightness shall be as established by the International Sign Association's *Recommend Night-time Brightness Levels for On-Premise Electronic Message Centers*.
- (7) In case of any malfunction resulting in changes of message that are more frequent than allowed, or a malfunction in the appearance of the messages, the malfunction shall be repaired within one business day or the changing mechanism shall be disabled or the sign shall be turned off until repair.

**(D) Lighting**

Unless otherwise stated, signs may be illuminated from an internal or external light source provided that the lighting complies with the following standards:

- (1) By a white, steady, stationary light of reasonable intensity, directed solely at the sign and/or otherwise prevented from beaming directly onto adjacent properties or rights-of-way in compliance with this code.
- (2) Light fixtures shall be screened from view by light shields, site grading, or evergreen shrubs. No exposed light sources are permitted.
- (3) The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed.
- (4) No colored lights shall be used in a location or in such a manner that they might be confused with traffic control devices and/or safety service lights (e.g., police or fire).

**13.08 PERMANENT SIGNS IN RESIDENTIAL ZONING DISTRICTS**

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The following standards apply to signs on lots in any residential district or for any PD-R District.

**(A) Development/Subdivision Signs**

A permanent ground-mounted sign or wall signs may be permitted for any platted residential subdivision or for any multi-family dwelling project with 12 or more units provided that the signs comply with the following requirements:



**(1) General Standards**

- (a)** The sign may be permitted at each primary development entrance as determined by the Zoning Inspector.
- (b)** The sign shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent side lot lines.
- (c)** Each sign may have a maximum sign area of 32 square feet not including any fencing, wall, supporting brick, stone, or any other material used to frame, brace or otherwise provide structural support for the sign on which the sign is located.
- (d)** No such sign or any portion of the structure shall exceed five feet in height.
- (e)** The sign may only be illuminated by an external light source.

**(2) Ground-Mounted Monument Signs**

- (a)** One permanent ground-mounted monument sign may be permitted for each entrance.
- (b)** If an applicant proposes to use a ground-mounted monument sign, no wall signs shall be permitted.

**(3) Wall Signs**

- (a)** A maximum of two wall signs may be permitted for each entrance.
- (b)** The signs shall be mounted to a decorative wall or fence that generally runs parallel with the street.
- (c)** Where two signs are used, such signage shall be identical.
- (d)** If an applicant proposes to use wall signs, no ground-mounted monument sign shall be permitted.

**(B) Permanent Signs for Agricultural or Nonresidential Uses**

- (1)** One permanent ground-mounted monument sign may be permitted for any nonresidential use in a residential zoning district provided the sign meets the requirements below. For the purposes of this subsection, nonresidential uses include public and institutional uses as determined by the Zoning Inspector.
  - (a)** The sign shall be set back six feet from the public right-of-way and 10 feet from any adjacent lot lines. The sign shall also be set back 25 feet from any adjacent residential uses.
  - (b)** For uses on lots with a lot area of less than five acres, the maximum sign area shall be 32 square feet. For uses on lots with a lot area of five acres or more, the maximum sign area shall be 50 square feet.
  - (c)** No such sign or any portion of the structure shall exceed five feet in height.
  - (d)** Up to 50 percent of the sign may include changeable copy signage but such signage shall be limited to a manual changeable copy sign. Electronic message centers shall only be permitted if the sign is located on a lot with a minimum lot area of five acres and when the sign is set back a minimum of 50 feet from any lot line that is adjacent to a residential lot. Electronic message centers shall be subject to Section [13.07\(C\): Electronic Message Centers](#).

- (2) One permanent ground-mounted monument sign shall be permitted on any lot that is used primarily for an agricultural use that is exempt from this regulations in accordance with Section [3.02\(A\): Agricultural Use Exemption](#), provided that the sign meets the same following standards:
  - (a) The sign shall be set back six feet from the public right-of-way and 10 feet from any adjacent lot lines. The sign shall also be set back 25 feet from any adjacent residential uses.
  - (b) The maximum sign area shall be 32 square feet.
  - (c) No such sign or any portion of the structure shall exceed five feet in height.
- (3) Wall signs are permitted for any nonresidential use in a residential zoning district in accordance with the provisions established in Section [13.09\(B\): Wall Signs](#).

### **13.09 PERMANENT SIGNS IN NONRESIDENTIAL ZONING DISTRICTS**

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The following standards apply to signs on lots zoned B-1, B-2, TC, M-1, or M-2 Districts, or for any nonresidential use in a Planned Development District.

#### **(A) General Standards**

- (1) Signs may bear any of the following types of messages:
  - (a) Any noncommercial message; or
  - (b) Any commercial message related to activities, products or services that are offered on the same lot.
- (2) Signs in a PD-M, PD-B, or PDO Districts shall comply with the requirements of the B-2 District and shall be as approved in the applicable PD or PDO plans.

#### **(B) Wall Signs**

Wall signs are permitted on all principal structures in accordance with the following:

- (1) Wall signs shall be mounted on or flush with a wall. A wall sign may be painted directly on a building wall, mounted on the façade wall, or mounted on a raceway.
- (2) A wall sign shall not protrude more than 18 inches from the wall or face of the building to which it is attached, regardless of whether a raceway is used.
- (3) A wall sign may be attached to a building wall or architecturally-integrated extension which faces a street, parking lot or service drive, or may be attached to a canopy or awning which projects beyond the building or is a separate structure (i.e., canopies over fuel dispensers).
- (4) Wall signs shall not extend above the roofline of the building to which it is attached.
- (5) Wall signs may not be attached to a penthouse or roof structure including but not limited to mechanical equipment or roof screening.
- (6) **Size**
  - (a) This subsection establishes the maximum sign area permitted for wall signs based on the development type.
  - (b) There is no maximum number of wall signs but the total square footage of wall signs located on a single façade shall comply with the requirements of this section.

- (c) Where there are multiple primary facades (e.g., corner lots or through lots), the maximum wall sign area shall apply to the individual façade. An applicant shall not combine the total amount of wall sign area permitted on all facades and apply it to a single façade.
- (d) An applicant may locate any portion of permitted wall signage onto a secondary façade provided that:
  - (i) The maximum wall sign area allowed shall be determined by the primary façades that face a public street;
  - (ii) Such wall sign area shall be deemed transferred from the primary façade to the secondary façade and shall reduce the wall sign area allowed on the primary façade accordingly; and
  - (iii) The maximum wall sign area allowed on a secondary façade shall not exceed the maximum wall sign area permitted on any one primary façade (e.g., the area of wall signs allowed on multiple primary facades may not be aggregated onto the secondary façade.).

**(e) Buildings with Multiple Tenant Spaces**

The maximum wall sign area permitted, per tenant space, shall be equal to one and one-half (1.5) square feet for every lineal foot of building width assigned to the individual tenant space. Additional wall signs are permitted for each additional façade that faces directly onto a public street. The maximum sign area for the additional wall signs shall be equal to one and one-half (1.5) square feet for every lineal foot of building width of the façade to which it will be attached.

**(f) Buildings with Single Tenant Occupancy**

The maximum wall sign area permitted shall be equal to one and one-half (1.5) square feet for every lineal foot of building width. Additional wall signs are permitted for each additional façade that faces directly onto a public street. The maximum sign area for the additional wall signs shall be equal to one and one-half (1.5) square feet for every lineal foot of building width of the façade to which it will be attached.

**(g) Large-Scale Commercial and Industrial Buildings (Over 150,000 square feet of floor area)**

The following shall apply to wall signs on commercial and industrial buildings that have 150,000 square feet or more of floor area:

- (i) The maximum wall sign area permitted on any single façade, regardless of the number of signs, shall not exceed five percent of the total façade area.
- (ii) No wall sign shall exceed 35% of the height of the façade to which it is attached, as measured from the bottom of the letters or message to the top most point of the letters or message.

**(h) Buildings in the TC District**

The maximum wall sign area permitted shall be equal to one and one (1.0) square foot for every lineal foot of building width. Additional wall signs are permitted for each additional façade that faces directly onto a public street. The maximum sign area for the additional wall signs shall be equal to one (1.0) square foot for every lineal foot of building width of the façade to which it will be attached.

**(i) Wall Signs for Upper Level Tenants**

For buildings that contain tenant space on upper levels that is separate and distinct from the tenants on the lower levels, the following wall signs shall be permitted in addition to any other wall signs allowed in this subsection:

- (i)** One wall signs shall be permitted for each separate tenant on the upper floors.
- (ii)** Such wall signs shall not exceed three square feet in sign area.
- (iii)** Such wall signs shall only be allowed to be placed adjacent to the building entrance.
- (iv)** Where more than one wall sign is placed at an entrance, the total group is to be related in an orderly and integrated manner in one or more vertical columns with common vertical centerlines.

**(C) Projecting Signs**

Projecting signs are permitted on all principal structures in accordance with the following:

- (1)** A projecting sign shall be perpendicular to the wall of the building to which it is attached. A projecting sign may also be attached to the ceiling of an outdoor arcade if it complies with the sign area, height, and clearance standards of this section.
- (2)** A projecting sign shall be considered a wall sign for purposes of determining the total area of wall signs allowed (i.e., the total combined sign area of wall signs and project signs shall not exceed the maximum sign area permitted for all wall signs).
- (3)** A projecting sign shall not be subject to the restrictions on a wall sign regarding the distance between the sign and the wall.
- (4)** A projecting sign shall be perpendicular to the wall to which it is affixed and may project up to three feet from the front of the building.
- (5)** A projecting sign shall in no case project beyond the curb line of a public street or over a public street.
- (6)** Where a projecting sign projects over a sidewalk, there shall be at least nine feet of clearance between the bottom of the sign and the surface of the sidewalk.
- (7)** Projecting signs shall not project above the roofline of the building.

**(D) Freestanding Signs**

- (1)** Freestanding signs shall be restricted to ground-mounted monument signs as defined in this section.
- (2)** All freestanding signs shall be set back a minimum of 10 feet from any public right-of-way or property boundary line unless such signs are adjacent to a residentially zoned lot, in which case the sign shall be setback a minimum of the height of the sign.

- (3)** Up to 75 percent of one ground-mounted monument sign on any lot may include changeable copy signage. The changeable copy sign may be a manual sign or an electronic message center. The electronic message center shall be subject to the provisions of [Section 13.07\(C\): Electronic Message Centers](#).
- (4) Number**
  - (a)** There shall be a maximum of one freestanding sign on each lot with a principal building; however principal buildings on lots that have more than 75 feet of frontage on more than one public street shall be permitted to have one additional freestanding sign with one sign located along each of the public streets.
    - (i)** Each sign permitted in accordance with the above regulation shall comply with the applicable maximum sign height and sign area standards established in this section for freestanding signs.
  - (b)** Multi-tenant buildings on lots that have a single street frontage that is 1,500 feet or longer shall be permitted to have one additional freestanding sign under the following provisions:
    - (i)** Each sign shall comply with the applicable maximum sign height and sign area standards established in this section for freestanding signs.
    - (ii)** The two signs shall be separated by a minimum of 100 feet from each other.
  - (c)** In all cases, there shall be a maximum of two freestanding signs permitted on each lot.
- (5) Size and Height**
  - (a)** Unless otherwise specified, the maximum sign area and maximum height of freestanding signs is as established in [Table 13-1](#).

<b>TABLE 13-1: MAXIMUM SIGN AREA AND HEIGHT FOR FREESTANDING SIGNS</b>			
<b>DISTRICTS</b>	<b>STREET FRONTAGE ALONG PUBLIC RIGHT-OF-WAY</b>	<b>MAXIMUM SIGN AREA</b>	<b>MAXIMUM SIGN HEIGHT</b>
B-1 and TC Districts	0 - 150 feet	30 square feet	8 Feet
	151 - 300 feet	60 square feet	
	301+ feet	90 square feet	
B-2, M-1, and M-2 Districts	0 - 150 feet	50 square feet	10 Feet
	151 - 300 feet	75 square feet	
	301+ feet	100 square feet	

**(E) Driveway Signs**

Permanent signs shall be permitted near driveway entrances to a street and at intersections of internal drives under the following provisions:

- (1)** The signs shall be set back five feet from all lot lines but in no case shall the sign be set back more than 25 feet from the driveway entrance or intersection of internal drives;

- (2) Two signs may be permitted per individual driveway that intersects with a public street and one sign may be permitted per intersection of internal driveways.
- (3) The sign shall not exceed four square feet in area and three feet in height.
- (4) In the M-1 and M-2 districts, where a single development has 200,000 square feet or more of gross floor area, the maximum sign area shall be 16 square feet with a maximum height of six feet.

**(F) Development/Subdivision Signs**

For commercial or industrial subdivisions or parks in the B-1, B-2, M-1, or M-2 Districts that contain five or more nonresidential businesses on individual lots or that are 50 or more acres in size, such subdivision or park may incorporate a subdivision or development sign in accordance with the following:

- (1) The primary development/subdivision sign shall be subject to the same standards as Section [13.08\(A\): Development/Subdivision Signs](#).
- (2) The maximum height of a monument sign shall be 10 feet.
- (3) The sign shall be set back a minimum of 75 feet from any residential lot line.

**(G) Drive-Through Signs**

- (1) Up to two drive-through signs are permitted for each stacking lane in a drive-through facility.
- (2) Where the drive-through signs are not visible located in the rear yard, is screened, or otherwise not visible from a public street or adjacent residential use, the maximum sign area for each drive-through sign shall be 60 square feet.
- (3) All other drive-through signs shall have a maximum sign area of 36 square feet for each sign.
- (4) Any additional attachments such as pictures or photographs of food and other items shall be included within the maximum sign area.
- (5) Drive-through signage shall not be included in any other allowed signage area for a property under other parts of this section.
- (6) No drive-through sign shall exceed eight feet in height.
- (7) All drive-through signs shall be internally illuminated.
- (8) Drive-through signs may include digital elements that are similar to an electronic message center provided they comply with the lighting and brightness requirements of Section [13.07\(C\): Electronic Message Centers](#).

**(H) Additional Signage for Establishments with Retail Fuel Sales**

- (1) Where a development includes retail fuel sales as a principal use on a lot, the following signs shall be permitted in addition to any other signage allowed by this article.
  - (a) One non-illuminated, double-faced sign not exceeding six square feet on a side is permitted for each set of motor fuel pumps;
  - (b) Any other such signs as may be required by law, none of which shall be illuminated or animated unless such illumination or animation is expressly required by the applicable law.
- (2) Signs on any canopies shall be considered a wall sign and shall comply with Section [13.09\(B\): Wall Signs](#).

**13.10 OFF-PREMISE OUTDOOR ADVERTISING SIGNS (BILLBOARDS)**

- (A) Outdoor advertising signs are hereby classified as a business use and, in compliance with Section 519.20 of the ORC, are permitted in all nonresidential districts, including the PD-M, PD-B, and PDO Districts, and on lots that are used for agricultural purposes.
- (B) On-premise outdoor advertising signs shall be permitted in accordance with all other sections of this article.
- (C) Off-premise, permanent outdoor advertising signs shall be considered under the provisions of this section.
- (D) Off-premise, temporary signs may be allowed in accordance with the standards of Section [13.11: Temporary Signs](#).
- (E) Only one off-premise outdoor advertising sign, with a maximum of two sign faces, may be permitted on a single lot.
- (F) An off-premise outdoor advertising sign shall be considered a principal use of a lot.
- (G) Each lot shall comply with the minimum lot size requirement in the applicable zoning district.
- (H) Off-premise outdoor advertising signs shall be freestanding signs and shall not be located on or attached to a building or other structure not intended or utilized for the sole purpose of supporting said sign.
- (I) The maximum sign area and sign height for off-premise outdoor advertising signs are established in [Table 13-2](#).

<b>TABLE 13-2: PERMITTED OFF-PREMISE OUTDOOR ADVERTISING SIGNS</b>		
<b>DISTRICT</b>	<b>MAXIMUM AREA</b>	<b>MAXIMUM HEIGHT</b>
When located on a lot with an agricultural use in a residential district	48 square feet	10 feet
When located in the B-1 District	150 square feet	20 feet
When located in any other nonresidential district or in a PD District	300 square feet	30 feet

- (J) All off-premise outdoor advertising signs shall comply with the setback requirements of the applicable zoning district.
- (K) Off-premise outdoor advertising signs shall be set back a minimum of 400 feet from any residential lot line or residential zoning district and a minimum of 1,500 feet from any other off-premise outdoor advertising sign.
- (L) Off-premise outdoor advertising signs shall be set back a minimum of 100 feet from any other lot lines.
- (M) Off-premise outdoor advertising signs located along any federal or state route shall comply with all applicable federal and state regulations including Sections 5516.06 and 5516.061 of the ORC.
- (N) An off-premise outdoor advertising sign shall be erected in a landscaped setting that has a minimum size equal to or exceeding the sign face area.
- (O) The illumination of off-premise outdoor advertising signs shall comply with the following:

- (1) Off-premise outdoor advertising signs located within residential districts or within 1,000 feet of a residential district shall not be illuminated.
- (2) Off-premise outdoor advertising signs located in a nonresidential district may be externally illuminated through fixtures located external to the sign face and no internal light sources or light producing elements in the sign face or message media shall be permitted.
- (3) Such illumination shall be concentrated upon the area of the sign face so as to prevent glare upon the roadway or adjacent properties.

### **13.11 TEMPORARY SIGNS**

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#### **(A) Standards that Apply to all Temporary Signs**

- (1) Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured in a manner that will make the sign a permanent sign.
- (2) No temporary sign shall be mounted, attached, affixed, installed, or otherwise secured so as to protrude above the roofline of a structure.
- (3) Temporary signs shall not be illuminated.
- (4) All temporary signs, regardless of the message, are prohibited in the right-of-way and are subject to the intersection visibility standards of this resolution.
- (5) No temporary sign shall require wiring, fittings, or elements that would traditionally require an electrical permit.
- (6) No temporary sign shall require a foundation or other support that requires a review by the Clermont County Building Department other than a building or structure to which the sign maybe temporarily affixed.
- (7) No streamers, spinning, flashing, or similarly moving devices shall be allowed as part of or attachments to temporary signs.
- (8) All temporary signs shall be secured in such a manner as to prevent swinging or other significantly noticeable movement resulting from the wind.
- (9) Because of the nature of materials typically used to construct temporary signs and to avoid the unsightliness of deteriorating signs and all safety concerns which accompany such a condition, temporary signs shall be removed or replaced when such sign is deteriorated. The township may remove any deteriorated sign and charge the expenses for the removal to the owner of the property on which the sign is displayed.

#### **(B) Standards for Temporary Signs with a Commercial Message**

The following standards apply to temporary signs with a commercial message.

##### **(1) Temporary Signs in Residential Zoning Districts**

- (a) Up to two temporary commercial message signs are permitted on each lot in a residential zoning district, including any PD-R district, in accordance with this section.
- (b) The following are the types of temporary signs allowed in a residential or PD-R District:
  - (i) A banner sign affixed to a wall of the building or to the ground; or
  - (ii) A ground-mounted yard sign.



- (c) One of the temporary commercial signs may have the maximum sign area and sign height established in [Table 13-3](#), based on the size of the lot, provided it is an on-premise sign.

**TABLE 13-3: TEMPORARY SIGN STANDARDS IN RESIDENTIAL DISTRICTS**

LOT SIZE	MAXIMUM SIGN AREA	MAXIMUM HEIGHT
Less than five acres	6 square feet	4 feet
Five acres to 20 acres	12 square feet	4 feet
Over 20 acres	18 square feet	6 feet

- (d) A second temporary commercial sign shall be allowed with a maximum sign area of six square feet and a maximum height of four feet. This sign may be either an on-premise or an off-premise sign.
- (e) A zoning permit shall be required for any sign over six square feet in sign area.
- (f) In lieu of the above regulations, any nonresidential use located in a residential zoning district shall be permitted the same amount of temporary commercial signs as allowed in the B-1 District pursuant to Section [13.11\(B\)\(2\): Temporary Signs in Nonresidential Zoning Districts](#).

**(2) Temporary Signs in Nonresidential Zoning Districts**

**(a) Temporary Signage Allowed Year Round**

- (i) [Table 13-4](#) establishes the total square footage of temporary signs allowed year round, on each individual lot, in the applicable nonresidential zoning district.

**TABLE 13-4: YEAR ROUND TEMPORARY SIGNS**

DISTRICT	MAXIMUM SIGN AREA
B-1 or TC Districts	18 square feet
B-2, PDO, PD-B, or PD-M Districts	36 square feet
M-1 or M-2 Districts	24 square feet

- (ii) Only temporary banner signs and sidewalk signs shall be allowed year round in the B-1 and TC Districts, in accordance with this section and standards established for each sign type in this article.
- (iii) Only temporary banner signs, blade signs, ground-mounted yard signs, and sidewalk signs shall be allowed year round in accordance with this section and standards established for each sign type in this article.
- (iv) There shall be no maximum number of signs provided the aggregate total square footage of sign does not exceed the amount established in [Table 13-4](#).
- (v) Any sign over 18 square feet in sign area shall be set back a minimum of 10 feet from the right-of-way and shall require a zoning permit.

**(b) Limited Temporary Sign Allowance**

- (i)** In addition to the temporary signage allowed year round, each lot in a B-2 District shall be permitted the use of additional temporary signage on a limited basis.
- (ii)** Each lot is permitted to have up to an additional 48 square feet of temporary signage for a period of two weeks, up to six times per calendar year. There shall be no maximum number of signs provided the aggregate total square footage of sign does not exceed the allowable 48 square feet of sign area at any point in time.
- (iii)** The limited temporary sign allowance may include any of the following sign types subject to the standards established for each sign type in this article.
  - A.** Banner signs;
  - B.** Balloon or air activated signs;
  - C.** Blade signs; or
  - D.** Ground-mounted yard signs.

**(3) Standards for Types of Signs**

**(a) Temporary Banner Signs**

- (i)** Banner signs may be attached to a building, fence, or other similar structure attached to the structure. Banner attached to posts and mounted in a yard or landscape area shall be regulated as a ground-mounted yard sign.
- (ii)** There is no maximum height standard but a banner sign shall not be mounted in a manner that extends above the roofline.

**(b) Temporary Balloon or Air-Activated Signs**

- (i)** Only one balloon or air-activated sign is allowed on any lot at one time.
- (ii)** The maximum sign area of the balloon or air-activated graphic shall be measured by measuring the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the balloon or air-activated sign as viewed from any one point viewing the sign.
- (iii)** The maximum height shall be 12 feet.
- (iv)** The sign shall be securely anchored to the ground.
- (v)** The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height. Such setback shall include any wires, rope, or other materials used to securely fasten the sign to the ground.

**(c) Temporary Blade Signs**

- (i)** More than one sign is permitted, but each sign shall be separated from another blade sign by 50 lineal feet as measured along the street frontage.

- (ii) For temporary signs in a nonresidential zoning district, the maximum height of a blade sign shall be 12 feet with a maximum width of four feet at its widest dimensions.
- (iii) The signs shall be securely anchored in the ground or within a portable base designed for such function.
- (iv) The sign shall be setback from any right-of-way and any parking space a minimum distance equal to its height.

**(d) Temporary Ground-Mounted Yard Signs**

- (i) There shall be a maximum of two faces to the sign, mounted back-to-back.
- (ii) For temporary signs in a nonresidential zoning district, the maximum height of a ground-mounted yard sign shall be eight feet.

**(e) Temporary Sidewalk Signs**

Temporary sidewalk signs may be located on the sidewalk in front of a business establishment subject to the following:

- (i) Sidewalk signs shall be restricted to A-frame or T-frame sign types.
- (ii) There shall be a maximum of one sign for each public entrance to a business or other establishment opening onto a public street frontage or private sidewalk.
- (iii) Such signs shall only be placed on the sidewalk during the hours the business or other establishment is open. These sign types shall not be located on a public street, landscaping area or on other non-paved surfaces.
- (iv) Sidewalk signs shall be separated from any other sidewalk sign by a minimum of ten feet.
- (v) The signs shall not be wider than three feet and shall not exceed a height of five feet. They must be located so as to maintain a clear path of at least five feet for pedestrian included persons with walkers or wheelchairs.
- (vi) These signs may be located in the right-of-way provided the clear path requirement above can be maintained.
- (vii) The maximum sign areas shall be 15 square feet.
- (viii) Any sidewalk sign found to be unsafe or to present a hazard in the opinion of the Zoning Inspector shall be removed immediately.

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**13.12 NONCONFORMING SIGNS**

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**(A) Determination of Legal Nonconformity**

Existing signs that do not conform to the specific provisions of this article may be eligible for the designation of a "legal nonconforming sign" provided that the nonconforming sign:

- (1) Is properly maintained and does not in any way endanger the public or constitute a nuisance; and

- (2) The sign was erected pursuant to a valid zoning permit or variance and complies with all other applicable laws on the effective date of this resolution.

**(B) Loss of Legal Nonconforming Status**

A legal nonconforming sign loses the legal nonconforming designation if:

- (1) The sign is relocated;
- (2) The sign structure is replaced;
- (3) The establishment where the sign is located ceases to operate for a period of two years. This does not refer to general maintenance, changeable marquees, or to face and copy changes; or
- (4) The sign is removed or abandoned for a period of two years. This does not refer to general maintenance, changeable marquees, or face and copy changes.

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**13.13 MAINTENANCE**

All signs and related surroundings shall be properly maintained and shall not show signs of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The structural integrity of all sign foundations shall be maintained.

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**13.14 SIGNS IN VIOLATION**

- (A) Any sign or device located within a public right-of-way shall be deemed a public nuisance and can be removed by the Zoning Inspector without any written notice.
- (B) Any permanent sign in violation of this resolution, located outside of a public right-of-way, shall be deemed a public nuisance and the Zoning Inspector shall give 30-days written notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land such sign is erected upon, to remove such sign or device.
- (C) Any temporary sign in violation of this resolution shall be deemed a public nuisance and the Zoning Inspector shall give 24-hour written notice by registered mail, certified mail, or hand delivery to the owner or lessee of the land such sign is erected upon, to remove such sign or device.
- (D) If any such sign or device has not been removed on or before the expiration of the time limits as stated in this section, following receipt of said notice, it shall be deemed a violation of this resolution and the Zoning Inspector shall take the appropriate action necessary for removal of the sign or device, or the correction of the violation at the owners expense.
- (E) Signage which by nature of a business, physical structure and/or proximity of that structure to the right-of-way inhibits reasonable compliance with this resolution may be considered for an exemption. To be considered for an exemption, a request must be submitted to the Department of Community & Economic Development.

# Article 14: Nonconformities

## 14.01 PURPOSE

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Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. 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, unless otherwise allowed in this article or specifically addressed in this resolution.

## 14.02 GENERAL PROVISIONS

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- (A) The lawful use of any use, building, structure, or of any land or premises as existing and lawful at the time of enactment of this resolution may be continued although such use, building, structure, or of any land does not conform to the provisions of this resolution.
- (B) Passage of this resolution in no way legalizes any illegal uses existing at the time of its adoption.
- (C) An applicant for any development review that includes a nonconformity shall bear the burden of proof in demonstrating that the use was a legal nonconformity on the effective date of this resolution.
- (D) **Repair and Maintenance**
  - (1) 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 nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased unless in accordance with this article.
  - (2) Nothing in this section shall be deemed to prevent the strengthening or restoring to 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.

## 14.03 DETERMINATION OF NONCONFORMITY STATUS

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- (A) At the time of application for a zoning permit or request for variance regarding a nonconforming lot, building, structure or use, the property owner shall submit sufficient evidence for the Zoning Inspector or BZA, as applicable, to determine that such lot, building, structure, or use was lawfully created or established in accordance with the zoning regulations in existence at that time.
- (B) If the evidence submitted indicates the lot, building, structure or use was legally established and has since become nonconforming because of the establishment of or amendment to this resolution, the Zoning Inspector shall issue a zoning permit identifying it as a legal nonconformity. A copy of such permit shall be kept on file in the township zoning office.

## **14.04 NONCONFORMING USES AND VARIANCES**

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- (A)** Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use nor shall the property be returned to the former nonconforming use.
- (B)** The granting of a variance for a use that otherwise complies with this resolution, shall not create a nonconformity when the variance is granted.
- (C)** When a property owner or authorized agent is granted a variance for a nonconformity that addresses the nonconformity, the use, structure, or lot, shall no longer be considered nonconforming.
- (D)** If a property owner or authorized agent is granted a variance for a nonconformity that addresses some nonconformities but additional nonconformities continue, the use, structure, or lot shall still be subject to the provisions of this article

## **14.05 NONCONFORMING USES**

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Where, at the time of adoption of this resolution, lawful uses of land or structures exist that would not be permitted by the regulations of this resolution, the uses may be continued, changed, or expanded so long as they remain otherwise lawful and provided:

- (A)** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this zoning resolution unless it complies with the provision of Section [14.05\(E\): Expansion of a Nonconforming Use](#).
- (B)** No such nonconforming use 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 if this zoning resolution.
- (C)** No additional structures shall be constructed on a lot with a nonconforming use unless such new structure complies with the requirements of this resolution and the applicable zoning district.
- (D) **Change or Substitution of Nonconforming Use****

A nonconforming use of a building, structure, or land shall not be changed or substituted to another nonconforming use unless the BZA, as part of a variance, finds that the use proposed is equally appropriate or more appropriate to the district than the existing nonconforming use, and that the use proposed is in less conflict with the character of uses permitted in the applicable zoning district than the existing nonconforming use. In permitting such change or substitution, the BZA may require appropriate conditions and safeguards in accordance with other provisions of this resolution.

  - (1)** Whenever a nonconforming use is changed to a less intensive use, such use shall not thereafter be changed to a more intensive nonconforming use.
  - (2)** Substitution to an auto repair use shall not be permitted in residential districts.
- (E) **Expansion of a Nonconforming Use****
  - (1)** Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming residential use may be increased or improved, regardless of the applicable zoning district.

- (2) Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming, nonresidential use may be increased or improved, regardless of the applicable zoning district, where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
- (3) Variances to expand a nonconforming uses into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.
- (4) The BZA shall review a request to expand a nonconforming use pursuant to the variance procedure in Section [3.06: Variance or Conditional Use](#), and shall be subject to the review criteria of this section.

**(F) Existing Use Reclassified as a Conditional Use**

In the event an existing use that was permitted by right at the time the use was established is thereafter reclassified as a conditional use for applicable district due to a zoning text amendment, such use shall be considered to be an approved conditional use without any further action. However, any subsequent change to such use shall require review and approval by the BZA in accordance with this article.

**(G) Termination of Nonconforming Uses**

**(1) Termination of Use through Discontinuance**

When any nonconforming use is voluntarily discontinued or abandoned for two years or more, 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.

**(2) Termination of Use by Damage or Destruction**

- (a) If a nonconforming residential use in a nonresidential district is damaged or destroyed to any extent, such structure and use may be reestablished, restored, or reconstructed on the same lot. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning permit.
- (b) If a nonconforming, nonresidential use in a residential district is damaged, but not to an extent greater than 50% of the principal structure's value, such structure and use may be reestablished, restored, or reconstructed on the same lot to the same size and intensity of use as was previously existing immediately prior to the damage or destruction. Such reestablishment, restoration, or reconstruction of the use shall require the issuance of a zoning permit.
- (c) If a nonconforming, nonresidential use in a residential district is damaged beyond 50% of the principal structure's value, such structure and use may only be reestablished, restored, or reconstruction with approval by the BZA after consideration of surrounding uses and the impact of the nonconforming use.

## **14.06 NONCONFORMING STRUCTURES AND SITES**

A nonconforming building or structure may continue to be used or occupied by a use permitted applicable zoning district so long as it remains otherwise lawful and does not constitute a public nuisance, subject to the following provisions:

- (A)** Any nonconforming structure or site may be enlarged, maintained, repaired, or altered provided, however, no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure or site, unless otherwise specified in this resolution.
- (B)** A nonconforming structure shall not be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district after being relocated.
- (C)** The principal use of a nonconforming building may be changed to any other use permitted in the applicable zoning district as long as the new use complies with all regulations of this resolution specified for such use, except the regulations to which the building did not conform prior to the change in use.
- (D)** The governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.
- (E) Damage or Destruction of a Nonconforming Structure Containing a Conforming Use**
  - (1)** If a nonconforming structure is damaged and/or completely destroyed, the owner may rebuild the structure to the same height, and setbacks as the original nonconforming structure as it existed prior to the damage or destruction. Such work shall require the owner to submit an application for, and receive an approved, zoning permit.
  - (2)** If an owner rebuilds a legally nonconforming structure, they may expand the structure provided any expansion or change does not increase the nonconformity that existed prior to the damage.
  - (3)** If the owner voluntarily removes the structure or reduces the nonconformity, that owner shall not be permitted to rebuild the structure to the original height, size, or setback and shall be required to bring the structure into compliance with these regulations to the maximum extent feasible.

## **14.07 NONCONFORMING LOTS OF RECORD**

A nonconforming lot of record may be used in accordance with this section.

- (A) Nonconforming Lots of Record in Residential Districts**
  - (1)** If an existing lot of record in residential district is occupied by a dwelling, such dwelling shall be maintained and may be repaired, modernized or altered, provided that:
    - (a)** The building shall not be enlarged in floor area unless the enlarged section(s) complies with all regulations of this resolution, with the exception of the lot area and the lot width regulations.
    - (b)** The number of dwelling units shall not be increased unless in conformance with this resolution.



- (c) Dwelling units may be expanded without requiring any additional garage space or parking space provided the addition does not occupy space that could be used for parking or a garage in compliance with these regulations.
- (2) In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record after the effective date of this resolution provided the buildings comply with the following:
  - (a) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.
  - (b) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.

**(B) Nonconforming Lots of Record in Nonresidential Districts**

In any nonresidential district, a use that is permitted in the applicable district, and its customary accessory uses, may be erected on a vacant single vacant lot of record provided the buildings comply with the following:

- (1) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that there shall be a minimum side yard setback of five feet.
- (2) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall be 10 feet.
- (3) In no case shall a nonresidential use on a nonconforming lot of record be exempt from the provisions of [Article 10: Landscaping Standards](#).

**14.08 NONCONFORMING SIGNS**

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See Section [13.12: Nonconforming Signs](#), for the regulation of nonconforming signs.

# Article 15: Enforcement and Penalties

## 15.01 ENFORCING OFFICER

---

The Zoning Inspector, or their designee, shall be the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The Zoning Inspector may be assisted by other personnel as the Board of Trustees deems necessary.

## 15.02 VIOLATIONS

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- (A) Any of the following shall be a violation of this resolution and shall be subject to the enforcement remedies and penalties provided by this article and by the ORC:
- (1) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature upon the land and improvements thereon subject to the jurisdiction of Goshen Township without all of the required certificates or reviews, or other forms of authorization as may be set forth in this resolution;
  - (2) To engage in any construction, use of land or building, expansion, change of occupancy, or other activity of any nature in any way inconsistent with any approved certificate or approval granted by the township in accordance with this resolution;
  - (3) To violate, by act or omission, any term, condition or qualification placed by the township upon a required certificate or approval granted by the township;
  - (4) To violate any other term, condition, standard, or requirement of this resolution; or
  - (5) To continue any of the above-stated violations.
- (B) Each day a violation continues shall be considered a separate offense.
- (C) In all cases, the Board of Trustees, the Clermont County Prosecutor's Office, the Zoning Inspector, or any adjacent or neighboring property owners who would be especially damaged by such violations, in addition to other remedies provided by law, may, at their own expense, institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

## 15.03 INSPECTIONS

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The Zoning Inspector shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Resolution. The Zoning Inspector will prepare a written report and case file on any matter that might warrant suit or prosecution for a violation of this resolution.

## 15.04 REMEDIES

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Pursuant to Section 519.24 of the ORC, in case any building or land is used, altered, constructed, enlarged or any other action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the Board of Trustees, the Clermont County Prosecutor's Office, the Zoning Inspector, or any person or any property owner damaged by or subject to damage by such violation, in addition to remedies provided by law, is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

**15.05 PENALTIES**

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Any person or entity convicted of violating any regulation, provision, amendment or supplement to this resolution shall be fined not more than \$500.00 per offense. Each and every day during which such violation continues may be deemed a separate offense.

**15.06 OTHER ACTIONS**

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Nothing herein contained shall prevent the township from taking such other lawful action as is necessary to prevent or remedy a violation of any regulation, provision, amendment, or supplement to this resolution.

# Article 16: Definitions

## 16.01 PURPOSE

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It is the purpose of this article to define words, terms, and phrases, or identify references, contained in this resolution.

## 16.02 GENERAL RULES FOR INTERPRETATION

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The following rules shall apply for construing or interpreting the terms and provisions of this resolution.

### (A) Meanings and Intent

All provisions, terms, phrases, and expressions contained in this resolution shall be interpreted in accordance with the general purposes set forth in Section 1.01: Purpose, and the specific purpose statements set forth throughout this resolution. When a specific section of this resolution gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

### (B) Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this resolution and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

### (C) Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

### (D) References to Other Regulations or Publications

Whenever reference is made to a resolution, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such resolution, statute, regulation, or document, unless otherwise specifically stated.

### (E) Delegation of Authority

Any act authorized by this resolution to be carried out by a specific official of the township may be carried out by a designee of such official.

### (F) Technical and Non-technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

### (G) Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Goshen Township, Clermont County, Ohio, unless otherwise indicated.

### (H) Mandatory and Discretionary Terms

The words "shall," "must," and "will" are mandatory in nature, establishing an obligation or duty to comply with the particular provision. The words "may" and "should" are permissive in nature.

**(I) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- (1)** "And" indicates that all connected items, conditions, provisions or events apply; and
- (2)** "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

**(J) Tenses and Plurals**

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

**(K) Terms Not Defined**

If a term used in this resolution is not defined in this article, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to, A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions, published by the American Planning Association. The Zoning Inspector may also rely on Webster's Dictionary or a similar source for the definition of terms.

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**16.03 DEFINITIONS AND REFERENCES**

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**ABUTTING OR ADJACENT**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

**ACCESSORY BUILDING, STRUCTURE, OR USE**

See definitions under "building, accessory" "structure, accessory" or "use, accessory."

**ACCESSORY DWELLING UNITS**

Detached living quarters located on a lot with an existing principal dwelling where the accessory dwelling unit is designed for the use of persons employed on the premises or for the temporary use of guests of the occupants of the principal dwelling. Such guesthouse or accessory dwellings are not rented, leased, or otherwise transferred to an individual or organization as a separate dwelling.

**ACCESSORY RECREATIONAL STRUCTURES**

Accessory recreational structures are structures and surfaces with permanent improvements for outdoor use, such as tennis courts, paddle tennis, shuffleboard, basketball courts, and other similar facilities for use in conjunction with a residential dwelling unit.

**ACTIVE PARKS AND RECREATION**

Any park or recreational facility owned by Goshen Township, Clermont County, State of Ohio, or a non-profit organization, that requires grading of the land, construction of facilities, lighting, or is developed for athletic fields, tennis courts, swimming pools, skate parks, disc golf, and other similar outdoor facilities.

**ADULT ARCADE**

Any place to which the public is permitted or invited wherein coin-operated or token-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

**ADULT BOOKSTORE OR ADULT VIDEO STORE**

A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade; derives a significant or substantial portion of its revenues from; devotes a significant or substantial portion of its interior business or advertising to; or maintains a substantial section of its sales or display space for the sale or rental of any of the following:

- Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or
- Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.

Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in the ORC. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

**ADULT CABARET**

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities; or

Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

**ADULT MOTION PICTURE THEATER**

A commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.

**ADULT THEATER**

A theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas.

**AGRICULTURAL USES AND AGRICULTURE**

Agricultural uses and agriculture shall be as defined in the ORC.

**AIR-ACTIVATED GRAPHICS**

A sign, all or any part of, which is designed to be moved by action of forced air so as to make the sign appear to be animated or otherwise have motion.

**ALTERATION**

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

**AMATEUR RADIO ANTENNAS**

Any transmitter, antenna, tower, or other apparatus designed for communications through amateur radio, also referred to as ham radio.

**ANTENNA**

Any structure or device used for the purpose of collecting or transmitting electromagnetic waves, including but not limited to directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional antennas, such as whip antennas.

**APPEAL**

An appeal of an administrative decision made by the Zoning Inspector, considered by the BZA, in accordance with Section [3.07: Appeals](#).

**APPLICANT**

A person who is authorized by the provisions of this resolution to file an application.

**APPLICATION**

The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the appropriate township department, board, or commission for an application.

**AUTHORIZED AGENT**

A person with express written consent to act upon another person's behalf.

**AUTOMATED TELLER MACHINE (ATM)**

An automated device that provides bank and financial institutional customers with cash withdrawal and other financial services without the need for a bank teller.

**AUTOMOTIVE REPAIR (HEAVY)**

Any general repair, rebuilding, reconditioning, body or fender work, framework, painting or the replacement of parts to motor vehicles.

**AUTOMOTIVE SERVICE (MINOR REPAIR) USES**

Any structure or premises used for dispensing or sale of automotive vehicle fuels or lubricants, including lubrication of motor vehicles and replacements or installation of minor parts and accessories, but not including major repair work such as motor replacement, body and fender repair, or spray painting. Such uses shall also include establishments that sell parts or tires for vehicles as a retail establishment, regardless if the parts are installed on-site.

**AWNING**

A shelter projecting from and supported by the exterior wall of a building constructed of non-rigid materials on a supporting framework. See also definition of "canopy" and "arcade."



*Figure 16-A: Examples of traditional awnings*

**BANKS AND FINANCIAL INSTITUTIONS**

Establishments engaged in deposit banking. Banks or financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

**BANNER**

See definition of "sign, banner."

**BASEMENT**

That portion of a building which is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling.

**BED AND BREAKFAST ESTABLISHMENT**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**BERM**

In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. See also the definition of "mound."

**BILLBOARD**

See definition for "sign, outdoor advertising"

**BOARD OF TRUSTEES**

The Goshen Township, Clermont County, Ohio, Board of Township Trustees

**BOARD OF ZONING APPEALS (BZA)**

The Goshen Township, Clermont County, Ohio, Board of Zoning Appeals

**BUFFER OR BUFFERYARD**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of [Article 10: Landscaping Standards](#).

**BUILDING**

Any structure, either temporary or permanent, that has a roof supported by columns or walls, and intended for the shelter, or enclosure of persons, animals, or property of any kind.

**BUILDING FRONTAGE**

See definition of "frontage, building."

**BUILDING HEIGHT**

The vertical distance of a building as measured pursuant to Section [5.05\(A\)\(4\): Height Measurement and Exceptions](#).

**BUILDING LINE (FRONT FAÇADE)**

A line that runs parallel and adjacent to the primary front building façade. See definition of "façade, primary."

**BUILDING, ACCESSORY**

A building on the same lot with, and of a nature customarily incidental and subordinate to the principal building.

**BUILDING, NONCONFORMING**

A building that lawfully occupied a lot at the effective date of this resolution, or amendments thereto, and that does not currently conform to the regulations of the applicable zoning district.

**BUILDING, PRINCIPAL**

The building containing the main or principal uses on the lot.



**CANOPY**

A permanent structure made of cloth, metal or other material attached or unattached to a building for the purpose of providing shelter to patrons or automobiles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure but typically is supported by features other than the building façade (e.g., structural legs, building extensions, etc.). See also definition of “awning.”



*Figure 16-B: Example of a canopy and related sign*

**CEMETERIES**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**CHURCHES AND PLACES OF WORSHIP**

A building used principally for religious worship. The word “churches and places of worship” or “church” shall not include or mean an undertaker’s chapel or a funeral home. Such places shall exist as public buildings, and as such, shall meet state and local building codes.

**COLLOCATION**

Locating wireless telecommunication antenna(s) and associated equipment from more than one provider on a single wireless telecommunication-communication tower.

**COMMERCIAL MESSAGE OR SPEECH**

Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**COMMERCIAL RECREATION FACILITIES (INDOORS)**

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: roller blade rental, billiard parlors, ice skating rinks, indoor swimming pools, indoor soccer arenas, bingo parlors, and other similar businesses.

**COMMERCIAL RECREATION FACILITIES (OUTDOORS)**

Land or facilities operated as a business and which are open to the general public for a fee that shall include, but is not limited to: pay-to-play athletic fields, golf courses, outdoor swimming pools, amusement parks, racetracks (animal racing only) and other similar businesses. Commercial recreation facilities shall not include “active parks and recreation” uses that are owned either publically or by a non-profit organization, and opened to the general public.

**COMMON AREAS**

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

**COMMUNITY CENTERS**

A building used for the meeting, recreation, or social activity designed to accommodate and serve the residents of a subdivision or development to which the use is associated with and that may be privately owned or jointly owned by property owners.

**COMMUNITY GARDEN**

A single piece of land that is gardened collectively, as an accessory use, by a group of persons, which may include individual garden plots designated for individual gardens.

**CONSTRUCTION DUMPSTERS AND PORTABLE TOILET FACILITIES**

Temporary facilities used for the collection of trash and solid waste on a construction site.

**CONSTRUCTION TRAILERS**

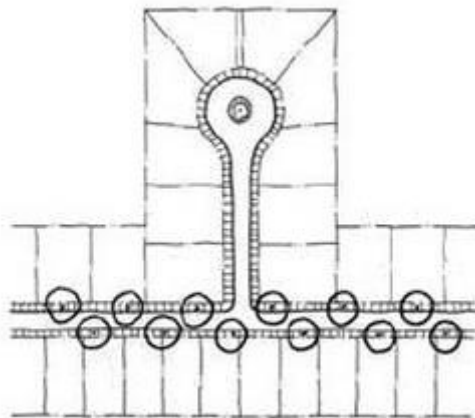
A mobile home, trailer, or similar temporary structure that is used as an office or for storage in conjunction with a construction project.

**COUNTY**

Clermont County, Ohio

**CUL-DE-SAC**

A street having only one outlet for vehicular traffic (to another street) and where the other terminus is either a turnaround or is a dead-end or stub street to an adjacent, undeveloped property.



*Figure 16-C: Illustration of a cul-de-sac street*

**CULTURAL INSTITUTIONS**

Public or private facilities used for display, performance, or enjoyment of heritage, history, or the arts. This use includes, but is not limited to, museums, libraries, art performance venues, cultural centers, and interpretative sites but does not include movie theaters.

**DAY CARE CENTERS (ADULT OR CHILD)**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, and similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for "Type-B Family Day Care Home"

**DBH**

See "diameter-at-breast height"

**DECKS**

A flat surface attached to a building that does not have walls or a roof and that is elevated above the ground, at its highest point, by at least 18 inches. Decks are not used as habitable space.

**DENSITY**

The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, density shall mean gross density as defined in "density, gross."

**DENSITY, GROSS**

Unless otherwise defined, gross density shall be the total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications established as part of the development.).

**DENSITY, NET**

The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

**DETACHED ACCESSORY BUILDINGS OR STRUCTURES**

Accessory buildings or structures that are detached from the principal building or structure including, but not limited to, garages, gazebos, permanent outdoor kitchens (if they require a water, sewer, or building permit), storage sheds, and other structures.

**DEVELOPMENT**

Any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structures, mining, dredging, filing, grading, paving, excavation, or drilling.

**DEVELOPMENT REVIEW**

The procedure for evaluating an application and making a recommendation or decision as outlined in in [Article 3: Review Procedures](#).

**DIAMETER-AT-BREAST HEIGHT (DBH)**

DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

**DISTRICT**

See definition of "zoning district."

**DRIVE-THROUGH FACILITIES**

An establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

**DRIVEWAY**

A private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians unless approval has been granted for a shared driveway in which case, the driveway may serve multiple uses.

**DWELLING**

A building or portion thereof used exclusively for permanent residential purposes, including single-family, two-family, and other attached dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

**DWELLING UNIT**

A single unit of one or more rooms providing complete, permanent independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured housing that conform to the requirements for such uses.

**DWELLING, MULTI-FAMILY**

A building or portion thereof design for or used exclusively for residential purposes by three families or housekeeping units.

**DWELLING, SINGLE-FAMILY**

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

**DWELLINGS, TWO-FAMILY**

A building or portion thereof design for or used exclusively for residential purposes by two families or housekeeping units.

**EASEMENT**

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

**EDUCATIONAL FACILITIES (PRIMARY AND SECONDARY)**

A public or private facility that provides a curriculum of primary, elementary, secondary or college preparatory academic instruction, including, but not limited to, kindergartens, elementary schools, junior high schools, and high schools. This definition shall not be deemed to include colleges, trade or business schools, or other post-secondary education facilities. See also "educational facilities, higher."

**EDUCATIONAL FACILITIES, HIGHER**

Any private or public secondary educational institution that includes, but is not limited to: colleges and universities, trade schools, business schools, seminaries, or any other institution providing collegiate level curriculum.

**ELECTRONIC MESSAGE CENTER**

A sign designed so that the characters, letter or illustrations can be changed or rearranged automatically on a lampbank or through mechanical means (e.g. electronic or digital signs).

**ESCORT**

A person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.

**ESCORT AGENCY**

A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one its primary business purposes for a fee, tip, or other consideration.

**ESSENTIAL SERVICES**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, county, or other governmental agencies of streets, roads, underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare.

**EXPANSION**

An increase in the size of an existing structure or use, including physical size of the land, building, parking, or other improvements or structures.

**EYEBROW (STREET OR ROAD)**

An eyebrow is a rounded expansion of a street beyond the normal curb line.

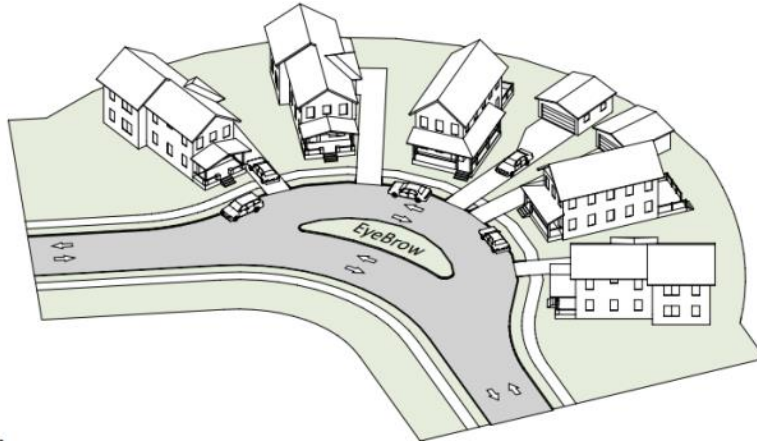


Figure 16-D: Illustration of an eyebrow street configuration

**FACADE**

The exterior wall on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

**FAÇADE, FRONT**

The façade of a building that contains the primary entrance of the building.

**FAÇADE, PRIMARY**

For the purpose of the sign regulations, a primary façade shall be deemed a façade that faces directly onto a public street. See Section 13.05: Sign Computations for the rules on measuring the primary façade.

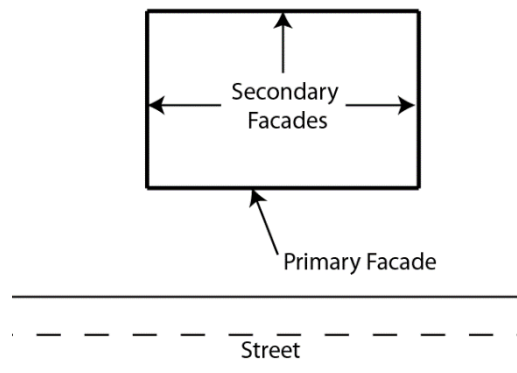


Figure 16-E: Illustration of the primary façade versus the secondary facades

**FAÇADE, SECONDARY**

For the purpose of the sign regulations, a secondary façade shall be deemed a façade that does not face directly onto a public street. See Figure 16-E.

**FARM MARKET**

The use of any land or a structure for the sale of produce in accordance with the provisions of [7.01: Accessory Use Regulations](#).

**FENCE**

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

**FLAG**

Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**FOOTCANDLE**

A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one candle.

**FOOTPRINT**

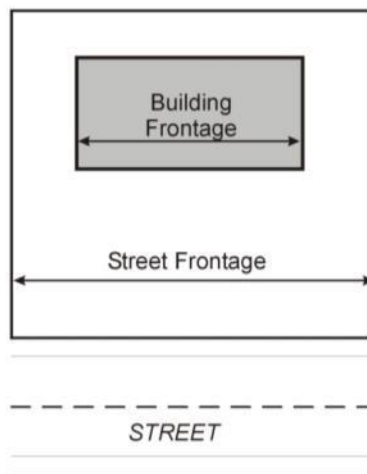
The area of a building measured from the exterior surface of the exterior walls at grade level.

**FRONTAGE, BUILDING**

The length of the facade of an enclosed building facing a public or private street. See [Figure 16-F](#).

**FRONTAGE, STREET**

The distance for which the front boundary line of the lot and the street line are coincident.



*Figure 16-F: An illustration of street frontage versus building frontage*

**FUEL STATIONS**

An establishment that sells unleaded and diesel gasoline or any other fuel used for in vehicles.

**FUNERAL HOMES OR MORTUARIES**

A building or part thereof used for human funeral services. It may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, and other related uses and supplies; the storage of funeral vehicles; facilities for cremation; and chapels.

**GARAGE**

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

**GAS AND OIL WELLS**

A hole bored into the earth that produces natural gases and oils that are brought to the surface for further refining and distribution.

**GENERAL OFFICES (ADMINISTRATIVE, PROFESSIONAL, BUSINESS)**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, employment, advertising, design, engineering, accounting, and similar uses.

**GLARE**

Direct light that causes annoyance, discomfort or loss in visual performance and visibility.

**GOVERNMENT OFFICES AND BUILDINGS**

Buildings or office space utilized for the provision of services by Goshen Township, an Ohio municipality, Clermont County, the State of Ohio, or the Federal Government.

**GRADE**

The average level of the finished surface of the ground adjacent to the sign, building, or other structure being measured.

**GRASS**

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

**GROUND COVER**

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

**HEDGE**

A line of closely spaced shrubs and tree species, planted and trained in such a way as to form a barrier, screen, or to mark the boundary of an area.

**HOME OCCUPATIONS**

An occupation or profession which is incidental to and carried on entirely within a dwelling unit excluding an attached garage or patio area, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

**HOSPITALS**

A facility providing physical or mental health services, outpatient care, inpatient accommodations, and medical or surgical care of the sick or injured.

**HOTEL AND MOTELS**

A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms. Hotels and motels may include typical accessory uses within the principal building including, but not limited to, swimming pools, bars, and restaurants.

**HOUSEKEEPING UNIT**

One or more related or non-related persons lawfully occupying a dwelling unit and living together as a single group on a permanent basis, and doing their own cooking and sleeping on the premises as distinguished from a group temporarily occupying a bed and breakfast establishment, hotel, motel, or group home.

**IMPERVIOUS SURFACE**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking areas, driveways, sidewalks, and pavement.

**INDUSTRIAL SERVICE USES**

Establishments primarily engaged in rendering services to office, business, or industrial establishments on a fee or contract basis, such as advertising and mailing; building maintenance; employment services; management and consulting services; protective services; office equipment rental and leasing; commercial research; development and testing; photo finishing; machine repair, and personal supply services.

**INDUSTRIAL USES, HEAVY**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, public works yards, and container storage.

**INDUSTRIAL USES, LIGHT**

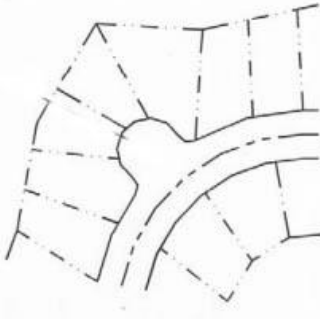
The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

**KENNELS (COMMERCIAL) AND ANIMAL DAY CARES**

Any lot or premises, on which four or more dogs, cats or other household animals (not owned by the owner or operator of the establishment) are bred, boarded, cared for, or trained for commercial purposes.

**KNUCKLE (STREET OR ROAD)**

A knuckle street configuration is when a turnaround (typically seen at the termination of a cul-de-sac) is located at the intersection of two streets, allowing large street frontage for a limited number of lots. A knuckle differs from a cul-de-sac in that there is no straight portion of a street connecting the turnaround to the adjacent intersection.



*Figure 16-G: Illustration of a knuckle street configuration*

**LANDSCAPE MATERIAL**

Landscaping consists of:

- Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and
- Non-living durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

**LANDSCAPING**

The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.



**LIGHT TRESPASS**

Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

**LIGHT, CUTOFF**

An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [8.01: Exterior Lighting](#).

**LIGHT, NON-CUTOFF**

An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section [8.01: Exterior Lighting](#).

**LOADING SPACE**

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

**LOT**

A parcel of land that is part of a plat, legally recorded in the Recorder's Office of Clermont County, Ohio, occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such accessways, parking area, yards, and open spaces required in this resolution.

**LOT AREA**

The total area within the lot lines of a lot as measured in accordance with Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT COVERAGE**

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways (impervious surfaces).

**LOT LINE, FRONT**

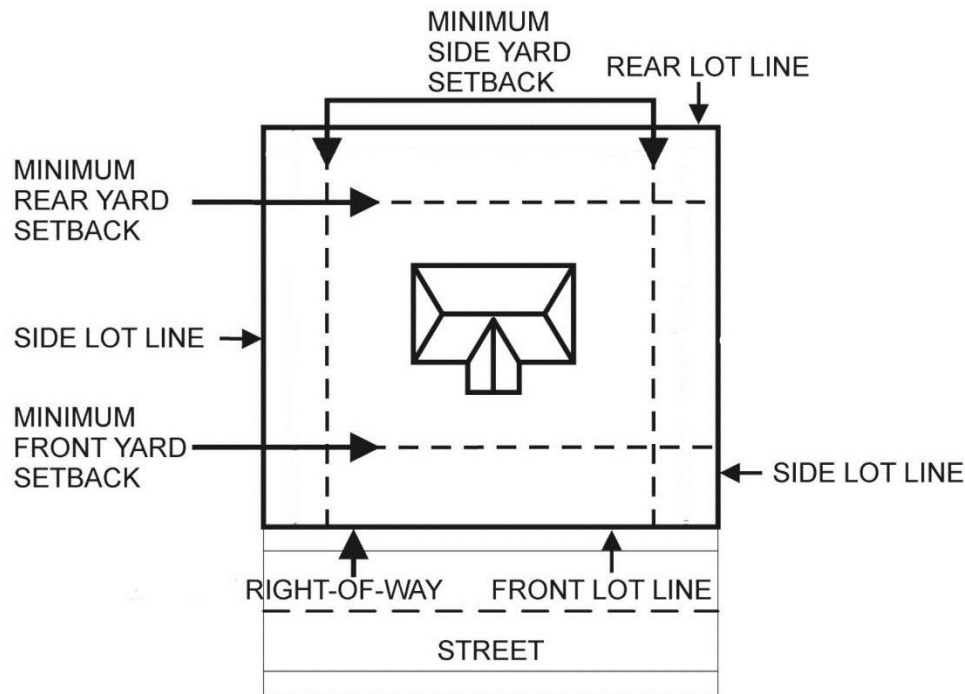
The front lot line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line except as may be identified in Section [5.05\(A\): Measurements, Computations, and Exceptions](#). See [Figure 16-H](#).

**LOT LINE, REAR**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. See [Figure 16-H](#) and Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT LINE, SIDE**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See [Figure 16-H](#) and [Section 5.05\(A\): Measurements, Computations, and Exceptions](#).



*Figure 16-H: Image of typical lot lines on an interior lot*

**LOT LINES**

The property lines bounding the lot.

**LOT, CORNER**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See [Section 5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT, CUL-DE-SAC OR CURVED STREET**

A lot with frontage along a curved street or cul-de-sac. See [Section 5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT, FLAG OR PANHANDLE**

A lot that has limited frontage on a public street and where access to the public street is through a narrow strip of land that is commonly referred to as a panhandle. See [Section 5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT, INTERIOR**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See [Section 5.05\(A\): Measurements, Computations, and Exceptions](#).

**LOT, NONCONFORMING**

A vacant lot that does not meet the minimum lot width, street frontage, and/or lot area requirements of the applicable zoning district.

**LOT, THROUGH**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**MAXIMUM EXTENT FEASIBLE**

That no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

**MEDICAL AND DENTAL OFFICES AND CLINICS**

Office or clinic uses concerned with the diagnosis, treatment, and care of human beings. This definition does not include hospitals, skilled nursing facilities, or personal care facilities

**MIXED USE BUILDINGS**

A building that contains a commercial or office use and an attached residential use within a single building as provided for in this resolution.

**MONOPOLE**

A single, slender and typically cylindrical, vertical structure to which antennas or antenna support structures are affixed.

**MULTI-TENANT DEVELOPMENTS**

A principal building with multiple uses of a similar use classification (e.g., commercial, industrial, etc.) but that has multiple tenant spaces and/or multiple use types. A strip mall or strip center with a mixture of retail uses such as restaurants, retail stores, and personal service establishments is an example of a multi-tenant building. Such use does not include any use within the residential use classification.

**NONCOMMERCIAL MESSAGE OR SPEECH**

Any sign, wording, logo or other representation that is not classified or defined as "commercial message or speech."

**NONCONFORMITY**

A use, lot, structure, building, sign, or lighting that does not comply with the provisions of this zoning resolution. See also the definitions for "use, nonconforming," "lot of record," "building, nonconforming," and "structure, nonconforming."

**NUDE OR SEMINUDE MODEL STUDIO**

Any place where a person, who regularly appears in a state of nudity or semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:

- By a college or university supported entirely or partly by taxation;
- By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
- In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or semi-nudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**NUDITY, NUDE, OR STATE OF NUDITY**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

- Regularly features or regularly shown means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

**NURSERIES OR GREENHOUSES**

An establishment used for the growing, storage, and sale of legal garden plants, shrubs, trees, or vines for retail or wholesale sales.

**OAC**

The Ohio Administrative Code, as amended

**ORC**

The Ohio Revised Code, as amended

**ORC SECTION 5119.34(B)(1)(B) RESIDENTIAL FACILITY**

As currently defined by ORC § 5119.34(B)(1)(b), a licensed publicly or privately operated home or facility that provides accommodations, supervision, and personal care services to any of the following: (i) one or two unrelated persons with mental illness; (ii) one or two unrelated adults who are receiving residential state supplement payments; or (iii) three to sixteen unrelated adults. (All terms herein are as defined by said statute). This definition shall be deemed amended as said statute is hereinafter amended.

**ORC SECTION 5123.19(A)(5) RESIDENTIAL FACILITY**

As currently defined by ORC § 5123.19(A)(5), a licensed home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides. (All terms herein are as defined by said statute). This definition shall be deemed amended as said statute is hereinafter amended.

**OUTDOOR DINING**

Areas on sidewalks (public or private), patios, or other unenclosed areas, excluding vehicular use areas, which are designated for outdoor seating where patrons may be served food and beverage for on-site dining.

**OUTDOOR DISPLAYS AND SALES**

The placement of products or materials for sale outside of a retail or wholesale sales establishment.

**OUTDOOR LIGHTING**

Any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility. See [Section 8.01: Exterior Lighting](#).

**OUTDOOR STORAGE AND BULK SALES**

The keeping, storage, or sales of any goods, material, merchandise, or vehicles in the same place for more than 24 hours in an area that is not fully enclosed by a structure. This may include areas established for the sale of large and/or bulk items.

**OUTDOOR VENDING MACHINES AND DROP-OFF BOXES**

Vending machines are small machines that are capable of accepting money in return for the automatic dispensing of goods (e.g., drink machines, snack machines, video machines). Drop-off boxes are small collection facilities where recyclable materials, clothing, or household goods are accepted from the public (e.g., neighborhood recycling stations and thrift store collection boxes).

**OUTDOOR WOOD FURNACE**

Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

**OWNER**

A person recorded as such on official real estate records and including duly authorized agent, purchaser, devisee, and person having a vested or contingent interest in the property in question.

**PARAPET OR PARAPET WALL**

That portion of a building wall that rises above the roof level.

**PARCEL**

A distinct portion or tract of land as is recorded and distinguished in the Clermont County Auditor's Property Tax Atlas. See also definition of "lot."

**PARKING AISLE**

The driveway or access drive by which a car enters and departs a parking space.

**PARKING LOT**

A surface level facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

**PARKING SPACE**

A designated parking area designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

**PASSIVE PARKS, RECREATION, AND OPEN SPACE**

Any park or recreational facility where there is no grading of the land, the construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**PDO**

Planned development overlay

**PERMANENTLY SITED MANUFACTURED HOUSING**

A building unit or assembly of closed construction as defined in the ORC,

**PERSON**

Any individual, corporation, government agency, government official, business trust, partnership, association, two or more persons having a joint interest, or any other legal entity.

**PERSONAL CARE**

In addition to room and board, personal services such as help in walking and getting in and out of bed; assistance with bathing, dressing, and feeding; preparation of a special diet; and supervision over medications which can be self-administered.

**PERSONAL CARE FACILITY**

A long-term or short-term residential facility that provides personal care. Such facility shall not mean the same as "institutions for human medical care," "adult family homes or small residential facilities," or "adult homes or large residential facilities."

**PERSONAL SERVICE ESTABLISHMENTS**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**PLANNING COMMISSION**

The Clermont County, Ohio, Planning Commission

**PLAYSETS, TREEHOUSES, AND TRAMPOLINES**

Recreational equipment for children that may include, but is not limited to, swings, slides, monkey bars, and play enclosures.

**PORCHES AND DECKS**

An enclosed or unenclosed surface area attached to a building, that is not used for livable space but that is elevated above the ground, at its highest point, by at least 18 inches.

**PORTABLE STORAGE UNITS**

A portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation and that is related to the construction, renovation, or rehabilitation of the building on which the site is located.

**PRIVATE AIRPORTS AND LANDING FIELDS**

Any privately owned land and related structures designed, used, or intended for use for the landing and take-off of aircraft that is licensed and approved as necessary by State and Federal authorities. Such airport, landing strip, or heliport, shall only be open for use by the property owner and shall not include any commercial activities.

**PUBLIC HEARING**

A meeting open to the public advertised in advance in the local printed media, or as otherwise required by statute, concerning proposed resolutions, amendments or other official township business which require public participation and input.

**QUASI-PUBLIC, FRATERNAL, OR SERVICE FACILITIES**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

**QUORUM**

The minimum number of members that must be present in order to conduct official business or take official action.

**RAISING OF SMALL LIVESTOCK**

The non-commercial raising and caring of female chickens, rabbits, or small livestock of a similar size, on a residential lot, as an accessory use.

**REAL ESTATE SALES/MODEL HOMES**

A dwelling unit temporarily converted into a sales and display office or a temporary sales office established in a development or subdivision for the purpose of providing an example of the units in the development.

**RESEARCH AND DEVELOPMENT FACILITIES**

An establishment or facility for carrying on investigation in the natural, physical, or social sciences, or engineering and development as an extension of investigation with the objective of creating end products. Such establishment shall not include the manufacturing or assembly of products beyond the development of prototype systems or products. All activities shall take place within an enclosed building.

**RESTAURANTS AND TAVERNS**

- A tavern is an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.
- A restaurant is an establishment with table service whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers, provided that no drive-through window is permitted. For the purposes of this definition, a restaurant shall not include any drive-in or carry-out services unless a drive-through facility is permitted as an accessory use.

**RETAIL AND SERVICE COMMERCIAL USES**

Establishments primarily engaged in the sale of goods, materials, and general services to the public. Examples of this use type may include, but are not limited to, bookstores, antique stores, bakeries, grocery stores, and other similar uses.

**RIGHT-OF-WAY**

An area or strip of land, either public or private, on which an irrevocable right- of-passage has been recorded for the use of vehicles or pedestrians or both.

**ROOF LINE**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

**SATELLITE DISHES**

A parabolic dish antenna including its structural supports, used for reception of various satellite television programming signals.

**SCREEN OR SCREENING**

A visual shield between uses accomplished by the use of berms, landscaping, walls or other aesthetic means.

**SEASONAL AGRICULTURAL SALES**

A temporary structure or vehicle used in the sale of agricultural products such as fruits, vegetables, and juices where such facilities may sell agricultural products not grown on site. Seasonal sales, including the sale of such items as trees, pumpkins, seasonal produce, and similar agricultural products, which may be permitted on a temporary basis pursuant to Section [7.02: Temporary Uses and Structures](#).

**SEASONAL COVER**

A temporary shelter for items including, but not limited to, firewood, equipment, motor vehicles, recreational vehicles, and similar items, where such items are stored or parked for a temporary period of time or season.

**SELF-STORAGE FACILITIES**

A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, or controlled-access stalls or lockers for the dead storage of a customer's goods or wares.

**SEMINUDE OR STATE OF SEMI-NUDITY**

A state of dress in which opaque clothing covers not more than the genitals, pubic region, and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

**SETBACK**

The minimum distance a building or structure must be built from a lot line or road right-of-way as defined further in Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**SETBACK LINE**

The line created when applying the required setback distance to a lot.

**SETBACK, FRONT**

The minimum distance required between a building, structure, or improvement and the front lot line.

**SETBACK, REAR**

The minimum distance required between a building, structure, or improvement and the rear lot line.

**SETBACK, SIDE**

The minimum distance required between a building, structure, or improvement and a lot that is shared with another lot where such lot line is defined as a side lot line.

**SEXUAL ENCOUNTER ESTABLISHMENT**

A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:

- Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
- Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.

An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not a "sexual encounter establishment."

**SEXUALLY ORIENTED BUSINESSES**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated by the ORC, is not an "sexually oriented business." A "sexually oriented business" does not include a nude or seminude model studio.

**SHRUB**

A woody plant, smaller than a tree, consisting of several small stems emerging from the ground, or small branches near the ground. Shrubs may be deciduous or evergreen.

**SIDEWALK**

A pedestrian walkway within a right-of-way of a public street but not on the street surface.

**SIGN**

Any object, device, display or structure or part thereof situated outdoors or adjacent the interior of a window or doorway which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means including words, letters, pictures, logos, figures, designs, symbols, fixtures, colors, illumination or projected images.

**SIGN AREA**

The entire display area of a sign including the advertising surface located on one or more sign faces and any framing, trim and molding, but not including the supporting structure as measured pursuant to Section [13.05: Sign Computations](#).

**SIGN FACE**

The area or display surface used for the message.

**SIGN HEIGHT**

The vertical distance to top of sign structure as measured pursuant to Section [13.05: Sign Computations](#).

**SIGN, ABANDONED**

An abandoned sign is a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product or activity, and/or for which no legal owner can be found.



**SIGN, A-FRAME**

A freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition of T-frame signs.

**SIGN, ANIMATED OR MOVING**

Any sign or part of a sign which changes physical position by any movement or rotation or which gives visual impression of such movement or rotation. This definition does not include signs classified as "electronic message centers."

**SIGN, BALLOON**

A sign that is an air inflated object, which may be of various shapes, made of flexible fabric, resting on the ground or a structure, and equipped with a portable blower motor that provides a constant flow of air into the device. Balloon signs are restrained, attached or held in place by a cord, rope, cable, or similar method. See also the definition for air-activated graphics.

**SIGN, BANNER**

A temporary sign composed of cloth, canvas, plastic, fabric or similar lightweight, non-rigid material that can be mounted to a structure with cord, rope, cable, or a similar method or that may be supported by stakes in the ground.

**SIGN, BLADE**

A temporary sign that is constructed of cloth, canvas, plastic fabric or similar lightweight, non-rigid material and that is supported by a single vertical pole mounted into the ground or on a portable structure.

**SIGN, CANOPY**

Any sign that is a part of or attached to a canopy or awning.

**SIGN, CHANGEABLE COPY**

A sign designed so that the characters, letter or illustrations can be changed or rearranged manually or electronically without altering the sign display surface. May also be known as readerboards. See also the definition of "electronic message center."

**SIGN, DEVELOPMENT/SUBDIVISION**

A sign identifying a recognized subdivision, condominium complex, or development.

**SIGN, DRIVE-THROUGH**

Any signage allocated along a drive-through lane that is oriented toward the customer or user in the drive-through lane.

**SIGN, DRIVEWAY**

A small permanent sign located near driveway access points and/or at the intersection of internal access drives.

**SIGN, FLASHING**

Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation or any externally mounted intermittent light source. This definition does not include signs classified as "electronic message centers."

**SIGN, FREESTANDING**

Any sign supported upon the ground by a monument, pedestal, pole, bracing, or other permanent measure and not attached to any building. See also the definition of "ground-mounted monument sign" and "pole sign."

**SIGN, GROUND-MOUNTED MONUMENT**

A permanent freestanding sign other than a pole sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure, typically on a monument or pedestal structure.

**SIGN, GROUND-MOUNTED YARD**

Any temporary sign placed on the ground or attached to a supporting structure, posts, or poles, that is not attached to any building.

**SIGN, ILLEGAL**

A sign which does not meet the requirements of this chapter and which has not received legal nonconforming status.

**SIGN, ILLUMINATED**

A sign with an artificial light source incorporated internally or externally for the purpose of illuminating the sign.

**SIGN, INCIDENTAL**

A sign typically erected to identify entrances, exits, restrooms, hours of operation, operational instructions, public utility locations, etc. These examples are not given by way of limitation; an incidental sign can contain any message, in accordance with Section [13.02\(C\)\(3\)\(h\): Incidental Signs](#).

**SIGN, MANUAL CHANGEABLE COPY**

A sign or portion of a sign where it is possible to change the copy on a frequent basis but where such sign change must be manually made and is not made electronically.

**SIGN, NONCONFORMING**

Any sign which was erected legally prior to the adoption of this code, but which does not comply with subsequently enacted sign restrictions and regulations or a sign which does not conform to the sign code requirements.

**SIGN, OFF-PREMISE OUTDOOR ADVERTISING**

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

**SIGN, ON-PREMISE**

A sign that directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same lot, site, or property where the sign is located.

**SIGN, OUTDOOR ADVERTISING**

Any sign that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

**SIGN, PERMANENT**

A sign permitted by this resolution to be located on the premises for an unlimited period of time and designed to be permanently attached to a structure or the ground.

**SIGN, POLE**

A permanent freestanding sign supported by one or more uprights, poles or braces placed in or upon the ground surface and not attached to any building.

**SIGN, PORTABLE**

Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds. A vehicle not used regularly in the operation of a business shall be considered a portable sign.

**SIGN, PROJECTING**

A sign that is affixed perpendicular to a building or wall and extends more than eighteen inches beyond the face of such building or wall and the lowest point of which sign is not less than ten feet above the sidewalk or ground level. A projecting sign shall also include a sign hung perpendicular to the building façade to the bottom of an arcade.

**SIGN, ROOF**

A sign erected or maintained in whole or in part upon, against or directly above the roof or parapet line of a building.

**SIGN, SIDEWALK**

A temporary sign that may be placed on the sidewalk, in the public right-of-way, during business hours in accordance with this section and all other applicable ordinances.

**SIGN, TEMPORARY**

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and intended for a limited period of display.

**SIGN, T-FRAME**

A freestanding sign which is ordinarily in the shape of an upside down "T" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure. See also the definition for A-frame signs.

**SIGN, WALL**

A sign attached directly to an exterior wall of a building and which does not extend more than eighteen inches from nor above the roof line or beyond the limits of the outside wall, with the exposed face of the sign in a plane parallel to the building wall. Murals and other painted signs are considered wall signs pursuant to this section.

**SIGN, WINDOW**

A sign attached to, in contact with, placed upon or painted on the window or door of a building which is intended for viewing from the outside of such building. This does not include merchandise located in a window.

**SKILLED NURSING**

In addition to room and board, those nursing services and procedures employed in caring for the persons who require training, judgment, technical knowledge, and/or skills beyond those which the untrained person possesses. It involves administering medications and carrying out procedures in accordance with the orders, instructions, and prescriptions of the attending physician or surgeon.

**SKILLED NURSING FACILITY**

A residential facility that provides skilled nursing. Such facility shall not mean the same as "institutions for human medical care," "adult family homes or small residential facilities," or "adult homes or large residential facilities."

**SMALL WIND ENERGY CONVERSION SYSTEM (SWECS)**

A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for onsite use, may be utilized by the applicable utility company. The following are the definitions for the type of system permitted in Goshen Township:

- Blade Tip Power System Turbines (BTPS) – A wind turbine system that is somewhat similar in appearance to the HAWT system but where there is no gear or turbine shaft at the center of the system. The energy is generated from the blade tips rather than the traditional central gear box of a HAWT.

**SOLAR PANELS**

Structures designed to utilize solar energy as an alternate for, or supplement to, a conventional energy system.

**SPECIFIED ANATOMICAL AREAS**

Human genitals

**SPECIFIED SEXUAL ACTIVITIES**

Human genitals in a state of sexual stimulation or arousal: acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and/or fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

**STACKING SPACE OR LANE**

A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

**STATE**

The State of Ohio

**STORY**

The portion of a building included between the surface of any floor and the surface of the next floor above it or if there is no floor above it than the space between the floor and the ceiling next above it.

**STREET**

A publicly dedicated or owned right-of-way constructed to Clermont County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

**STREET FRONTAGE**

See definition of “frontage, street.”

**STREET, LOCAL RESIDENTIAL**

A street primarily for providing access to residential or other abutting property. For the purposes of this resolution, a local residential street shall be those streets maintained by the township.

**STRUCTURAL LAWN**

An area of land intended to be used for temporary or seasonal parking with structural plastic or concrete pavement materials under the surface, allowing for the growth of grass through the pavement material, having the appearance of a vegetated lawn.

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. All buildings are considered structures.

**STRUCTURE, ACCESSORY**

A structure (including buildings but not fences) that is accessory and incidental to the principal building.

**STRUCTURE, NONCONFORMING**

A structure where the use is permitted in the applicable zoning district but the structure does not meet the setbacks, development standards, site development standards, or other dimensional or numerical standards for the applicable district.

**SWIMMING POOL**

A structure, whether above or below grade level, designed to hold water more than 18 inches deep with a total surface area exceeding 100 square feet, that is designed to be used for personal recreation (private swimming pool) or as a recreational amenity to a larger development (community swimming pool).

**TELECOMMUNICATIONS**

The technology permitting the passage of information from the sender to one or more receivers in a usable form by means of an electromagnetic system and includes the term “personal wireless services”.

**TEMPORARY SPECIAL EVENTS**

A temporary use on private property that is not usual or customary for that property and the zoning district in which the subject property is located (e.g., festivals, circuses, and other temporary events).

**TEMPORARY STRUCTURE FOR PUBLIC OR INSTITUTIONAL USES**

A temporary structure that is related and incidental to a use within the institutional use classification that may include temporary classrooms or storage facilities.

**TEMPORARY TENT**

Any structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials.

**THEATER AND ASSEMBLY HALLS**

A building or part thereof used for housing dramatic presentations, stage entertainments, motion-picture shows, or other assemblies of people.

**TOWER**

Any ground or roof mounted pole, spire, structure, or combination thereof taller than 15 feet, including support lines, cables, wires, braces, and masts, intended primarily for the purpose of mounting an antenna, meteorological device, or similar apparatus above grade.

**TREE, DECIDUOUS**

Generally, a tree that loses all of its leaves for part of the year. Sometimes called a broad-leaf tree or a hardwood tree.

**TREE, EVERGREEN**

A tree with foliage that is not dropped, or that remains green throughout the year.

**TREE, ORNAMENTAL**

A small to medium tree with an expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

**TREE, UNDERSTORY**

A tree that would occupy the understory of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees. Examples include redbud, hazel, alder, holly, hornbeam, dogwood, witch-hazel, etc.

**TYPE-B DAY CARE HOMES (1-6 CHILDREN)**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at 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 who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in the ORC.

**UNENCLOSED PATIO**

Uncovered, non-enclosed outdoor hard surfaced areas that are no higher than 18 inches above the ground.

**USE**

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, constructed, used, occupied, or maintained.

**USE, ACCESSORY**

A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

**USE, CONDITIONAL**

A use permitted within a district only with a conditional use permit approval from the BZA. See [3.06: Variance or Conditional Use](#).

**USE, NONCONFORMING**

A use that lawfully occupied a building or land until the effective date of this resolution, or amendments thereto, and that does not conform to the use regulations of the applicable zoning district.

**USE, PRINCIPAL**

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

**USE, TEMPORARY**

A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

**VEHICLE SALES AND LEASING**

A building, lot, or both used for the display, sale, or rental of new or used motor vehicles or farm implements that are in operable condition, and where repair service may be an incidental accessory use.

**VEHICLE WASHING ESTABLISHMENTS**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**VEHICULAR USE AREA**

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

**VETERINARIAN OFFICES AND ANIMAL HOSPITALS (NO BOARDING)**

Facilities used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation.

**WALL**

An architectural partition with a height and length greater than its thickness; used to divide or enclose an area or to support another structure

**WALL, RETAINING**

A retaining wall is a structure that holds back soil or rock from a building, structure or area. Retaining walls prevent downslope movement or erosion and provide support for vertical or near-vertical grade changes.

**WAREHOUSES**

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

**WHOLESALE BUSINESSES**

A business where the primary enterprise is the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers, but not to the general public. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise.

**WIRELESS TELECOMMUNICATION ANTENNA**

An antenna designed to transmit or receive telecommunications as authorized by the Federal Communications Commission ("FCC"), excluding amateur radio operator antennas.

**WIRELESS TELECOMMUNICATION FACILITY**

A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land based telephone lines for the provision of personal wireless services.

**WIRELESS TELECOMMUNICATION TOWER**

A tower including but not limited to self-supporting lattice or monopole, which elevates the wireless telecommunication antenna and may include accessory transmission and receiving equipment.

**YARD**

An open space on the same lot with a building, unoccupied, and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.

**YARD, FRONT**

A yard extending across the full width of a lot and being the distance between the street right-of-way and the nearest wall of the principal building. See Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**YARD, REAR**

A yard extending across the full width of a lot between the side lot lines and being the distance between the rear lot line and the nearest wall of the principal building. See Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**YARD, SIDE**

A yard between the principal building and the side lot line, extending from the front yard to the rear yard. See Section [5.05\(A\): Measurements, Computations, and Exceptions](#).

**ZONING DEPARTMENT**

For the purposes of this resolution, any reference to the zoning department shall be interpreted to mean the office of the Goshen Township Zoning Inspector.

**ZONING DISTRICT**

A section or sections of the unincorporated territory of Goshen Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform. This may also be called a base zoning district.

**ZONING DISTRICT, NONRESIDENTIAL**

The term "nonresidential zoning district" shall include the B-1, B-2, TC, M-1, and M-2 zoning districts.

**ZONING DISTRICT, RESIDENTIAL**

The term "residential zoning district" shall include the R-1, R-2, R-3, R-4, R-5, R-6, and R-T zoning districts.

**ZONING INSPECTOR**

The Zoning Inspector, his/her assistants, or any other person designated by the Board of Trustees to perform the statutory duties of the Zoning Inspector.

**ZONING MAP**

The "Official Zoning District of Goshen Township, Clermont County, Ohio", as amended

**ZONING MAP AMENDMENT**

An amendment or change to the Official Zoning Map of Goshen Township, reviewed and approved by the Board of Trustees in accordance with Section [3.05: Zoning Text or Map Amendment](#).

**ZONING PERMIT**

A permit where the Zoning Inspector has the authority to make a decision on the application in accordance with Section [3.04: Zoning Permit](#).

**ZONING TEXT AMENDMENT**

An amendment or change to the text of the Goshen Township Zoning Resolution reviewed and approved by the Board of Trustees in accordance with Section [3.05: Zoning Text or Map Amendment](#).