

**BATAVIA TOWNSHIP
ZONING RESOLUTION
Clermont County, Ohio**

August 19, 2011
(text last revised)



*ZONING ADOPTED IN BATAVIA TOWNSHIP
*1962**

Batavia Township

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**ARTICLE 1
INTENT AND INTERPRETATION**

1.01 AUTHORITY

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

1.02 PURPOSE

This Resolution is hereby enacted by Batavia Township, for the purpose of promoting the public health, safety, morals, comfort, and general welfare; to conserve and protect property and property values; to secure the most adequate and economical provisions for public improvement, all in accordance with the Batavia Township Growth Management Plan and any changes made thereto as reflected in the Zoning Map and documents and records of Batavia Township for the desirable future development of the Township, and to provide a method of administration and to prescribe penalties for the violations of the provisions hereafter described all as authorized by the provisions of the Chapters and the Sections applicable under the Ohio Revised Code.

1.03 TITLE

This Resolution shall be known and may be cited and referred to as the “Batavia Township Zoning Resolution” or “Resolution.”

1.04 TERRITORY UNDER THE ZONING RESOLUTION

This Resolution shall be effective in the unincorporated areas of Batavia Township.

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

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

Upon Batavia Township's acquisition of additional territory due to the dissolution of any municipal corporation, such municipal corporation's zoning regulations, if any, shall remain in full force and effect and shall be enforced by Batavia Township officials until such time as Batavia Township shall either officially adopt the former municipality's

zoning regulations, amend such regulations from time to time, or enact new regulations for such territory.

1.05 INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where the requirements of this Resolution are higher than those established by other provisions of law, or by other rules, regulations or restrictions, the standards of this Resolution shall be followed. When other provisions, rules, regulations, deed restrictions or private covenants are more restrictive, those requirements shall govern and be administered by the authority responsible for their enforcement. In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties except those that may be held by the Township.

1.06 SEPARABILITY

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

ARTICLE 2 DEFINITIONS

2.01 DEFINITIONS

For purposes of this Resolution, the following words and phrases shall have the following meanings ascribed to them respectively, unless the context otherwise requires. Words not defined in this Article shall be defined in accordance with their ordinary English usage in the context in which they are used.

"ACCESSORY STRUCTURE" See Structure, Accessory.

"ACCESSORY USE" See Use, Accessory.

"ADULT ENTERTAINMENT ESTABLISHMENT" An establishment having a significant portion of its function as presenting adult material or entertainment. The following are categorized as adult entertainment establishments:

"ADULT BOOK STORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE" A commercial establishment that has as a significant or substantial portion of its stock in trade or inventory in, 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, for any form of consideration, of 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.

"ADULT ENTERTAINMENT" The sale, rental, or exhibition, for any form of consideration, of books, films, video cassettes, magazines, periodicals, or live performances that are characterized by an emphasis on the exposure or display of specified anatomical areas or specified sexual activity.

"ADULT ENTERTAINMENT ESTABLISHMENT" An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or semi-nude model studio, 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 pursuant to Section 4731.15 of the Revised Code, is not an "adult entertainment establishment".

“ADULT MATERIALS” Any book, novelty, sexual paraphernalia, sex toy, sexual devise, magazine, periodical, newspaper, pamphlet, poster, print picture, slide, transparency, figure, image, description, motion picture film, video, phonographic record or tape, compact disc (CD), digital video disc (DVD), computer hardware or software, or other tangible thing that is distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

“ADULT MINI MOTION PICTURE THEATER” A facility with a capacity for less than 50 persons, which in exchange for any form of consideration, presents adult material for observation by patrons therein.

“ADULT MOTEL OR HOTEL” An establishment offering public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, characterized by the depiction of “specified sexual activities” or “specified anatomical areas” and which advertises the availability of this type of material by means of a sign visible from the public right-of-way, or by means of off-premises advertising; or offers a sleeping room for rent for a period of time less than 10 hours; or allows a tenant or occupant to sub-rent the sleeping room for a period of time less than 10 hours.

“ADULT MOTION PICTURE THEATER” A commercial establishment where films, motion pictures, videocassettes, slides or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five individuals for any form of consideration.

“ADULT THEATER” A theater, concert hall, auditorium, or similar commercial establishment that, for any form of consideration, regularly features persons who appear in a state of nudity or semi-nudity or live performances that are characterized by their emphasis upon the exposure of specified anatomical areas or specified sexual activities.

“ESCORT AGENCY” A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s), date(s), or companion(s) for another person.

“MASSAGE” A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

“MASSAGE ESTABLISHMENT” Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder, or recreation centers and sports complexes.

“NUDE MODEL STUDIO” Any place where a person, who regularly appears in a state of nudity, semi-nudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons. A modeling class or studio is not a nude or semi-nude model studio and is not subject to this chapter if it is operated in any of the following ways: (i) By a college or university supported entirely or partly by taxation; (ii) 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; (iii) 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 semi-nude model is on the premises at any one time.

“SEXUAL DEVICE” Any three-dimensional object designed and marketed for stimulation of the male or female human genitals or anus or female breasts or for sadomasochistic use or abuse of oneself or others, including, but not limited to, dildos, vibrators, penis pumps, and physical representations of the human genital organs, but not including devices primarily intended for protection against sexually transmitted diseases or for preventing pregnancy.

“SEXUAL DEVICE SHOP” A commercial establishment that regularly features sexual devices, but not including any pharmacy, drug store, medical clinic, or establishment primarily dedicated to providing medical or healthcare products or services, and not including any commercial establishment that does not restrict access to its premises by reason of age.

“SEXUAL ENCOUNTER CENTER” A business or commercial enterprise that, as one of its principal business purposes, purports to offer for any form of consideration physical contact in the form of wrestling or tumbling between individuals of the opposite sex when one or more of the individuals is nude or semi-nude.

“SEXUAL ENCOUNTER ESTABLISHMENT” A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons congregate, associate or consort, for the purpose of specified sexual activities, or the exposure of specified anatomical areas, or activities when one or more of the persons is in a state of nudity or semi-nude (not including an establishment where a medical practitioner, psychologist, psychiatrist or similar person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy).

“SPECIFIED ANATOMICAL AREAS” Anatomical areas that include human genitals, pubic region, or buttocks or human female breast below a point immediately above the top of the areola.

“SPECIFIED SEXUAL ACTIVITIES” Real or simulated sexual intercourse, oral copulation, masturbation, or sodomy, or excretory functions as a part of, or in connection with, any of these activities.

“ADULT FAMILY HOME” A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for three to five unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

“ADULT GROUP HOME” A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to sixteen unrelated adults and provides supervision and personal care services.

“AGRICULTURE” The use of land for agricultural purposes including farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, and as defined in Section 519.01 of the Ohio Revised Code and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

“AGRICULTURAL SERVICES” Any commercial activity that primarily serves the agricultural community. Agricultural Services shall include: tractor and farm implement and materials sales, grain elevators and farming machinery and agricultural equipment repair.

“AIRPORT” Any runway, land area or other facility designed and used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary

taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

“ALLEY” See. Thoroughfare.

“ALTERATIONS, STRUCTURAL” Any change in the supporting members of a building such as bearing walls, columns, beams or girders.

“APARTMENT UNIT” A dwelling unit in an apartment building, intended, designed or used as a residence by a single-family unit.

“APPLICANT” A person commencing proceedings under this Resolution to effect the development or use of land for himself or for another, or for the reconstruction or construction of structures already built upon the land which may include but is not limited to the fee simple owner or the designee of the property owner bearing written authorization of the fee simple owner(s).

“ASSISTED LIVING FACILITY” A residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.

“AUTOMOTIVE, MOBILE HOME, TRAILER and FARM IMPLEMENT SALES” The sale or rental of new and/or used motor vehicles, mobile homes, trailers or farm implements, but does not include repair work except for incidental warranty repair of the same to be displayed and sold on the premises. The sale of used items must not include merchandise of such poor condition that it can no longer satisfy its intended purpose.

“AUTOMOTIVE FILLING STATION” Buildings and premises where gasoline, oil, grease, batteries, tires and motor vehicle accessories may be supplied and dispensed at retail, and where, in addition, minor repair, tune-ups and adjustments may be performed. Furthermore, the sale of convenience goods, such a prepackaged foods and drinks, may be permitted as an accessory use.

“AUTOMOTIVE SERVICE AND REPAIR” Any building, structure or premises in which or upon which a business, service, or industry involving the maintenance, servicing, repair or painting of motor vehicles is conducted or rendered.

“AUTOMOTIVE WRECKING” The dismantling, disassembling, or wrecking of used motor vehicles, mobile homes or trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

“BASEMENT” A story which is all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. Basement area shall not be included in the minimum square footage required for a dwelling unit.

“BED AND BREAKFAST ESTABLISHMENT” Any owner occupied home, or portion thereof, where lodging, with meals, is provided for compensation.

“BOARD OF ZONING APPEALS” The Board of Zoning Appeals for Batavia Township.

“BOARD OF TRUSTEES” The Batavia Township Board of Trustees.

“BUFFERYARD” Any open space areas, landscaped areas, fences, walls, earthen berms or any combination thereof, used to physically separate or screen one use or property from another so as to visually shield or block noise, light, or other nuisances.

“BUILDING” Any structure having a roof supported by columns or walls, designed or intended for the support, enclosure, shelter, or protection of persons, or animals, chattels or property.

“BUILDING, ACCESSORY” A subordinate building detached from, but located on the same lot or on an adjoining lot of common ownership, as the principal building, the use of which is incidental and accessory to that of the main building or use.

“BUILDING HEIGHT” The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof.

“BUILDING SETBACK LINE” A line parallel to the street right-of-way line at any story level of a building representing the minimum distance which all or any part of the building is set back from said right-of-way line.

“BUILDING, PRINCIPAL” The building in which is conducted the main or principal use of the lot on which said building is situated.

“BUSINESS, CONVENIENCE” Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. Uses in this classification tend to serve the daily needs of residents in the neighborhood and may include small bakeries, florists, coffee shops, convenience stores, self serve laundromats, and neighborhood branches of financial institutions.

“BUSINESS, RETAIL” Any commercial establishment selling goods, wares or merchandise to the ultimate consumer for direct consumption or use and not for resale.

“BUSINESS SERVICES” Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which serves and repairs appliances and machines used in homes and businesses.

“BUSINESS WHOLESALE” Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, or other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

“CEMETERY” Land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

“CHANNEL” A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

“CLINIC” A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons and those who are in need of medical and surgical attention but who are not provided with board or room or kept overnight on the premises.

“CLUB” A club shall mean a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excludes religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

“COMMERCIAL ENTERTAINMENT FACILITY” Any profit making activity that is generally related to the entertainment field such as motion picture theaters, carnivals, comedy clubs, theaters, bingo, amusement parks, and similar entertainment facilities. Commercial entertainment facilities shall not include adult entertainment establishments.

"CONDITIONAL USE" See Use, Conditional.

“CONDITIONAL USE CERTIFICATE” A use certificate issued by the Zoning Administrator upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

“CONSTRUCTION SERVICES” The offices related to building trades and construction contractors including, but not limited to, plumbing, electrical, heating, landscaping, excavating, roofing and remodeling.

“CONSTRUCTION SERVICES STORAGE YARDS” The land, grounds or buildings used primarily for the storage of equipment, vehicles, machinery, building materials, paints, pipes or electrical components used by the owner or occupant of the premises for the conduct of a construction service operation.

“CONVALESCENT CARE FACILITY” A place, residence or home used for the boarding and care, for compensation, of not less than three (3) persons, not members of the immediate family operating such facilities, who by reason of age or infirmity are dependent upon the services of others.

“CORNER LOT” See Lot Types.

“CUL-DE-SAC” See Thoroughfare.

“DAY CARE CENTER” 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, or other 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. Also see “TYPE-B FAMILY DAY CARE HOME”.

“DEAD END STREET” See Thoroughfare.

“DENSITY” A unit of measurement; the number of dwelling units per acre of land.

- A. Gross Density - The number of dwelling units per acre of land of the total land to be developed, except that density for Planned Developments shall be determined according to Article 36.
- B. Net Density - The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses, except that density for Planned Developments shall be determined according to Article 36.

“DEVELOPER” A person commencing proceedings under this Resolution to effect the development or use of land for himself or for another, or for the construction or reconstruction of structures already built upon the land.

“DISABLED VEHICLES” One which is extensively damaged including but not limited to missing wheels, tires, motor or transmission, apparently inoperable or unlicensed. The mere licensing of an otherwise inoperable or extensively damaged vehicle will not cause the vehicle to conform to this Zoning Resolution.

“DISTRICT” A portion of the territory of the unincorporated areas of Batavia Township, within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this Resolution.

“DISTRICT, SPECIAL PLANNING OVERLAY” A district established to prescribe special regulations to be applied to a site in combination with the underlying or base district that may further restrict or relax the underlying regulations.

“DRIVE-THROUGH FACILITY” A building opening, including windows, doors, or other mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.

“DWELLING” A dwelling is any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, trailer or trailer coach, boarding or rooming house, hotel, or mobile home.

“DWELLING UNIT” Space within a building comprised of living, dining and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

“DWELLING, PERMANENTLY SITED MANUFACTURED HOME” A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and which meets the following requirements for a permanently sited manufactured home:

- A. The structure is affixed to a permanent foundation and is connected to appropriate facilities. “Permanent foundation” means permanent masonry, concrete, or a locally approved footing or foundation, to which a manufactured or mobile home may be affixed;
- B. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet subject to other minimum dwelling size standards applicable to the district.
- C. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- D. The structure was manufactured after January 1, 1995;
- E. The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.

“DWELLING, MOBILE HOME” A movable dwelling for occupancy on land made of one or more units, and having minimum width of ten feet, minimum area of four hundred square feet, and year-round living facilities for one family, including permanent provision for cooking, eating, sleeping, and sanitation.

“DWELLING, MODULAR HOME” A detached, componentized, factory assembled, dwelling unit or units, designed for initial, one-time transportation over highways, for installation on a permanent foundation when arriving at the site; requiring only the assembly of units and the connection of mechanical subsystems (i.e., plumbing, sewer, electrical and fuel supply). The state certification must be presented with the application. A modular home shall be considered real property.

“DWELLING, MULTI-FAMILY” A building consisting of three or more dwelling units, including condominiums with varying arrangements or entrances and party walls. Each dwelling unit shall be considered the residence of a single household, which may vary from building to building in ownership and possession rights and physical features.

“DWELLING, SEMI-DETACHED” A building containing two attached dwelling units that share a common wall at the lot line and that are on separate lots (includes Townhouses, Condominiums, Patio Homes, etc.).

“DWELLING, SINGLE-FAMILY” A building consisting of a single dwelling unit only, separated from other dwelling units by open spaces.

“DWELLING, TOWNHOUSE” A single-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

“DWELLING, TWO-FAMILY” A building consisting of two, and no more than two single-family dwelling units, which may be either attached side by side or one above the other, and each unit having either a separate or combined entrance or entrances.

“DWELLING UNIT, ATTACHED” Two or more dwelling units within a structure.

“EASEMENT” Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his real property.

“EDUCATIONAL INSTITUTION” A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools, high schools, technical and collegiate level courses.

“FAMILY” A person living alone or two or more persons not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship providing organization and stability.

“FENCE” A man-made yard structure, other than a building, used for decorative purposes or to form a barrier to light, sound, wind, snow, animals, vehicles, or pedestrians and is constructed of customary building materials.

“FINANCIAL INSTITUTION” Any building, property or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, facilities for automatic teller machines (ATM’s), credit unions, savings and loan institutions and mortgage companies.

“FLEA MARKET” An occasional or periodic market held on weekends or holidays located within an enclosed building or structure where groups of individual sellers offer goods, new or used, for sale to the public, not to include private garage or yard sales.

“FLOOR AREA OF A NON-RESIDENTIAL BUILDING” The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

“FLOOR AREA, USABLE” Measurement of the usable floor area shall be the sum of the horizontal area of the floor(s) of the dwelling unit or building measured from the interior faces of the exterior walls. In the case of residential dwelling units, this area shall exclude basement floor area.

- A. "GROSS FLOOR AREAS." The total floor area used for the main and accessory activities and storage area of the building served.
- B. “NET FLOOR AREA.” The total floor area of a building, excluding stairwells, elevator shafts, equipment and mechanical rooms, and all floors below the first or ground floor, except when used or intended to be used for service to the public.

“GARAGE, PRIVATE” A detached accessory building or portion of a principal building used for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises. The design of the building shall include doors or openings of no less than 8 feet in width for vehicle access. An attached or detached carport shall be included in this definition.

“GARAGE, PUBLIC” A principal or accessory building other than a private garage, used for the parking or temporary storage of passenger automobiles, and in which no service shall be provided for recuperation.

“GARDEN CENTER” A place of business where retail and wholesale products and produce are sold to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

“GOLF COURSE” A tract of land laid out for at least nine holes for playing the game of golf and improved with tees, greens, fairways and hazards and may include a clubhouse and shelter.

“GOVERNMENT BUILDING” A structure or portion of a structure owned, operated or controlled by a government agency for the performance of certain specialized governmental activities required for its day to day functions.

“GRAVEL PITS AND QUARRIES” An open land area where sand, gravel, stone or rock fragments are mined or excavated for sale or off tract use. Surface mining shall also be included in this definition.

“GROWTH MANAGEMENT PLAN” A plan or any portion thereof adopted by the legislative authority of the Township of Batavia of Clermont County, Ohio, showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. The plan establishes the goals, objectives and policies of the community and may also be referred to as the Batavia Township Land Use Plan or Comprehensive Plan.

"HEDGE." A row of shrubs or bushes, whose intended purpose either at planting or maturity is to form a barrier to light, sound, wind, snow, animals, vehicles, and pedestrians.

“HIGHWAY DIRECTOR” The director of the Ohio Department of Transportation.

“HOME OCCUPATION” Any occupation, profession, use or activity which is customarily incidental to the principal residential use of the premises and is conducted by a resident occupant which does not alter the exterior of the property or affect the residential character of the neighborhood, and shall not serve as a gathering point for employees engaged in the business that takes place off the premises.

“HOSPITAL” An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices that are an integral part of the facilities.

“HOTEL or MOTEL” A facility offering transient lodging accommodations on a daily rate to the general public and potentially providing additional accessory services such as restaurants, meeting rooms and recreational facilities.

“IMPERVIOUS SURFACE” Any material that prevents the absorption of storm water into the ground.

“IMPERVIOUS SURFACE RATIO”- (I.S.R.) A ratio derived by dividing the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of storm water by the total horizontal area of the lot. Impervious surfaces include, but are not limited to, roofs, streets, sidewalks, and parking lots paved with asphalt, concrete, compacted sand, compacted gravel or clay.

“INCIDENTAL” An object or use necessarily found in connection with the principal structure or use, but subordinate and secondary thereto.

“INSTITUTION” Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative, counseling or other correctional services.

“INTERNET CAFÉ” A place which provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

“INTERNET SWEEPSTAKES ESTABLISHMENT” An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like.

“JUNK BUILDINGS, JUNK SHOPS, JUNK YARDS AND SALVAGE YARDS” Any land, property, structure, building or combination of the same on which junk is stored or processed. Located either within an enclosed building or in the open, where discarded or inoperable vehicles, appliances, building materials, tires and other such material are collected, dismantled, stored and sold to be used as parts or for salvage. This term includes buildings or yards for the collection, sorting or processing of scrap metal.

“JUNK” Disabled, dismantled or inoperative machinery, vehicle or equipment, vehicle or machinery parts, rags or any other discarded objects or debris as defined in the Ohio Revised Code.

“KENNEL” Any lot or premises on which five (5) or more domesticated animals, more than four (4) months of age are housed, groomed, bred, boarded, trained or sold or which offers provisions for minor medical treatments.

“LANDSCAPE CONTRACTOR” See Construction Services.

“LIVESTOCK” Any hooved mammal, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas and other species typically raised for food, fiber or draft. “Livestock” also includes domestic fowl and game birds.

“LOADING SPACE, OFF-STREET” Space logically and conveniently located for the bulk pick up and deliveries scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way and may be located within the facility they serve if appropriate access is provided.

“LOCATION MAP” See Vicinity Map.

“LOT” A designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

“LOT COVERAGE” The ratio of the enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

“LOT, CORNER” See Lot Types.

“LOT FRONTAGE” The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided for as indicated under “Yards” in this Resolution. Lot frontage requirements shall not apply to properties over five (5) acres in size where an easement is used for access.

“LOT, INTERIOR” See Lot Types.

“LOT LINE” The boundary of a lot separating it from adjoining public, common, or private land, including a public street.

- A. “LOT LINE, FRONT” The lot line separating an interior lot from the street upon which it abuts; or the lot line of a corner lot upon which the building fronts.
- B. “LOT LINE, REAR” A lot line parallel or within 45 degrees of being parallel to, and most distant from, the front lot line.
- C. “LOT LINE, SIDE” A lot line which is neither a front nor rear lot line.

“LOT, MINIMUM AREA OF” The smallest lot area established by the Zoning Resolution on which a use or structure may be located in a particular district.

“LOT MEASUREMENTS” A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be the horizontal distance between the front and rear lot lines.
- B. Width of a lot shall be considered to be the horizontal distance between the side lot lines, measured at the building setback line.

“LOT OF RECORD” A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

“LOT, THROUGH” See Lot Types.

“LOT TYPES” Terminology used in this Resolution with reference to corner lots, interior lots and through lots is as follows:

- A. A corner lot is defined as a lot located at the intersection of two or more intersecting streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines, drawn from the foremost points of the side lot lines to the foremost points of the lot meet at an interior angle of less than 135 degrees.
- B. An interior lot is a lot other than a corner lot with only one frontage on a street.
- C. A through lot is a lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as a double frontage lot.
- D. A reversed frontage lot is a lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

“MAJOR THOROUGHFARE PLAN” The Batavia Township Growth Management Plan adopted by the County indicating the general location recommended for arterial, collector and local thoroughfares within the corporate limits of the Township which is based on the Official Clermont County Thoroughfare Plan.

“MAINTENANCE AND STORAGE FACILITY” Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and materials for use on the property where they are stored.

“MANUFACTURING” The process of making, assembling, adding value added improvements or fabricating raw materials by hand, machinery or the combination thereof into finished or semi-finished parts or products.

“MANUFACTURED HOME” See Dwelling, Manufactured Home.

“MANUFACTURING, LIGHT” A use engaged in the processing and manufacturing of materials and products predominately from previously prepared materials, of finished products or parts, including processing, fabricating, assembly, treatment, packaging, incidental storage, sales and distribution of such products which would not generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution or dust.

“MANUFACTURING, HEAVY” A use engaged in the 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 or commonly recognized offensive conditions which would generate objectionable or hazardous elements such as: heat, smoke, odor, vibration, water pollution, electromagnetic disturbances, radiation or dust.

“MEDICAL AND DENTAL LABORATORIES” An establishment or other facility for carrying on investigation and/or testing in the medical or dental fields.

“MOBILE HOME” See Dwelling, Mobile Home.

“MOBILE HOME PARK” Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

“MOBILE HOME SUBDIVISION” A subdivision designed and intended for residential use where residence is in Mobile Homes exclusively.

“MODULAR HOMES” See Dwelling, Modular Homes.

“NONCONFORMING USE” A building, structure or use of land existing at the time of enactment of this Resolution, and which does not conform to the regulations of the District or Zone in which it is situated.

“NURSERY, PLANT” Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail or wholesale on the premises, and may include accessory products used for gardening or landscaping.

“NURSING HOME” See Convalescent Care Facility.

“OFFICE” A building or portion of a building wherein services are performed involving predominately administrative, professional, consultative, or clerical operations, that may include ancillary services for office workers.

"OFFICE, MEDICAL or DENTAL " An office, clinic or facility operated by medical professionals such as medical practitioners, chiropractors or dentists, used for the care, diagnosis or treatment of sick, ailing, infirm, or injured persons and those who are in need of medical, dental or outpatient surgical attention but who are not provided with room or board or kept overnight on the premises.

“OPEN SPACE” An area open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, swimming pools, tennis courts and other recreational facilities. Streets, structures for habitation, and the like shall not be permitted in any required or designated open space.

“OUTDOOR DISPLAY” An outdoor arrangement of objects, items, products, or other material, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product or services for sale.

“OUTDOOR STORAGE” The keeping of goods, materials, or equipment in a location not enclosed by walls and a roof.

"OUTDOOR STOVE/FURNACE" A freestanding outdoor unit that provides heat and/or hot water to buildings, swimming pools or hot tubs, through the heating of water by burning seasoned wood, wood pellets or corn with the hot water being circulated to and from the home or commercial building through underground, insulated piping. These units are also classified as hydronic heaters.

"OWNER" An individual firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

"PARCEL" See Lot.

"PARKING SPACE, OFF-STREET" An area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but located totally outside of any street or alley right-of-way.

"PARKING AREA" or "PARKING LOT" An area of ground upon a lot covered with a cementitious or asphaltic surface and used for the parking of vehicles.

"PERFORMANCE STANDARD" A criterion established to control the dust, effluent, smoke, fire and explosive hazards, glare, heat, noise, odor, toxic and noxious matter, vibrations, and other conditions created by, or inherent in uses of land or buildings.

"PERSON" An individual, firm, partnership, association, joint venture, corporation, trust, or any other legal entity, including his, her or its agents.

"PERSONAL SERVICES" Any commercial enterprise catering to the personal needs of a customer, such as, but not limited to those services provided by a barber, beautician, photographer, fitness trainer, seamstress or tailor, or at tattooing and piercing parlors or health and fitness facilities, and including limited sales of products associated with such services.

"PLANNED DEVELOPMENT"- (PD) An area of land, in which a variety of housing types and commercial uses may be accommodated in a preplanned unified environment under more flexible standards, than those restrictions that would normally apply under standard zoning district guidelines, such as variable lot sizes, setbacks and density requirements. The procedure for approval of such development includes detailed submittals and requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

"PLANNING COMMISSION" The Planning Commission of Clermont County.

"PLAT" A map of a lot, parcel, subdivision, or development area on which the lines of each element are shown by accurate distances and bearings.

“PRINCIPAL USE” The primary purpose or function that a lot serves or is proposed to serve.

“PROFESSIONAL SERVICES” The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, engineers and similar professions.

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

“PUBLIC USES” Public parks, schools, and administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

“PUBLIC WAY” An alley, avenue, boulevard, bridge, channel, ditch easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk or other ways in which the general public or a public entity has a right, or which are dedicated whether improved or not.

“RECREATION, COMMERCIAL” Any land or facility operated as a business and which is open to the general public for a fee that shall include, but not be limited to: roller blade rental, billiard parlors, video amusement arcades, pay-to-play athletic fields, ice skating rinks, tennis courts, swimming pools, fishing pay lakes, paint ball facilities, canoe liveries, etc..

“RECREATION, NON-COMMERCIAL” Any land or facility operated by a governmental agency or non-profit organization and is open to the general public or members of the non-profit organization without a facility or entrance fee that shall include, but not be limited to: picnic areas, bike/hike trails, riding stables, and athletic fields.

“RECREATIONAL FACILITIES” Public or private facilities that may be classified as either “extensive” or “intensive” depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to, hunting, fishing and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to: miniature golf courses, amusement parks, stadiums, tennis courts, health and fitness facilities and bowling alleys.

“RECREATIONAL VEHICLE PARK” A parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by

recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

“RECREATIONAL VEHICLE SITE” A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

"RECREATIONAL VEHICLE STORAGE FACILITY" A business devoted primarily to seasonal or year round outdoor storage of recreational vehicles, including boats, campers and other items related to recreational use.

“RECYCLING CENTER” An operation, potentially located within a fully enclosed building, utilized for the collection, initial processing and resale of: aluminum, glass, paper, plastics and other used materials.

“RELIGIOUS PLACES OF WORSHIP” An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

“RESEARCH AND DEVELOPMENT LABORATORIES” An establishment in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the laboratory.

“RESIDENTIAL FACILITY, SMALL” A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living. Residential Facility, Small shall mean a residential facility where there is supervision in a family setting of 6 to 8 persons. See also “ADULT FAMILY HOME”.

“REST HOME” See Convalescent Care Facility.

“RESTAURANT” An establishment with or without 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 nondisposable containers.

“RESTAURANT, FAST FOOD” An establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers, with or without table service, directly to the consumer in a ready-to-consume state.

“RIGHT-OF-WAY” A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curb, lawn strips, sidewalks, lighting, and drainage facilities and may include special features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts and bridges. The right-of-way of any street, except as specified in the Official Highway Plan for Clermont County, Ohio, shall be deemed to be 50 feet in width.

“ROADSIDE STAND” A temporary structure designed or used for the display or sale of agriculturally related products where fifty percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the stand operator in a normal crop year.

“SEAT” For the purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

“SEATING CAPACITY” or “MAXIMUM SEATING CAPACITY” The maximum seating capacity of the building as determined by the Ohio Building Code.

“SECONDARY DWELLING UNIT” An additional dwelling unit, attached to a single-family dwelling, for residential purposes for related family members which is clearly subordinate to the primary unit.

“SELF-SERVICE STORAGE FACILITY” A structure containing separate, individual and private storage spaces of varying sizes that are owned, leased or rented, for varying periods of time, for the storage of customer’s goods or wares.

“SETBACK LINE” The required minimum horizontal distance between the building line and the related front, side or rear property line in which no building, other than an accessory building or structure, may be located above ground.

“SEWERS, CENTRAL OR GROUP” An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for single development, community or region.

“SEWERS, ON-SITE” A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

“SHALL” Imposes a mandatory requirement or restriction.

“SHOPPING CENTER” A grouping of retail and service uses on a single site that is developed, owned and managed as a unit with off-street parking as an integral part of that unit.

“SHOULD” Expresses that the application of such criteria, standard, or course of conduct is desired and essential unless commensurate criteria or standards are permitted or achieved.

“SIDEWALK” That portion of the road right-of-way outside of the roadway, which is improved for the use of pedestrian traffic and therefore must be maintained in a manner that does not impede such traffic flow.

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

“SIGN, ABANDONED” A sign, the use for which it represents, has been discontinued for any period of time.

“SIGN, AREA” See Article 40.

“SIGN, BANNER” Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plaster or fabric of any kind. National flags of political subdivisions, and symbolic flags of any institution or business shall not be considered banners.

“SIGN, BILLBOARD” A nonpoint-of-sale sign which advertises a business, organization, event, person, place or thing unless such sign is more specifically defined herein.

“SIGN, CANOPY” A sign attached to the soffit or fascia of a canopy, of a covered entrance or walkway, or to a permanent awning or marquee.

“SIGN, CHANGEABLE COPY” A sign designated so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. This shall also include the changing of copy on billboards. Changeable copy shall include copy that is changed mechanically, electronically or manually.

“SIGN, CONSTRUCTION” Any sign giving the project name, architect or engineer, contractor, lending institutions, materials supplier, or others engaged in work on the construction site on which the sign is located.

“SIGN, DIRECTIONAL” A non-commercial sign of an instructional nature, such as “parking”, “exit”, or “entrance”, displayed solely for the convenience of the public. No more than twenty-five (25%) of such sign shall be devoted to the name or logo of the

property, business, or profession on the site and containing no business advertising, product trade name identification, or listing of any product sold or offered on or off the premises.

“SIGN, ELECTRONIC MESSAGE” A sign whose alphabetic, pictographic, or symbolic information content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments.

“SIGN, FREESTANDING” Any sign which is supported by structures or supports in or upon the ground and independent of support from any building not to include portable or mobile signs.

“SIGN, GROUND-MOUNTED” A sign supported by direct contact with the ground, a permanent base, or rests upon one or more posts or supports that are no more than 4 feet high.

“SIGN, ILLUMINATED” Any sign illuminated in any manner by an artificial light source.

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

“SIGN, MARQUEE” Any sign attached to and made part of a marquee. A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building wall and generally designed and constructed to provide protection against the weather.

“SIGN, OFF PREMISE” A sign that advertises goods, products, services, or facilities or diverts persons to a different location from where the sign is installed.

“SIGN, ON PREMISE” A sign identifying or advertising a business, person, activity, goods, products or services located on the premise where the sign is installed and maintained.

“SIGN, POLE” A sign which is supported by a pole or poles and designed to permit pedestrian or vehicular traffic thereunder.

“SIGN, POLITICAL” A sign advocating action on a public issue or indicating a candidate for public office.

“SIGN, PROJECTING” A sign, other than a wall sign, affixed to any building or wall whose leading edge extends beyond such building or wall.

“SIGN, REAL ESTATE” A sign which is used to offer for sale, rental, or lease of the premises or part of the premises on which the sign is placed.

“SIGN, ROOF” Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

“SIGN, SNIPE” Any sign of any material whatsoever that is attached in any way to a utility pole, tree or any object located or situated on a public or private property.

“SIGN, TEMPORARY” A sign or searchlight of any type, including banners and pennants, to announce special events or sales, to announce the sale, lease, or rental of property, designed for use for a limited period of time.

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

“SIGN, WINDOW” A sign painted, attached, or affixed inside or upon a window or doors of a building, facing the outside, or any sign placed, hung, or affixed on the inside of a premises which is intended to be seen from the exterior of the building.

“SMALL WIND ENERGY CONSERVATION SYSTEM” An engine or motor having a drive shaft driven by the impulse air to create power for the site where such system is located. For the purposes of this zoning resolution, a small wind energy conservation system is one that creates under 100 Kilowatts of power.

“SOLAR PANEL” A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

“STABLE” A structure for the keeping of livestock such as: horses, ponies, goats or cows.

“STORY” That part of a building, other than a basement as defined herein, included between the finished floor and the finished floor next above, or, if no floor above, the space between the floor and the ceiling immediately above.

"STORAGE or UTILITY SHED" An accessory structure devoted to the storage of household items, including lawn equipment, pool equipment, and similar domestic type belongings. The structure, by size and design, is not intended for the storage of automobiles, travel trailers and other such vehicles. If structure is 25 square feet or less, it shall be classified as a utility shed.

“STRUCTURE” Anything constructed or erected, the use of which requires location on the ground, or attachment of something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards.

“STRUCTURE, ACCESSORY” A subordinate structure detached from the main building on the same lot, or on an adjoining lot of common ownership, the use of which is incidental and accessory to that of the main building or principal use.

“SUPPLY YARDS” A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

“SWIMMING POOL, PRIVATE” Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing located at a dwelling housing no more than three families and used exclusively by the residents and their non-paying guests.

“SWIMMING POOL, PUBLIC” Any indoor or outdoor structure, chamber or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving or bathing and is operated by any person whether as the owner, lessee, operator, licensee, or concessionaire, regardless of whether or not fee is charged for use, but does not mean any private swimming pool or impounding reservoir, basin, lake, pond, creek, river, or other similar natural body of water.

“TAVERN” An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food is available for consumption on the premises.

“TELECOMMUNICATION TOWER” Any structure or device, including accessory structures, used to receive or transmit electromagnetic waves between cellular phones, pagers, and ground wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services or other structures that meets all of the criteria as established in the Ohio Revised Code, Section 519.211(B).

“TELECOMMUNICATIONS TOWER, HEIGHT OF.” The height from the base of the structure to its top; including any antenna located thereon.

“THROUGH LOTS” See Lot Types.

“TRAILER” Any vehicle without motor power designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle when formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, and a vehicle used to transport agricultural produce or agricultural production materials between a local place of storage or supply and the farm when drawn or towed on a public road or

highway at a speed greater than 25 miles per hour, except a house trailer and travel trailer.

“TYPE-A FAMILY DAY CARE HOME” A permanent residence of the provider in which child day care or publicly funded day care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided to four to 12 children at one time if four or more 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-A day care home shall be counted. Type-A 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-A day care homes do not include any child day camp as defined in ORC Section 5104.01.

“TYPE-B FAMILY DAY CARE HOME” 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 ORC Section 5104.01.

“USE” The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

“USE, ACCESSORY” A use located on the same zoning lot or adjacent lot of common ownership with the main building, other structure, or land, which is subordinate and related to that of the main building or principal use.

“USE, CONDITIONAL” A use that owing to some special characteristics, may be permitted in a district but only after approval of the Board of Zoning Appeals, and may be subject to special requirements or conditions to ensure that the use and operation will not be detrimental to the public health, safety or general welfare of the Township.

“USE, PRINCIPAL” A use which is permitted, as of right, in a district for which a Zoning Certificate shall be issued by the Zoning Administrator, provided that the applicant meets the applicable requirements of this Code.

“USE, TEMPORARY” A use established for a fixed period of time with the intent that such use will terminate upon expiration of the fixed time period unless permission to conduct the use is renewed.

“VARIANCE” A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to

conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

“VEHICLE, COMMERCIAL” Any vehicle used or designed to be used for business or commercial purposes that includes, but is not necessarily limited to: a bus, cement truck, commercial tree trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, step van, tank truck, tar truck or other commercial type vehicle licensed by the state as a commercial vehicle or truck.

“VEHICLE, RECREATIONAL” A vehicular portable structure designed and constructed to be primarily used as a temporary dwelling for travel, recreational, and vacation uses including but not limited to the following:

- A. “TRAVEL TRAILER” A non-self-propelled recreational vehicle not exceeding an overall length of 35 feet, exclusive of bumper and tongue or coupling, and includes tent type fold out camping trailer.
- B. “MOTOR HOME” A self-propelled recreational vehicle constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- C. “TRUCK CAMPER” A non-self-propelled recreational vehicle, without wheels for road use, and designed to be placed upon and attached to a motor vehicle. Truck camper does not include truck covers which consist of walls and roof but do not have floors and facilities for using same as a dwelling.

“VETERINARY HOSPITAL or CLINIC” A place 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 on the premises for treatment, observation and/or recuperation. This facility may also provide relevant services related to the daily care and well being of healthy animals. If accessory services include a boarding kennel with outdoor runs, additional setback requirements will apply.

“VICINITY MAP” A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Clermont County in order to better locate and orient the area in question.

“WALKWAY” A dedicated public way, four (4) feet or more in width, for pedestrian use only, whether or not along the side of a road.

“WAREHOUSE” A building used primarily for the storage of goods and materials.

“WHOLESALE BUSINESS” Establishments or places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutions, or professional

business users; to other wholesalers; or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

“YARD” A required open space, other than a court, unoccupied and unobstructed by any structure or portion of a structure from the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. “YARD, FRONT” A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. “YARD, REAR” A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- C. “YARD, SIDE” A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

“YARD, REQUIRED” The minimum yard required between a lot line and building line or the line of any parking area or any other use requiring a yard in order to comply with the zoning regulations of the district in which the lot is located. A required yard shall be opened and unobstructed from the ground upward except for projections on buildings as permitted in this code, and except for walks and landscaping and other permitted yard or site features.

“ZONING ADMINISTRATOR” The person(s) responsible for administering the regulations of the Batavia Township Zoning Resolution as established herein.

“ZONING CERTIFICATE” A document, also known as a Zoning Permit, issued by the Zoning Department authorizing the use of lots, structures, uses of land and structures, and the characteristics of those uses.

“ZONING COMMISSION” The Zoning Commission of Batavia Township.

“ZONING INSPECTOR” The Zoning Inspector of Batavia Township.

**ARTICLE 3
DISTRICT ESTABLISHMENT AND MAP**

3.01 DIVISION OF TOWNSHIP INTO DISTRICTS

The unincorporated area of Batavia Township over which this Resolution has jurisdiction is hereby divided into districts or zones. The initial(s) preceding the name of each district serves for immediate identification. Districts are as follows:

A	Agricultural District
E-R	Estate Residential
R-1	Single-family District
R-3	Residential Multi-family District
O-B	Office-Business District
B-1	Community Business District
B-2	General Business District
C-I	Campus Industrial District
I	Industrial District
M-I	Major Industrial District
PD	Planned Development District
SPO	Special Planning Overlay District

3.02 OFFICIAL ZONING MAP

The boundaries of said districts, set forth in Section 3.01, are hereby established upon a map designated as the Batavia Township Zoning Map. This map is on file in the Office of the Zoning Department of Batavia Township. The Batavia Township Zoning Map is hereby made a part of this Resolution, as are all designations and boundaries indicated thereon.

3.03 INTERPRETATION OF MAPS AND DISTRICT BOUNDARIES

The boundaries of each district are intended to follow property lines, lot lines, or the center lines of streets and lanes as they existed at the time of adoption of this Resolution. Distances can generally be scaled directly from the Zoning Map with the use of an engineer's scale, but should questions arise concerning the exact location of any district boundary lines, these questions shall be determined by the Zoning Administrator. Any appeal of this decision shall be made to the Board of Zoning Appeals in accordance with the powers delegated to the Board by law and by this Resolution.

**ARTICLE 4
DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

4.01 GENERAL

Amendments or supplements to this Zoning Resolution may be applied for, initiated and accomplished as outlined under the provisions of Section 519.12 of the Ohio Revised Code which is hereby incorporated by reference and as it may be amended from time to time by the Ohio General Assembly. All procedures as outlined in said Code shall be followed.

Applications for zone changes may be initiated by the filing of a petition by the owner, lessee or his/her agent requesting a change, said petition setting forth the full facts and particulars involved and said petition to be filed with the Township Zoning Administrator.

4.02 REQUIRED INFORMATION

The burden shall be upon the applicant to furnish such details and information as may be pertinent to the application in order that the Township Zoning Commission and Trustees may be fully advised in all particulars. The application for amendment shall contain at least the following information:

- A. Name, address and phone number of the applicant;
- B. Proposed amendment to the text or legal description of property for a map change;
- C. Present use;
- D. Present zoning district and present school district(s) along with boundaries;
- E. Proposed use;
- F. Proposed zoning district;
- G. A vicinity map at a scale approved by the Zoning Administrator showing property lines, streets, existing and proposed zoning and such other items as the Zoning Administrator may require;
- H. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case;
- I. A statement on how the proposed amendment relates to the Batavia Township Growth Management Plan and a justification for the proposed amendment;
- J. A fee as established by the Batavia Township Trustees.

**ARTICLE 5
ADMINISTRATION AND ENFORCEMENT**

5.01 PURPOSE

This Resolution sets both the powers and duties of the Zoning Administrator, Zoning Commission, and the Board of Zoning Appeals with respect to the administration of this Resolution.

5.02 RESPONSIBILITIES OF THE ZONING ADMINISTRATOR

A Zoning Administrator, designated by the Batavia Township Board of Trustees, shall administer and enforce this Resolution, and he/she may be provided with the assistance of such other persons as the Batavia Township Board of Trustees may direct.

It shall be the duty of the Zoning Administrator to:

- A. Enforce the provisions of this Resolution and interpret the meaning and application of its provisions with the input of legal counsel where applicable.
- B. Order discontinuance of illegal uses of land, buildings or structures.
- C. Order removal of illegal buildings or structures or illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done.
- E. Upon finding that any of the provisions of this Resolution are being violated, he/she shall notify, in writing, the person responsible for such violation(s), specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Resolution.
- F. Receive, review and make determinations on applications for Zoning Certificates.
- G. Issue Zoning Certificates as provided by this Resolution, and keep a record of same with notations of special conditions involved.
- H. Review and process plans pursuant to the provisions of this Resolution.
- I. Maintain permanent and current records required by this Resolution, including but not limited to the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and Conditional Uses. These records shall be made available for use of the Township Trustees, Township Zoning Commission, Township Board of Zoning Appeals and to the public.

- J. Revoke a Zoning Certificate or approval issued contrary to this Resolution or based on a false statement or misrepresentation on the application.
- K. Take any other action authorized by this Resolution or such other duties as specified from time to time by the Batavia Township Board of Trustees, to ensure compliance with or to prevent violations of this Resolution. This may include the issuance of and action on Zoning Certificates, on land conveyances, and such similar administrative duties as are permissible under the law.

Appeal from the decision of the Zoning Administrator may be made to the Board of Zoning Appeals, as provided herein.

5.03 TOWNSHIP ZONING COMMISSION (BTZC)

The Batavia Township Zoning Commission is established in accordance with Section 519.04 of the Ohio Revised Code and as follows:

A. Appointment

The Commission shall be composed of five (5) members who reside in the unincorporated area of the Township, to be appointed by the Batavia Township Board of Trustees , and the terms of the members shall be of such length and so arranged that the term of one member will expire each year on January 1st. Each member shall serve until his successor is appointed and qualified. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Batavia Township Board of Trustees , upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by members appointed by the Batavia Township Board of Trustees and shall be for the respective unexpired term.

The Batavia Township Board of Trustees may appoint two (2) alternate members to the Township Zoning Commission, for terms to be determined by the Batavia Township Board of Trustees . An alternate member shall take the place of an absent regular member at any meeting of the Township Zoning Commission, according to procedures prescribed by resolution by the Batavia Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

B. Organization

The Zoning Commission shall organize and adopt rules for the transaction of business, and keep a record of its actions and determinations. Meetings of the Commission shall be held at the call of the Secretary or Chairman, and at other times as the Commission may determine. All meetings of the Commission shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed in the Zoning Department and kept as public record.

Three (3) members of the Commission shall constitute a quorum. Such quorum may exercise the powers of the Commission and the actions of a majority of the full Commission. All actions of the Commission shall have the concurrence of at least three (3) members, and the failure of any proposed amendment, supplement or action to receive an affirmative vote of at least three (3) members of the Commission present shall be considered a recommendation or vote against such amendment, supplement, or action and shall be so recorded and certified as applicable.

The Commission may call upon Township or County Departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance as may reasonably be required.

C. Responsibilities

For the purpose of this Resolution, the Commission shall have the following responsibilities:

1. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Resolution where same will promote the best interest of the public in general through recommendation to the Batavia Township Board of Trustees.
2. Review all proposed amendments to this Resolution (text and/or map) and make recommendations to the Board of Trustees, as specified in Article 4.
3. Review all Planned Developments and make recommendations to the Board of Trustees.

5.04 TOWNSHIP BOARD OF ZONING APPEALS (BZA)

The Township Board of Zoning Appeals is hereby created in accordance with Section 519.13 of the Ohio Revised Code and as follows:

A. Appointment and Organization

A quasi-judicial board is hereby created, such board to be known as the Board of Zoning Appeals, consisting of five (5) members who shall be residents of the unincorporated area of Batavia Township. These members shall be appointed by the Township Trustees and the terms of these members shall be five (5) years beginning January 1 each year. Each member shall serve until his successor is appointed and qualified. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause by the Batavia Township Board of Trustees, upon written charges being filed with the Board of Trustees, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the members so charged at least ten (10) days prior to the hearing, either personally, by registered mail, or by leaving such copy at their usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by members appointed by the Batavia Township Board of Trustees and shall be for the unexpired term.

The Batavia Township Board of Trustees may appoint two (2) alternate members to the Township Board of Zoning Appeals, for terms to be determined by the Batavia Township Board of Trustees. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals, according to procedures prescribed by resolution by the Batavia Township Board of Trustees. An alternate member shall meet the same appointment criteria as a regular member. When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

The presence of three (3) members shall constitute a quorum. The concurring vote of three (3) members of the Board shall be necessary to reverse or modify any order, requirement, or decision of the Zoning Administrator or to decide in favor of the applicant in any matter upon which the Board is required to pass or effect any variation.

The Board shall adopt rules and regulations as it may deem necessary to carry into effect provisions of this Article. Meetings of the Board shall be held at the call of the Chairman or Secretary, and at such other times as the Board determines. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep such

records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Trustees and be a public record.

The Board shall hear and decide all questions brought before it by appeal from the regular granting or revocation of certificates by the Zoning Administrator under the provisions of this Resolution. It shall also hear and decide all matters referred to it or upon which it is required to pass under this Resolution. Within its powers, the Board may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the office from whom the appeal is taken.

B. Jurisdiction

Any determination by the Zoning Administrator made in the enforcement of this Resolution may be appealed to the Board of Zoning Appeals by any person deeming himself adversely affected by such decision or by any officer of the Township, pursuant to the Ohio Revised Code 519.15.

C. Public Hearing

The Board of Zoning Appeals shall fix a reasonable time for the public hearing of any appeal, give at least ten (10) days notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least ten (10) days before the date of such hearing. Upon the hearing, any person may appear in person, by agent, or by attorney.

D. Responsibilities

The Board of Zoning Appeals shall have the power upon appeal to permit exceptions to and variances from this Resolution and its requirements as follows:

1. Temporary Zoning Certificate

Grant a Certificate in any district for a temporary building or use incidental to the residential, commercial or industrial development. The Board's decision regarding the appropriateness of granting such certificate shall be dependent upon the nature and the intensity of the proposed use and a determination that it will not be hazardous or disturbing to existing neighboring uses and that the public health and safety will be maintained through proper provisions for utilities, ingress, egress and parking. Such Certificate shall not be issued for a period of more than one (1) year, unless the Board of Zoning Appeals determines that additional time is necessary and appropriate

2. Variances

Where, by reason of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment of this Zoning Resolution or by reason of the exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property, the application of these zoning regulations would result in particular and exceptional practical difficulty to or exceptional or undue hardship upon the owner of such property, the Board of Zoning Appeals shall have the power in this specific case to vary from such strict application so as to relieve such difficulty or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Resolution as established in Section 5.06.

3. Conditional Uses

Grant a Conditional Use Certificate for the erection of buildings and the use of buildings and lands if such specific uses are provided for in the Zoning Resolution. Conditional uses shall be reviewed as per the regulations established in Section 5.07 of this Resolution.

4. Non-Conforming Uses

To hear and determine the substitution, enlargement or extension of a non-conforming use existing at the time of enactment of this Resolution. Standards and procedures for non-conforming uses shall conform to Article 6 of this Resolution.

5. Administrative Appeal

To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Zoning Resolution. Procedures for administrative appeals shall conform to Section 5.05 of this Resolution.

5.05 PROCEDURE FOR ADMINISTRATIVE APPEALS

The following provisions shall apply to the Board of Zoning Appeals for administrative appeals:

A. Authorization

An appeal from a decision of the Zoning Administrator, with respect to the interpretation or application of this Resolution, may be taken to the Board of Zoning Appeals by any person aggrieved, or his agent, or by any Officer of the Township affected by such decision of the Zoning Administrator.

B. Notice of Appeal to Board

Appeals to the Board shall be filed within twenty (20) days after the decision of the Zoning Administrator by filing a written notice of appeal with the Board of Zoning Appeals on the form specified by the Zoning Administrator.

The notice of appeal shall specify the grounds for such appeal. Upon receipt of a notice of appeal, the Zoning Administrator shall transmit to the Board all of the papers constituting the record upon which the decision being appealed was based.

C. Hearing on Appeal

A hearing on the appeal shall be held by the Board and notice thereof given, as specified under Section 5.04(C) of this Resolution.

D. Decision on Appeals

The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of three (3) of the members of the Board present at the meeting shall be necessary to reverse or modify any decision of the Zoning Administrator under this Resolution. The Board shall render a written decision without unreasonable delay on the application after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

5.06 PROCEDURE FOR OBTAINING A VARIANCE

The procedures for obtaining a variance shall be as follows:

A. Authorization

The Board of Zoning Appeals may authorize variances from the terms of this Resolution when the Board has made written findings of fact, based upon the standards set out in Subsection 5.06(D) of this Resolution.

B. Request for Variance

An application for a variance shall be filed with the Board of Zoning Appeals, which shall contain the following:

1. Description of Property and Nature of Variance

- a. The nature of the variance including the specific provisions of the Zoning Resolution from which the variance is requested.
- b. A description sufficient to identify the property, including a reference of the book and page of the last recorded deed.
- c. A list of property owners, including names and mailing addresses, contiguous to, and directly across the street from the property subject to the variance request.
- d. A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the zoning district.
- e. A statement showing that the special conditions and circumstances creating the “unnecessary hardship” for a use variance and a “practical difficulty” for an area variance do not result from the actions of the applicant.
- f. A statement showing that the granting of the variance is necessary to the preservation and enjoyment of substantial property rights.
- g. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The application shall be accompanied by at least six (6) copies of a plot plan drawn to an appropriate scale showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.

- d. The relationship of the requested variance to the standards set by the Zoning Resolution.
- e. The use of land and location of structures on adjacent property.

C. Hearing on Variance

A hearing on the application shall be held by the Board and notice thereof given, as specified under Section 5.04(C) of this Resolution.

D. Standards for Variance

Where an applicant seeks a variance, said applicant shall be required to supply evidence that demonstrates that the literal enforcement of this zoning resolution will result in practical difficulty for an area/dimensional variance or unnecessary hardship for a use variance.

1. Area/Dimensional Variance

The following factors shall be considered and weighed by the Board to determine practical difficulty:

- a. 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 non-conforming and inharmonious uses, structures or conditions.
- b. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.
- c. Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures.
- d. 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.
- e. Whether the variance would adversely affect the delivery of governmental services such as water, sewer, trash pickup.
- f. Whether special conditions or circumstances exist as a result of actions of the owner.
- g. Whether the property owner's predicament can feasibly be obviated through some method other than a variance.

- h. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance.
 - i. 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.
- 2. 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 Board shall determine that strict compliance with the terms of this zoning 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 hardship condition is not created by actions of the applicant.
- e. The granting of the variance will not adversely affect the rights of adjacent property owners or residents.
- f. The granting of the variance will not adversely affect the public health, safety or general welfare.
- g. The variance will be consistent with the general spirit and intent of this zoning resolution.
- h. The variance sought is the minimum that will afford relief to the applicant.

E. Conditions and Restrictions

In granting a variance, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to comply with the standards set out in Subsection 5.06(D) of this Resolution to reduce or minimize potentially injurious affects of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Variance

The Board shall have all the powers of the Zoning Administrator with respect to such decision. The concurring vote of three (3) of the members of the Board shall be necessary to reverse or modify any decision of the Zoning Administrator under this Resolution. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A variance granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the variance, unless within such twelve (12) month period, a Zoning Certificate is obtained.

5.07 PROCEDURE FOR CONDITIONAL USE PERMITS

The following provisions shall apply to the issuance of Conditional Use Permit:

A. Authorization

Specifically listed Conditional Uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such zoning district.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B. Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Resolution in the zoning district in which the property is situated. An application for a Conditional Use permit shall be filed with the Zoning Administrator and forwarded to the Secretary of the Board of Zoning Appeals.

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use

- a. A description sufficient to identify the property including a reference of the book and page of the last recorded deed.

- b. The proposed use of the property.
- c. A statement of the necessity or desirability of the proposed use to the property and land use.
- d. A statement of the compatibility of the proposed use to adjacent property and land use.
- e. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action by the Board of Zoning Appeals.

2. Plot Plan

The application shall be accompanied by at least six (6) copies of the plot plan, drawn to an appropriate scale clearly showing the following:

- a. The boundaries and dimensions of the lot.
- b. The size and location of existing and proposed structures.
- c. The proposed use of all parts of the lot and structures, including accessways, walks, off-street parking, loading spaces, and landscaping.
- d. The relationship of the proposed development to the development standards in the existing zoning district.
- e. The use of land and location of structures on adjacent property.
- f. A list of property owners, including names and mailing addresses, contiguous to, and directly across the street from the property subject to the Conditional Use request.

3. Fees

Fees as established by Article 99 of this Resolution.

C. Hearing on Conditional Use

A hearing on the application shall be held by the Board and notice thereof given, as specified under Subsection 5.04(C) of this Resolution.

D. Standards for Conditional Use

The Board shall not grant a Conditional Use unless it shall, in each specific case, make specific written findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

1. The proposed use is in fact a Conditional Use established within the applicable zoning district.
2. Adequate utility, drainage and other such necessary facilities have been or will be provided.
3. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion to public streets and alleys.
4. All necessary permits, and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits and licenses are obtainable for the proposed Conditional Use on the subject property.
5. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
6. The location, nature, and height of buildings, structures, walls, and fences on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings and structures.
7. Will not be hazardous or disturbing to existing or future neighboring uses.
8. Evidence that the Conditional Use desired will not adversely affect the public health, safety and morals.

When considering a Conditional Use request for a use similar to those indicated in a specific District, in addition to the standards in this Section, the Board Shall

determine that the proposed use is not specifically identified in another District which would allow the proposed use by a redistricting of the subject property.

E. Conditions and Restrictions

In granting a Conditional Use Permit, the Board may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to comply with the standards set out in Subsection 5.07(D) to reduce or minimize potentially injurious affects of such Conditional Uses upon other property in the neighborhood, and to carry out the general purpose and intent of this Resolution.

F. Decision on Conditional Uses

The concurring vote of three (3) of the members of the Board present at the meeting shall be necessary for approval. The Board shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within thirty (30) days after the close of the hearing.

G. Period of Validity

A Conditional Use Permit granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the Conditional Use, unless within the twelve (12) month period such use has commenced or a building permit is obtained and the erection or alteration of a structure is started.

5.08 ZONING CERTIFICATE REQUIRED

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Administrator. Such Certificate shall show that such building or premises or part thereof, and the proposed use thereof, are in conformity with the provisions of this Resolution. A Zoning Certificate shall be required for any of the following:

- A. Construction or expansion of any building, including accessory buildings.
- B. Change in use of an existing building or accessory building to a use of a different classification.
- C. Change in the use of land or excavation in preparation for the change in the use of land to a use of a different classification.
- D. Any change in the use of a non-conforming use.

It shall be the duty of the Zoning Administrator to issue a Certificate, provided that he/she is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Resolution. No Certificate for excavation or construction shall be issued by the Zoning Administrator unless the plans, specifications and the intended use conform to the provisions of this Resolution.

Under written request from the owner or tenant, the Zoning Administrator shall issue a Zoning Certificate 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.

5.09 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE

The application for a Zoning Certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the Certificate shall expire if work has not begun within six months or has not been substantially completed within one year from the date the certificate is issued. The application shall contain the following information as a minimum:

- A. Name, address and phone number of the applicant;
- B. Legal description of the property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Every application for a Zoning Certificate shall be accompanied by plans in duplicate, drawn to scale in black line or blueprint, showing:
 - 1. The actual shape and dimensions of the lot to be built upon or to be changed in its use in whole or in part;
 - 2. The exact location, size and height of any building or structure, or proposed alteration of an existing building or structure, as would substantially alter its appearance, drawings or sketches showing the front, sides and rear elevations of the proposed building or structure as it will appear after work for which a Certificate is sought is completed;
 - 3. The existing and intended use of each building or structure or part thereof;

4. The number of families or housekeeping units the building is designed to accommodate, and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and
 5. Such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Resolution.
- G. Building heights;
- H. Number of off-street parking spaces and loading berths;
- I. Number of dwelling units;
- J. The school district boundaries; and
- K. Such other information or matters as may be necessary to determine conformance with, and provide for the enforcement of this Resolution.

One (1) copy of such plans shall be returned to the owner when such plans have been approved by the Zoning Administrator, together with Zoning Certificates as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started with lot line stakes to remain in place until all Zoning Department inspections have been completed.

5.10 APPROVAL OF ZONING CERTIFICATE

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application. Site plan review in accordance with Article 38 may be required prior to the issuance of a Zoning Certificate. All Zoning Certificates shall, however, be conditioned upon the commencement of work within six (6) months. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator, after he shall have marked such copy as either approved or disapproved and attested to the same by his signature on such copy. One copy of plans similarly marked shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting the fact that the use or alteration is in conformance with the provisions of this Resolution.

5.11 SUBMISSION TO STATE HIGHWAY DIRECTOR

Before any Zoning Certificate is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Highway Director, or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give

notice, by registered or certified mail to the State Highway Director. The Zoning Administrator shall not issue a Zoning Certificate for one hundred twenty (120) days from the date the notice is received by the State Highway Director. If the State Highway Director notifies the Zoning Administrator that he shall proceed to acquire the land needed, then the Zoning Administrator shall refuse to issue the Zoning Certificate. If the State Highway Director notifies the Zoning Administrator that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period of any extension thereof agreed upon by the State Highway Director and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this Resolution, issue the Zoning Certificate.

5.12 EXPIRATION OF A ZONING CERTIFICATE

If the work described in any Zoning Certificate has not begun within six (6) months from the date of issuance thereof, said permit shall expire, and written notice thereof shall be given to the person(s) affected. If the work described in any Zoning Certificate has not been substantially completed within one (1) year from the date of issuance thereof, said certificate shall expire and written notice thereof shall be given to the person(s) affected, together with notice that further work as described in the canceled Certificate shall not proceed unless and until a new Zoning Certificate is obtained or extension is granted.

5.13 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS AND CERTIFICATES

Zoning Certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and specifications or amendments thereto, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this Resolution and punishable as provided in Article 99 of this Resolution.

ARTICLE 6 NON-CONFORMING USES

6.01 INTENT

Within the Districts established by this Resolution or amendments that may be later adopted, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this Resolution was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Resolution or future amendments. It is the intent of this Article to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Resolution that, except as provided herein, non-conformities shall not be enlarged upon, expanded, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same District. When governmental action results in acquisition of private property for public right-of-way and when such action results in the creation of or an increase in the degree of a non-conformity, the Zoning Administrator shall administratively authorize such conveyance of property by affixing her/his signature to the record plat denoting such conveyance, while acting on behalf of the Township.

6.02 INCOMPATIBILITY OF NON-CONFORMING USES

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

6.03 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Resolution and upon which actual building construction has been diligently pursued toward completion.

6.04 SINGLE NON-CONFORMING LOTS OF RECORD

In any District where dwellings are permitted, a single-family detached dwelling may be erected on any lot or parcel of record on the auditor's tax plats at the effective date of adoption or amendment of this Resolution, irrespective of its area, or width, or both, provided the applicable yard and other open space requirements of this Resolution are met.

6.05 NON-CONFORMING USES OF LAND

Where, at the time of adoption or amendment of this Resolution, lawful uses of land exist which would not be permitted by the regulations imposed by this Resolution, the uses may be continued so long as they remain otherwise lawful, except when required to change by law or order, provided:

- A. No such non-conforming use shall in anyway be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution.
- B. No such non-conforming 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 of this Resolution.
- C. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming use of land.

6.06 NON-CONFORMING STRUCTURES

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

- A. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.
- B. Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Resolution, and except as permitted in Section 6.09.
- C. Should such non-conforming structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

6.07 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

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

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

6.08 TERMINATION OF NON-CONFORMING USE BY DAMAGE OR DESTRUCTION

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

- A. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and the rebuilding shall be diligently pursued to completion;
- B. Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such damage or destruction;
- C. Any lawfully existing non-conforming single or multi-family dwelling, in the event of damage or destruction, including loss up to one hundred (100%) percent of the structure, may be reconstructed substantially to the same size, density, dimension and setback as existed before the loss. Reconstruction must commence within two (2) years of the loss, and be completed no later than four (4) years

after the loss. If reconstruction is not commenced or completed within this time frame, current zoning regulations will then apply.

6.09 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

Any use that is permitted as a Conditional Use in a District under the terms of this Resolution shall not be deemed a non-conforming use in such District, but shall without further action, be considered a conforming use.

**ARTICLE 7
SUPPLEMENTAL REGULATIONS**

7.01 JUNK YARDS, JUNK BUILDINGS, JUNK SHOPS, SALVAGE YARDS

No junk yard, junk building, junk shop or junk salvage yard shall be operated within Batavia Township.

7.02 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags or any other discarded objects or debris defined as junk in the Ohio Revised Code, or other items which, due to their condition, can no longer serve their intended purpose, shall be prohibited in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents which leads to disease.

7.03 QUARRIES, MINING AND GRAVEL PITS

Quarries, mines and gravel pits shall be permitted only in the I Industrial and M-I Major Industrial Districts, only when a Conditional Use is approved by the Board of Zoning Appeals. In addition to the other requirements imposed by this Resolution, the following requirements shall be met.

A. Submission of Additional Information

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

1. Name of the owner or owners of land from which the operation is being carried on.
2. Name of the applicant making request for such a permit.
3. Name of the person or corporation conducting the actual operation.
4. Location, description and size of the area from which the removal is to be made.
5. Location of the processing plant to be used and any accessory or kindred operations that may be utilized in connection with the operation of the processing plant by the mining processor or any other firm, person or corporation. The processing plant shall be located as to minimize the problems of dust, dirt and noise, insofar as reasonably possible.
6. Type of resources or materials to be removed.

7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. General description of the equipment to be used.
9. Method of rehabilitation and reclamation of the mined-out area, including a grading plan showing existing contours in the area to be excavated and the proposed future contours showing the topography of the area after completion. Such plan shall include the surrounding area within five hundred (500) feet of the property boundary line, drawn to an appropriate scale with contour lines at intervals of five (5) feet or less.

B. Development Standards

1. No part of a quarrying, mining operation or gravel pit shall be closer than 500 feet to any property line, road, street, residence district, residence, educational institution, religious place of worship or institution for human care.
2. For the protection of public safety, the individual, firm or corporation in charge of the operation shall erect and maintain a metal fence at least 8 feet in height around the entire area and said fence shall be suitably posted advising the public of the operation contained therein and stating that no trespassing is permitted. Such fence shall be buffered from public view as per the requirements of Article 9, Buffering and Landscaping.
3. Roads leading into the quarry, mine or pit shall be kept free of dust and mud and in adequate condition for the traffic carried. Roads exiting the quarry, mine or pit shall be paved with a durable and dustless surface, adequate for the traffic carried, at least one hundred (100) feet from the public right-of-way to prevent mud and gravel from entering onto the roadway.
4. Any excavated area adjacent to a right-of-way of any public street or road shall be back-filled for a distance of one hundred fifty (150) feet from the right-of-way line.
5. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise and vibration.
6. The Board is authorized to impose such requirements with respect to providing additional adequate barriers as it may feel necessary to protect the public safety, welfare and property values.

C. Rehabilitation Requirements

All mined-out areas shall, within a reasonable length of time, be reclaimed and rehabilitated and the Board, at its discretion, may fix a bond in a reasonable amount to assure that such rehabilitation and reclamation will be carried out. The Board shall be guided by the following standards with respect to rehabilitation and reclamation of mined-out areas:

1. All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the water mark, or shall be graded or backfilled with non-noxious, noncombustible and nonflammable solids, to secure:
 - a. That the excavated area shall not collect and permit to remain therein, stagnant water; or
 - b. That the surface of such area which is not permanently submerged is graded or back-filled as necessary so as to reduce the peaks and depressions thereof so as to produce a gently rolling surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.
2. The banks of all sand and gravel excavations in a water producing excavation, shall be sloped to the water line, at a slope which will not be less than three (3) feet horizontal to one (1) foot vertical and said banks shall be restored with vegetation in a manner set forth in Subsection 3.
3. Vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said mining area where the same is not submerged under water.
4. Proper drainage shall be provided for the mined-out area.
5. All equipment and structures shall be removed from the mined-out area within six (6) months of the completion of the mining therefrom.
6. The Board may impose such other reasonable conditions and restrictions as it may deem necessary for the protection of the public and to encourage the mining and processing of the sand and gravel from the authorized area.
7. Due to the inherent difficulties in reclaiming and rehabilitating areas from which stone has been quarried, or mined, the Board is hereby empowered, in the issuance of a Conditional Use permit for quarrying operations, to impose such reasonable standards for reclamation as may be necessary to protect the public interest, without unduly restricting the operations of the mine owner.

7.04 AUTOMOTIVE FILLING STATIONS, PARKING LOTS AND GARAGES

The following regulations and standards shall apply to Automotive Filling Stations, Parking Lots and Garages:

- A. Entrances and exits to automotive filling stations, automotive service and repair garages, public parking garages and parking lots shall be located not closer than 200 feet from any school, residence, public playground, church, hospital, public library or institution for children.
- B. On corner lots, entrances and exits shall be not closer to the corner than fifty (50) feet. Curb openings shall not exceed forty (40) feet along the curb line.
- C. No repairing of motor vehicles shall be done within fifty (50) feet of any residence.
- D. Petroleum or its derivatives may not be stored above ground in excess of 150 gallons and no appliance for dispensing gasoline or for oiling or for greasing an automobile shall be located within twenty (20) feet of any street line; provided, however, that whenever in the course of construction of any public works project or in connection with the repair, extension, widening, or other improvement to any public thoroughfare, the effect of which will be to bring the street or alley line of the Township within twenty (20) feet of any existing appliances for dispensing gasoline or for the oiling or for the greasing of automobiles, the Zoning Administrator shall have the right upon the finding of fact by him that the proximity of said appliances for dispensing gasoline or for the oiling or for the greasing of automobiles does not constitute any menace to the public health, safety and welfare, to issue upon application therefore a modified Zoning Certificate for said appliances so used in dispensing gasoline or for the oiling or for the greasing of automobiles.
- E. Canopies may be erected over service station pump islands provided that no canopy shall be closer than five (5) feet to the right-of-way and provided that the vertical supports for the canopy shall not be closer than twelve (12) feet to the right-of-way. The top of such canopy shall not exceed eighteen (18) feet above the ground level and shall be at least fourteen (14) feet above the ground level. On corner lots, no canopy shall be closer than fifteen (15) feet to the right-of-way of the intersection. All setbacks are taken from the rights-of-way as shown on the Official Thoroughfare Plan for Clermont County, Ohio.

7.05 SANITARY LANDFILLS, GARBAGE, WASTE DUMPS AND DISPOSAL SITES AND INCINERATORS

- A. No use of facilities or real estate as a sanitary landfill, garbage or waste dump, disposal site, or incinerator shall be allowed unless conditionally permitted by the Board of Zoning Appeals.
- B. Before such permission is granted, proof must be shown that all state, federal and county regulations and rules have been complied with and that approval has been given by the appropriate Boards of Health.
- C. It shall be shown to the satisfaction of the Board of Zoning Appeals that no pollution of the air, ground, or water shall result from said use. The Board of Zoning Appeals shall require the applicant to obtain a permit from the Ohio EPA for the proposed use.
- D. No such use shall be permitted on a tract of land less than 250 acres in size.
- E. The area of operation, within the tract of land, shall be completely surrounded by a chain link fence, 8 feet high and suitably posted as to warn the public of the operation contained therein. Such fence shall be buffered from public view as per the requirements of Section 7.07 Bufferyard and Landscaping.
- F. All streets and roadways leading into such use shall be free of dust and mud and adequate to accommodate the traffic which they carry. Roads exiting the facility shall be paved with a durable and dustless surface, adequate for the traffic carried, at least one hundred (100) feet from the public right-of-way to prevent mud and gravel from entering onto the roadway.
- G. No such use shall be within 1,000 feet of any residence, educational institution, sanitarium, hospital, rest home, convalescent care facility, assisted care living facility, religious place of worship, public or private park, or dwelling.
- H. No such operation shall be conducted within one-half mile of any water treatment facility.
- I. A green belt of 100 feet shall be maintained around the perimeter of the site.

7.06 TEMPORARY USES REQUIRING CONDITIONAL USE APPROVAL

Conditional Use approval by the Board of Zoning Appeals shall be required for specific temporary uses as follows:

- A. Promotional or temporary ventures such as, but not limited to, coffee and beverage stands, food vending carts, and seasonal flower sales. If temporary seasonal sales are considered by the Zoning Administrator to be in conjunction

with or an extension of an established commercial use on the property, conditional approval from the Board of Zoning Appeals will not be required.

B. Temporary living quarters.

C. Amusement parks/carnivals, subject to the following conditions:

1. Temporary amusement parks, including but not limited to fairs, carnivals and circuses, shall be permitted in all districts but only after conditional approval by the Board of Zoning Appeals, with such approval being guided by the requirements of this Section and by the general purposes of this Resolution.
2. Temporary amusement parks shall be allowed only when it is demonstrated that no danger would result to the public from their erection and usage. If applicable, certification of the safety of the equipment must be made in writing to said Board of Zoning Appeals.
3. Hours of operation shall be determined by the Board of Zoning Appeals.
4. No usage shall be allowed to continue for a period in excess of ten (10) days.
5. Activities by a non-profit organization, such as a festival by a religious place of worship, are exempt from this permit process and do not require a Conditional Use approval.

7.07 BUFFERYARD AND LANDSCAPING

A. Purpose

The purpose of this Article is to provide minimum standards involving the development of land to provide attractive views from roads and adjacent properties; to screen from view visually undesirable uses; to require screening between incompatible land uses and to protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

B. Applicability

This Section shall apply to new property development and any collective substantial expansion of existing structures, except for individual single-family dwellings and two-family dwellings (duplexes). Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Square feet	50% or Greater
1,001 - 10,000 Square feet	40% or Greater
10,001 - 25,000 Square feet	30% or Greater
25,001 - 50,000 Square feet	20% or Greater
50,001 Square feet and larger	10% or Greater

C. General Requirement for Submission

Any property to which this Section applies shall submit a bufferyard plan to the Zoning Administrator as part of the Zoning Certificate process required in Section 5.08. Bufferyard plans shall be prepared by a nursery and/or certified by a design professional practicing within their areas of competence unless it is determined by the Zoning Administrator that the limited scale of the project does not warrant the intricacy of professional design submittals. The site plan shall contain the following information:

1. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements at a minimum of 1" = 20' and shall include the following minimum information:
 - a. North arrow and scale.
 - b. The name of applicant/owner.
 - c. The name, address and phone number of the person or firm responsible for the preparation of the buffering plans.
 - d. The dates the plans are submitted or revised.
 - e. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 - f. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 - g. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 - h. All property lines and easements.

- i. Any other information which is deemed appropriate by the Zoning Administrator.
2. Details shall be shown for the planting of the types of trees, shrubs and ground cover within the bufferyard or landscaped area.

D. Approval

1. No site or development plan required under this Zoning Resolution shall receive final approval unless a landscaping plan has been submitted and approved.
2. No final approval of the Zoning Certificate shall be granted unless the following criteria are fully satisfied with regard to the approved landscape plan:
 - a. Such plan has been fully implemented on the site; or
 - b. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Township.

E. Bufferyard Standards

1. Maintenance of Landscaping and Bufferyards

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The Owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times. All unhealthy or dead plant material shall be replaced within one year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Zoning Department to: find the owner of the property in violation of the conditions of the Zoning Certificate; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this Section.

2. Bufferyard Establishment

Once a bufferyard has been approved by the Zoning Administrator and established by the owner, it may not be used, disturbed or altered in any way that would decrease its effectiveness for any purpose.

F. Bufferyard Requirements

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any commercial land use	Any A, E-R, R-1, R-3, O-B zone or residential PD	10 feet in width containing a wall or fence four to seven feet in height, and/or landscape screen. The landscape screen shall contain evergreens such as spruce, pine or firs at least five feet in height at the time of planting, or a continuous hedge at least four feet high to provide a permanent visual buffer. The buffer shall be placed adjacent to the property line in order to maximize screening of the adjacent use while allowing any required maintenance of the buffer to be performed without encroaching on the adjacent property.
Any office land use	Any A, E-R, R-1, or R-3 zone or residential PD	
Any industrial land use	Any A, E-R, R-1, R-3, PD, O-B, B-1, or B-2 zone	
Any multi-family land use	Any A, E-R, or R-1 zone or residential PD	
Any institutional land use (including assisted living facilities, educational institutions and religious places of worship)	Any A, E-R, R-1 or O-B zone or residential PD	

G. Screening and Buffering

In order to provide protective screening and buffers for residentially zoned areas adjacent to non-residential areas, the Zoning Administrator shall require a wall, fence or greenbelt to be provided by the non-residential property owner in accordance with the following:

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.
3. The Zoning Administrator may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions.

H. Modification

The Board of Zoning Appeals shall have the authority to modify any of the aforementioned requirements in this Article in considering an individual site with respect to changes in elevation, environmental impact, durability of plant

material, aesthetic appeal, and any other factor that will provide a compatible buffer or screen with the surrounding neighborhood at the time of application.

I. S.R. 32 Three-Rail Fence

When any use to which Section 7.07 applies is proposed to abut State Route 32, a three-rail fence shall be installed. Such three-rail fence shall be a white vinyl style of a design approved by the Zoning Administrator and shall be four feet high. Installation and permits shall be coordinated with the Ohio Department of Transportation.

7.08 SWIMMING POOLS

A. Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools including hard side and soft side pools with a diameter less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be permitted in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

1. The pool is intended and is to be used solely for the enjoyment of the occupants, and their invited guests, of the principal building on the property on which it is located.
2. The pool may not be located closer than ten (10) feet to any rear property line and fifteen (15) feet from the side property line and shall be located behind the building setback line.
3. The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by persons from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height, must be solidly constructed of a substantial material permanently affixed to the ground or a solid foundation with openings not greater than six (6) inches, be a minimum of five (5) feet from the edge of the pool walls, and shall be maintained in good condition with a gate and lock except for aboveground pools with fencing which meets the provisions of subsection 4 below.
4. The fencing for an above ground pool under four (4) feet in depth may be located on the outer pool walls. The combined height of the pool wall and fence shall be a minimum of four (4) feet above ground at all points; the four (4) foot wall of the aboveground pool shall fulfill the requirement of a four (4) foot fence. All pool access points are to be provided with a lockable fence gate, or a removable or retractable ladder to prohibit access to the pool when not in use. If decking is attached to or used in

conjunction with the pool facility, all points of access must be securely maintained as described above.

5. Installation of an automatic, mechanical swimming pool cover over an inground pool in lieu of the required fencing shall require approval of a Conditional Use by the Board of Zoning Appeals. In addition to the criteria in Section 5.07, the Board of Zoning Appeals shall consider whether the proposed swimming pool cover complies with ASTM F1346-91, or the latest regulation, regarding safety standards.

B. Community or Club Swimming Pools

Community or club swimming pools, where permitted, shall comply with the following conditions and requirements:

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

7.09 ENVIRONMENTAL PERFORMANCE STANDARDS

A. Purpose

It is the purpose of the Environmental Performance Standards to provide for the peaceful and quiet enjoyment of property and to set forth regulations so that no use shall be constructed or operated so as to create a nuisance or to create any noxious, objectionable or other undesirable effect on persons or property outside said uses' lot line. Materials used and products produced shall be adequately housed, shielded or screened so that the health, safety and welfare of persons occupying the property or adjacent properties are not jeopardized.

B. Applicability and Compliance

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is required. Any condition or land use falling under the jurisdiction of the standards

of this Resolution and not in conformance with these standards shall be brought in full compliance immediately upon discontinuance of the existing use of land, structure or building. Any change in the principal use of land, structure or building shall constitute a discontinuance and be fully subject to these standards and provisions.

C. Noise

No activity on private property shall emit noise in excess of sound levels indicated in the table below that creates a nuisance to surrounding properties. Sound levels shall be determined by the use of a sound level meter designed to give measurements designated as dBA or dB(A). Measurements may be taken, at the discretion of the Zoning Administrator, at the property line or anywhere beyond the property line of the source property. The maximum noise levels will be established by the receiving property or zoning district regardless of the proximity of the source property to it. The source property need not be contiguous to the receiving property.

MAXIMUM PERMITTED EXTERIOR SOUND LEVELS

<i>SOURCE PROPERTY</i>		<i>RECEIVING PROPERTY</i>		
<i>NOISE SOURCE</i>	<i>TIME</i>	<i>RESIDENTIAL</i>	<i>COMMERCIAL</i>	<i>INDUSTRIAL</i>
Residential	Daytime ¹	65 dBA	65 dBA	65 dBA
	Nighttime ²	55	55	55
Commercial	Daytime ¹	65	70	70
	Nighttime ²	55	60	60
Industrial	Daytime ¹	65	70	75
	Nighttime ²	55	65	75

¹ Daytime shall be considered as the hours between 7:00 a.m. and 10:00 p.m.

² Nighttime shall be considered as the hours after 10:00 p.m.

D. Exemptions

1. The following noise levels shall be exempt from the noise provisions during the daytime only:
 - a. Firearms discharge.
 - b. Legal blasting.
 - c. Temporary construction activity and equipment.
 - d. Installation of utility equipment.
 - e. Lawn mowers, chain saws and garden equipment.

2. The following noise sources shall be exempt from the noise provisions at all times:
 - a. Aircraft.
 - b. Railroads.
 - c. Emergency vehicles and equipment.
 - d. Weather or other natural disaster warning devices.
 - e. Bells, chimes or carillons operating continuously for not more than five minutes.
 - f. The repair of essential utility services.
 - g. Officially sanctioned parades or other events.
 - h. Agricultural related activities.

E. Vibrations

Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on or outside the property line of the property on which the use is located.

F. Glare

Any operation producing intense light or heat, including high temperature processes such as combustion or welding shall not be visible beyond any lot line bounding the property wherein the use is conducted. All exterior lighting on private property shall be positioned as to extend glare away from adjacent properties or right-of-way. Furthermore, no activity on private property shall generate light that creates a nuisance to surrounding properties, as determined by the Zoning Administrator.

G. Odor

The emission of noxious odors beyond the lot line shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

H. Air and Water Pollutants

The emission of air and water pollutants shall not violate the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

I. Hazardous Materials

The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the standards and regulations of any local, state or federal agency having jurisdiction in this matter.

J. Electrical Disturbances

No activity will be permitted which emits electrical disturbances adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance and, shall comply with all applicable FCC regulations and standards.

K. Radioactivity

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

7.10 PORTABLE STORAGE UNITS AS A TEMPORARY USE

A portable storage unit is permitted as a temporary, accessory use in any district and shall be regulated as follows:

- A. Portable storage units are only permitted as a temporary use for a period not to exceed 30 days within a 1 year period. A permit is required to place a portable storage unit on any premises for a period longer than 30 days, with the permit expiring after 60 days.
- B. Portable storage units must be located on a paved surface and a minimum of 10 feet from the right-of-way.
- C. Portable storage units may not exceed 1,200 cubic feet on the interior.
- D. If the portable storage unit is being used to store personal property as a result of a major calamity (e.g. fire, flood, or other event where there is significant property damage) for more than 30 days, a temporary zoning permit is required. The Zoning Administrator may extend the 60 day time period allowed by Section (A) above.

7.11 YARD SALE, GARAGE SALE AND PORCH SALE

The temporary sale of housewares, clothing or other personal property sold by persons or residents on the property from which the sale is conducted. Such sales are limited to a period of three (3) consecutive days and twice in any calendar year. A permit is required

for all such sales. At the conclusion of the sale, all evidence of such sale must be immediately removed from site. The sale of motor vehicles on residentially zoned property shall be permitted but shall be limited to twice in one calendar year with each occurrence being limited to a three (3) week duration. There shall be no more than one car offered for sale at a time.

7.12 WIRELESS TELECOMMUNICATION TOWERS

The purpose of this section is to regulate the placement, construction, and modification of telecommunication facilities and their support structures in order to protect the public health, safety, welfare, and morals, while at the same time not unreasonably interfering with the competitiveness in the wireless telecommunications industry in the region.

This Section shall only apply to the review of wireless telecommunication facilities in residential zoning districts pursuant to Section 519.211 of the Ohio Revised Code.

A. Procedure for Telecommunication Towers in Residential Districts

1. Any person who plans to construct a telecommunications tower in a residential zoning district shall provide written notice in accordance to Section 519.211 of the Ohio Revised Code.

If the Batavia Township Board of Trustees receives notice from a property owner in accordance with ORC Section 519.211 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 ORC Section 519.211, the Batavia Township Board of Trustees shall request that the township fiscal officer send the person proposing to construct the facility written notice that the tower is subject to the power conferred by and in accordance with ORC. The notice shall be sent no later than five days after the earlier of the date the Batavia Township Board of Trustees first receives such a notice from a property owner or the date upon which a board 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 facility. Such tower or facility shall be subject to a Conditional Use review pursuant to Section 5.07.

2. If the Batavia Township Board of Trustees receives no notice under ORC Section 519.211 within the time prescribed by that division or no board member has an objection as provided under ORC Section 519.211 within the time prescribed by that subsection, the tower shall be permitted as-of-right pursuant to the applicable Sections of this zoning resolution.

B. Review Standards for Conditional Use Towers

The Board shall approve a telecommunications tower as a Conditional Use if the Board finds that the applicant has satisfied all of the following standards:

1. The proposed site meets the minimum site development standards for the applicable zoning district.
2. The maximum height of the tower shall be 200 feet.
3. The lot on which the tower is to be located shall be owned or leased by the telecommunications tower company, and the parcel shall be of sufficient size to allow the minimum setback from this parcel's lot line to the base of the telecommunication tower. The minimum setback shall be a 1:1.1 ratio (for every foot in tower height there shall be 1.1 feet of distance from the tower base to the nearest lot line and/or closest unrelated structure). The equipment shelter shall comply with minimum setback requirements for the established zoning district. New structures not related to the telecommunication facility cannot be added within the area of the tower's parcel. If the parcel on which the tower is located has road frontage, the tower must be located 300 feet from the right-of-way.
4. The application shall comply with the general standards for a Conditional Use as established in Section 5.07.
5. Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.
6. In order to minimize tower proliferation, the applicant shall provide documentation regarding efforts to exhaust all possible avenues to share space on existing towers. This shall include, but not be limited to, a certified mail announcement to all other tower users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on a tower, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of co-location versus new construction and any FCC limitations on tower sharing preclude co-location.
7. The Board shall require a bond to cover tower removal and full site restoration after discontinued use.
8. The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. Monopole installations are recommended.
9. No telecommunication facility shall be located within a "wetland" as defined by federal law.

10. A telecommunication facility shall not be located upon a property listed on a federal, state, or local historic register, or be mounted on a building or structure listed on a federal, state, or local historic register.
11. A balloon test, if requested by the Board, shall be conducted at the height of the application request. Photographs shall be taken up to one-half mile away from the site from a minimum of four opposing directions.
12. No advertising sign(s) shall be permitted anywhere on a telecommunication tower, equipment building, and appurtenances or on the site.
13. There shall be no outdoor storage of equipment or other items on the site except during the facility construction period or to supply emergency power to the facility only during a power outage.
14. The owner/operator of the telecommunication facility shall, by January 15th of every year from the date of issuance of the Zoning Certificate, file a declaration with the zoning inspector, including verification that the radio frequency (electromagnetic) emissions are in compliance with the current FCC regulations. The appropriate fee(s) will be included to permit the continuing operation of every facility, which is subject to these regulations.
15. The maximum cumulative total size of all equipment buildings accessory to a telecommunication tower or antenna on a parcel shall be 800 square feet. All telecommunication equipment shelters shall be configured to appear as one building on any one parcel.
16. The applicant shall demonstrate to the township that it is licensed by the FCC, and shall notify the township of any special conditions conveyed by the license.
17. One fence, in accordance with Section 7.07, and not less than six feet in height, shall fully enclose all parts of the facility, including but not limited to, the base of the tower, guy wires, base of guy wires, and building. Gates shall be locked at all times when the facility is unattended by an agent of the telecommunication provider.
18. A landscaped buffer area, in accordance with Section 7.07 of not less than 15 feet in depth shall be placed between the fence surrounding the telecommunication facilities and the public right-of-way and any adjacent properties with a direct view of the facilities, other than the tower itself. The 15 feet landscaped buffer shall be of hardy evergreen shrubbery not less than six feet in height and of a density to obstruct the view. The landscaping shall be continuously maintained and promptly restored, if necessary.

19. Telecommunication towers shall not be artificially lighted unless required by the FAA or other applicable federal or state authority. When so required, it shall be oriented inward, so as not to project onto surrounding residential properties. In any case, overall site illumination shall be such that measurements along the perimeter of the site shall not exceed 0.20 footcandles.
20. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Board. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a Zoning Certificate.

C. Permitted Accessory Uses Associated with Telecommunication Towers

An antenna for a telecommunication facility may be attached to an existing residential building two and one-half (2 1/2) stories in height or to an existing non-residential structure, excluding residential accessory structures, subject to the following conditions:

1. The antenna shall not extend more than 10 feet above the roof of the existing building or top of the existing structure.
2. If the applicant proposes to locate the telecommunications equipment in a separate telecommunications equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district.
3. Vehicular access to the equipment shelter shall be via the existing road circulation system and subject to Article 8 Off-Street Parking and Loading.

7.13 FENCES, WALLS AND HEDGES

Fences, walls, and hedges are permitted in all districts, subject to the following conditions:

A. Exemptions

If engaged in agricultural operations or activities, properties which are greater than five acres in size shall be exempt from these provisions, however the provisions of 7.21 in regard to maintaining a safe sight triangle must be adhered to.

B. Location

No fence, wall or hedge shall be closer than two (2) feet to any right-of-way line.

C. Height

Fences and walls shall not exceed eight (8) feet in height in the rear and side yards and shall not exceed four (4) feet in height in any required front yard, including corner lots. Within the Industrial and the Major Industrial Districts, fences may be up to ten (10) feet in height in the front, side and rear yards, however fences located in the front yard must be set back from the right of way no less than a distance equal to the required front yard setback of such district unless the fence is designed to be no more than 50 % opaque.

D. Materials

1. Fences shall not contain an electric charge except when located in the A Agricultural District or on properties with an agricultural use.
2. Barbed wire shall only be permitted in the A Agricultural District, the I Industrial District, the MI Major Industrial Districts or on properties with an agricultural use or sharing an adjacent lot line with an agricultural use and then only on the top of a perimeter fence. Such fence shall be in accordance with the provisions of Section 971 of the Ohio Revised Code.

E. Opacity

No fence located in a required front yard shall be greater than fifty (50%) percent opaque. This restriction also applies to fences located within required front yard setbacks on corner lots.

F. Sight Distance Requirements

No fence, wall, or hedge shall violate the sight distance requirements found in Section 7.21.

G. Permits

Fences shall require a fence permit. The applicant shall be responsible for assuring that the fence is legally erected on his/her property.

7.14 SATELLITE DISH

Satellite dishes, where permitted as an accessory use, are subject to the following conditions:

A. Exemptions

Any satellite dish twenty four (24) inches or less in diameter shall be exempt from these regulations.

B. Location

1. Satellite dishes may be erected or installed on the ground of any property; provided that in the O-B, B-1, B-2, C-I, I and MI Districts, roof mounting shall also be permitted.
2. Satellite dishes shall be set back a minimum ten (10) feet from all side and rear property lines and shall not be located closer to the street than the nearest foundation line of the principal use structure on the lot, but in no case shall this distance be required to be greater than two (2) times the front yard setback line required for the district in which the property is located.

C. Height and Size

1. The maximum height of any ground-mounted earth satellite station/satellite dish shall not exceed fifteen (15) feet above the finished grade and its diameter shall not exceed twelve (12) feet.
2. The maximum height of any roof-mounted earth satellite station/satellite dish shall not exceed the roof height it is mounted on by more than four (4) feet and its diameter shall not exceed three (3) feet.

D. Advertising

The satellite dish apparatus shall bear no advertising, lettering, picture or visual image.

E. Maintenance

The satellite dish apparatus shall be properly maintained to prevent both unsightly and unsafe conditions.

F. Permit

No person, firm or corporation shall undertake the construction, erection, or installation of any satellite dish over twenty-four (24) inches in diameter without a Zoning Certificate issued in accordance with the provisions of this Resolution. In addition to the requirements of this Resolution, the application for such permit shall include the following:

1. A description of the type of satellite dish proposed;
2. A plot plan of the lot, premises, or parcel of land showing the location of the proposed satellite dish and all other buildings thereon;
3. Plans depicting the specifications and elevations of the proposed location.

7.15 HOME OCCUPATIONS

Home occupations shall be subject to the following conditions in addition to use regulations in various districts:

- A. Not more than one additional person who is not residing on the premises shall be engaged in such home occupation.
- B. There shall be no change in the outside appearance of the building or premises or other visible evidence of the conduct of such home occupation other than one sign, not exceeding seventy-two (72) inches in area, non-illuminated, and mounted flat against the wall of the principal building.
- C. No home occupation shall be conducted in any accessory building or structure outside of the dwelling.
- D. There shall be no sales of products on the premises.
- E. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
- F. No equipment or process shall be used in such home occupations which creates noise, vibration, glare, fumes, odors, or electrical interference detectible to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receivers off the premises, or causes fluctuations in line voltage off the premises.
- G. Said home occupations shall be clearly incidental and subordinate to the use of the property for residential purposes.
- H. No more than the equivalent of twenty-five (25%) percent of the gross floor area of the dwelling shall be utilized for a home occupational use.
- I. There shall be no outside storage of any kind related to the home occupational use.
- J. No heavy equipment such as bulldozers, front loaders, tractors, dump trucks, tractor trailers, semi-trucks, etc, or no more than two business vehicles used in

such home occupation shall be parked or stored outside of a garage in a residential area. Equipment utilized for agricultural purposes shall be exempt.

- K. No home shall serve as a gathering point for employees engaged in the business that takes place off the premises. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home.

7.16 ADULT ENTERTAINMENT ESTABLISHMENT

An adult entertainment establishment is a Conditional Use within the M-I or the I Industrial Districts. The purpose of these regulations is to regulate the potential secondary effects that are often caused by adult entertainment establishments, and not to regulate the content of the message promoted by the business. Distances shall be measured in a straight line from the nearest wall of the proposed adult entertainment establishment to the property line of the potentially restrictive structure. A Conditional Use for such facilities shall not be approved unless the following minimum conditions are complied with:

- A. No adult entertainment establishment shall be established within 1,000 feet of any area that principally permits residential use.
- B. No adult entertainment establishment shall be established within a radius of 2,000 feet of any school, library or teaching facility, whether public or private, governmental or commercial, which school, library or teaching facility is attended by persons under eighteen years of age.
- C. No adult entertainment establishment shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under eighteen years of age.
- D. No adult entertainment establishment shall be established within a radius of 1,000 feet of any other adult entertainment establishment.
- E. No adult entertainment establishment shall be established within a radius of 2,000 feet of any religious place of worship or permanently established place of religious services.
- F. Displays or other promotional materials shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other areas public or semi-public.
- G. All building openings, entries, windows, etc. for adult entertainment establishment shall be located in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street. For new

construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public or semi-public areas.

- H. No employees of the subject establishment shall conduct themselves outside the confines of the structure in such attire and/or by actions, in a manner distracting, distasteful and/or detrimental to adjacent business interests, residents or passersby.
- I. No screens, loudspeakers or sound equipment shall be used for adult entertainment establishment (enclosed or drive-in) that can be seen or discerned by the public from public or semi-public areas.
- J. In granting any such Conditional Use, the Board of Zoning Appeals may prescribe additional conditions it deems necessary in the public interest. However, no Conditional Use shall be approved by the Board of Zoning Appeals unless it finds that the use for which such approval is sought is not likely to be dangerous or detrimental to nearby properties, that the use will not be contrary to any program of conservation or improvement, either residential or non-residential, or be contrary to the public health, safety, morals and general welfare of the Township.
- K. An adult entertainment establishment shall also comply with the regulations established by Township Resolution 5-2-96 regarding cabaret establishments, Township Resolution 5-3-96 regarding massage establishments, and any other superseding legislation.

7.17 ACCESSORY USE STANDARDS IN RESIDENTIAL DISTRICTS

It is the purpose of this Section to permit accessory uses to be utilized and maintained in a manner which make them compatible with principal uses and harmonious with uses upon adjacent properties. Accessory use standards in residential districts shall be as follows:

- A. The total lot coverage permitted for all accessory buildings and accessory structures shall not exceed thirty (30%) percent of the area of the side and rear yard.
 - 1. There shall be no more than two (2) accessory buildings or structures on a lot, excluding swimming pools, fences, and small utility sheds totaling 25 square feet or less, unless the lot is one (1) acre or more. For lots consisting of one (1) acre or more, an additional accessory building or structure will be permitted for each additional acre with a maximum of four (4) per lot.
 - 2. Accessory buildings, other than detached garages and carports, shall not exceed 200 square feet unless the lot on which the building is located is

20,000 square feet or more, but in no case shall such building exceed 300 square feet in size.

3. The maximum height of accessory buildings shall be as specified in each zoning district.
4. Detached garages and carports shall be subject to the following maximum square footages but in no case shall such structure exceed 50% of the square footage of the principal use structure on the lot.
 - a. Lots less than one (1) acre 600 square feet
 - b. Lots one (1) acre up to five (5) acres 900 square feet
 - c. Lots five (5) acres or more 1,200 square feet
5. All accessory buildings, including garages and carports, shall be subject to the following minimum setbacks from side and rear property lines.
 - a. Buildings 200 square feet or less 5 feet
 - b. Buildings greater than 200 square feet 10 feet
6. No detached accessory building shall be placed closer to the street than the nearest foundation line of the principal use structure on the lot, but in no case shall this distance be required to be greater than two (2) times the front yard setback required for the district in which the property is located.
7. In the case of a corner lot, no accessory building shall be erected or altered so as to project beyond the front yard required on any adjacent lot, nor shall it be located closer to either street line than the main building constructed on the lot, but in no case shall this distance be required to be greater than two (2) times the front yard setback required for the district in which the property is located.
8. Any accessory building shall be located no less than (5) feet from another accessory or principal structure.

7.18 ACCESSORY USE STANDARDS IN BUSINESS AND INDUSTRIAL DISTRICTS

In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use which meets the definition of accessory use in Chapter 2, and which complies to the applicable standards of the district in which it is located, is permitted.

All accessory buildings shall be required to have a setback distance of not less than one half (1/2) the required setback for principal structures in side and rear yards. With the

exception of corner lots, no detached accessory building shall be placed closer to the street than the nearest foundation line of the principal use structure on the lot, but in no case shall this distance be required to be greater than two (2) times the front yard setback required for the district in which the property is located.

7.19 SECONDARY DWELLING UNITS

An additional dwelling on a lot may be permitted on lots used for single-family residential purposes, subject to the following conditions:

- A. An attached secondary dwelling unit may be permitted if it conforms and is pursuant to the Conditional Use procedures set forth in Section 5.07.
- B. The secondary family dwelling unit shall be occupied only by members of the family occupying the primary dwelling on the lot.
- C. The secondary family dwelling unit shall not exceed 40% of the footprint of the principal dwelling and shall be designed in such a way as to make its future inclusion as part of the principal structure acceptable.
- D. The Conditional Use permit for a secondary dwelling shall expire each year on the date of which said permit was granted. The property owner shall reapply for the Conditional Use permit at no additional cost. Failure to reapply for the Conditional Use permit for a secondary dwelling shall constitute a violation of these Regulations.
- E. When the Conditional Use permit expires, the secondary dwelling shall be converted back to the single-family dwelling use.

7.20 MINIMUM DWELLING SQUARE FOOTAGES

The minimum square footage for all single-family dwellings shall be 1,400 square feet exclusive of basements and garages. The minimum floor area for two-family dwellings shall be 1,000 square feet for each unit. The minimum floor area for multi-family dwellings shall be 560 square feet for efficiency dwellings; 680 square feet for one bedroom dwellings; 770 square feet for two bedroom dwellings; and 980 square feet for three bedroom dwellings.

7.21 SIGHT TRIANGLES

No building or planting shall be erected within the sight triangle unless otherwise specified in this Resolution. The sight triangle shall be identified as follows:

- A. Driveway intersection sight triangle

At intersections of driveways with streets, the sight triangle shall be established by locating the intersection of the street curb with the driveway edge, and by measuring from this point a distance of twenty (20) feet along the driveway to a point, and a distance of twenty (20) feet along the street curb to a point, and connecting these points.

B. Street intersection sight triangle

At street intersections, the sight triangle shall be formed by measuring at least thirty-five (35) feet along curb lines and connecting these points.

7.22 ROADSIDE STANDS

Roadside stands shall be regulated per ORC 519.21 and as follows:

- A. Roadside stands shall meet the setback requirements of the district in which they are permitted and shall be limited to the sale of agriculturally related products.
- B. Roadside stands shall provide for an off-street area which can accommodate a minimum of five (5) vehicles.
- C. Signage for roadside stands, shall not be illuminated and shall be limited to thirty two (32) square feet in size. The sign shall be setback no less than ten (10) feet from the public road right-of-way.

7.23 RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS

Recreational vehicle parks and campgrounds shall be Conditional Uses and shall be further regulated as follows:

A. Location and Access

No recreational vehicle park or campground shall be located without direct access to an arterial highway and with sufficient frontage of at least 80 feet, to permit appropriate design of entrance and exits. No entrance or exit from a recreational vehicle park or campground shall be permitted through a residential district nor require movement of traffic from the park or campground through a residential district.

B. Spaces for Occupancy, Uses Permitted and Length of Stay

Spaces in recreational vehicle parks or campgrounds may be used by travel trailers, equivalent vehicles, constructed in or on automotive vehicles, tents, or other short term housing arrangements or devices. Spaces shall be rented by the day only, and occupants of such space shall remain in the same recreational vehicle park not more than fourteen (14) consecutive days.

C. Accessory Uses to Recreational Vehicle Parks and Campgrounds

Management headquarters, recreational facilities, laundry facilities and other uses and structures customarily incidental to the operation of recreational vehicle parks or campgrounds are permitted as accessory uses, provided that such uses are restricted in their use to the occupants of the park or campgrounds. Such uses shall present no visible evidence of their commercial character that would attract customers other than the occupants of the park or campground.

D. Sanitary Facilities

Toilets, showers and other essential plumbing fixtures shall conform to all applicable Ohio and County plumbing and health codes.

E. Design of Access to Park

Entrances and exits to recreational vehicle parks and campgrounds shall be designed for safe and convenient movement of traffic and to minimize friction with the free movement of traffic on adjacent streets. All traffic into and out of the park or campground shall be through such entrances and exits. No material impediment to visibility shall be created or maintained that obscures the view of an approaching driver in the right lane of the street within: (1) 100 feet, where the speed limit is less than 45 M.P.H., or (2) 150 feet where the speed limit is 45 M.P.H. or more, of any portion of the approach line of the access way is within twenty-five (25) feet of its intersection with the right hand lane of the street.

F. Off-Street Parking, Loading and Maneuvering Space

In connection with a recreational vehicle park or campground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, right-of-way, or public grounds that is not a part of the recreational vehicle park or campground.

G. Minimum Recreational Vehicle Site or Campground Area

Each recreational vehicle site shall be one thousand five hundred (1,500) square feet in area. Each site shall contain a stabilized vehicular parking pad or space made of paving or other suitable material.

H. External Yard Requirements

A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries adjoining private property shall have a setback of twenty-five (25) feet with protective fencing.

I. Lighting

Any lighting associated with the recreational vehicle park or campground shall not cause glare on adjoining property or public rights-of-way.

7.24 BUSINESS AND OFFICE STRUCTURES

Any structures utilized for commercial, business, office or a service use shall be affixed to a permanent foundation unless otherwise approved by the Township Board of Zoning Appeals. Temporary construction or sales trailers, are permitted for a period of up to six (6) months upon issuance of a Zoning Certificate by the Township.

7.25 OUTDOOR SALES AND DISPLAY

Temporary and permanent facilities for outdoor sales and displays (e.g., garden supply sales, news and flower stands, and similar uses) may be permitted upon compliance with the following standards:

- A. Outdoor sale and display areas are prohibited on vacant lots with the exception of temporary seasonal agricultural sales.
- B. Outdoor sale and display areas may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard.
- C. The placement of the merchandise shall not interfere with customer 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.
- D. The outdoor display and sale of bulk or large products that exceed 20 pounds, including, but not limited to, mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase, shall be required to meet the requirements of Section 7.26 D. Outdoor Storage.
- E. Temporary outdoor sales and display areas may be authorized in a parking lot under the following provisions:
 - 1. The maximum time the temporary outdoor sales and display areas shall be authorized is for 90 days per year; and
 - 2. In no case shall the outdoor sales or display area reduce the amount of off-street parking spaces to a number below the minimum number of required spaces.

- F. Outdoor display areas shall be located upon concrete, asphalt, or adequately compacted aggregate base.

7.26 OUTDOOR STORAGE

A. Purpose and Applicability

The purpose of these regulations is to ensure the proper use of land for outdoor storage so as to minimize impacts on surrounding property owners and uses. The provisions of this Section shall apply to all uses except single-family, two-family dwellings, and roadside markets that are accessory to an agricultural use that is exempt from these regulations pursuant to Section 7.22 unless otherwise noted, and in accordance with Section 519.21 of the Ohio Revised Code.

B. Exemptions

The following uses where outdoor storage is the permitted principal use of the lot shall be exempt from these regulations:

1. Outdoor display, sales, and storage areas approved as part of a site plan or Final Development Plan prior to the effective date of this Resolution;
2. Automotive sales or rental;
3. Plant nurseries;
4. Tool rental or sales facilities; and
5. Similar uses as determined by the Board of Zoning Appeals.

C. General Standards

1. All outdoor storage areas shall require a Zoning Certificate and shall be illustrated on the corresponding site plan.
2. Outdoor storage areas shall not be located in any required parking and circulation area, right-of-way, or required landscape or buffer area.
3. Such storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of 5 feet, or the width required to meet the minimum standards of the Clermont County Building Department, whichever is greater.

4. Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood or vinyl material shall be used.
5. Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way, except in the C-I Campus Industrial, I Industrial, or M-I Major Industrial Districts.
6. All outdoor storage areas shall be maintained free of garbage and other debris.
7. Outdoor storage areas shall be limited to twenty-five (25%)-percent of the gross floor area of the principal structure.

D. Standards for Outdoor Storage Areas

Outdoor storage areas may be permitted where such storage areas comply with the following regulations:

1. Outdoor storage shall be prohibited on vacant lots. To be considered an occupied site, the principal use structure must be permanently connected to all public utilities and must be used on a regular basis for the conducting of business. Placement of a temporary office structure, trailer or storage building on the site shall not fulfill the requirement of, nor constitute, the establishment of a principal use structure.
2. Only those goods and materials associated with the existing on-site use may be stored or sold in outdoor storage areas.
3. Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard. Front yard storage may be permitted if the storage area is adequately screened from view of the public right-of-way, but in no case can it be located within the required front yard setback.
4. Storage of any goods or materials shall not exceed 6 feet in height.
5. All outdoor storage areas shall be screened from view of the public right-of-way by a fence a minimum of 6 feet high in conformance with Section 7.25 C. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way, unless abutting a Residential District. If abutting such a District, the outdoor storage area shall be screened on all sides adjacent to such District by use of a 6 foot or higher fence or site obscuring shrubs and trees.

6. Outdoor storage shall be located upon concrete, asphalt, or adequately compacted aggregate base.

7.27 DUMPSTERS AND TRASH HANDLING AREAS FOR NON-SINGLE-FAMILY DISTRICTS

Dumpsters and trash handling areas shall comply with the following standards:

- A. They shall be located in compliance with the same minimum setbacks as a main building as determined by the district in which such accessory structure is constructed, however only a 10 foot rear and side yard minimum setback is required if the abutting property is within a district of the same zoning classification.
- B. Any such accessory structure shall be screened on no less than three sides by a fence or wall. The trash recovery side shall be directed away from the public street unless fitted with closeable gates that are opaque enough to shield from view the interior service area.
- C. The fence or wall shall have a height of no less than five feet (5) feet or no more than eight feet (8) feet and must be constructed in a durable fashion of wood, brick, stone, or other masonry materials. .

7.28 OUTDOOR STOVES AND FURNACES

Outdoor stoves and furnaces shall be considered accessory uses to permitted residential uses. Due to the potential for the emission of excessive smoke and noxious odors beyond the property line, and in an attempt to prevent such nuisance situations, outdoor stoves and furnaces shall be prohibited on lots totaling less than three (3) acres unless Conditional Use approval is granted by the Board of Zoning Appeals. Setbacks and Guidelines shall be as follows:

- A. The outdoor stove or furnace shall be situated no closer than 100 feet to any property line. If located within 200 feet of any residential dwelling on an adjoining property, the stove's chimney must be no less than 2 feet higher than the peak of the roof of the neighboring residence(s).

B. Permitted and Prohibited Fuels

Fuel burned in any new or existing outdoor stove or 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. The following fuels are strictly prohibited in new or existing outdoor wood furnaces:

1. 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.
2. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
3. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
4. Rubber, including tires or other synthetic rubber-like products.
5. Any other items not specifically allowed by the manufacturer or this Section.

C. Non-conforming Use

Outdoor stoves or furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor stove or furnace does not meet the standards of this Section, the outdoor stove or furnace shall be considered a non-conforming use subject to the non-conforming use provisions of this zoning resolution (See Article 6 Non-conforming Uses).

7.29 SMALL WIND ENERGY CONSERVATION SYSTEMS

It is the purpose of these regulations to allow the safe, effective and efficient use of small wind energy conservation systems installed to reduce the on-site consumption of utility supplied electricity while continuing to provide adjoining properties protection from any undesirable effects of such installation. Small wind energy conservation systems shall be considered accessory uses and shall be subject to Conditional Use approval by the Board of Zoning Appeals unless the lot on which they are located is three (3) acres or more. The following shall be minimum requirements for all small wind energy systems:

- A. The base of the tower shall be setback from all property lines, public right-of-ways and public utility lines a distance equal to one and one half (1 ½) times the extended height of the tower and turbines. In no case shall the tower be located in the front yard, and shall not extend into the other required yard setbacks for the district in which it is located.
- B. Sound produced by the system under normal operating conditions, as measured from the property line, shall not exceed the noise regulations per Article Section 7.09 of this Resolution, however such guidelines may be exceeded during short term events such as power outages or severe wind storms.
- C. The height of the system shall not exceed 120 feet, except that greater limits may be imposed by FAA regulations. The height of a wind turbine shall be measured

from natural grade to the tip of the rotor blade at its highest point, or blade tip height.

- D. No illumination of the turbine or tower shall be allowed unless required by the FAA.
- E. All climbing foot pegs or rungs below 12 feet shall be removed to prevent unauthorized climbing of the tower.
- F. If a wind energy system is inoperable for six (6) consecutive months the owner shall be notified in writing that they must, within six (6) months, restore the system to an operating condition. Failure of the property owner to do so shall be deemed a violation of this Zoning Resolution and subject to the violation remedies of Article 99.
- G. No advertising shall be permitted on the wind energy system.

7.30 SOLAR PANELS

It is the purpose of this regulation to allow the safe, effective and efficient use of solar panels installed to reduce the on-site consumption of utility supplied electricity while continuing to provide adjoining properties protection from any undesirable effects of such installation. Solar panels shall be considered accessory uses, and shall be permitted as of right if attached or located on the roof or wall of a building that lie flat on the surface or not more than six inches from the surface, and are exempt from obtaining a Zoning Certificate. Other installations of solar panels shall be subject to Conditional Use approval by the Board of Zoning Appeals. Setbacks and guidelines shall be as follows:

- A. The solar panels detached from the principle structure shall not be located in the front or side yard.
- B. Sound produced by any solar facility under normal operating conditions, as measure from the property line, shall not exceed the noise regulations per Section 7.09 of this Resolution. However, such guidelines may be exceeded during short term events such as power outages.
- C. Solar panels located on the roof of a residential structure may not extend above the highest point of the existing roof.
- D. Solar panels detached from the principle structure shall not exceed 14.5 feet in height.
- E. Solar panels detached from the principle structure shall not occupy more than thirty (30%) percent of the rear yard.

7.31 AGRICULTURAL USE GUIDELINES

- A. Except as otherwise provided in subsection (B) of this Section, Sections 519.02 to 519.25 of the Revised Code confer no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, including buildings or structures that are used primarily for vinting and selling wine and that are located on land any part of which is used for viticulture, and no Zoning Certificate shall be required for any such building or structure.

- B. A Township Zoning Resolution, or an amendment to such Resolution, may, in any platted subdivision approved under Section 711.05, 711.09, or 711.10 of the Revised Code, or in any area consisting of fifteen or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate:
 - 1. Agriculture on lots of one acre or less;
 - 2. Buildings or structures incident to the use of land for agricultural purposes on lots greater than one acre but not greater than five acres (5) by: set back building lines; height; and size;
 - 3. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least 35% 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 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to Section 519.19 of the Revised Code.
 - 4. Subsection (B) of this Section confers no power on any Township Zoning Commission, Board of Township Trustees, or Board of Zoning Appeals to regulate agriculture, buildings or structures, and dairying and animal and poultry husbandry on lots greater than five (5) acres.

- C. All agricultural buildings and structures used for dairying and animal husbandry on parcels less than five (5) acres shall be located no closer than 75 feet to an adjoining property line. Poultry shall be excluded from this regulation.

- D. Agricultural uses that are located in an “improved platted subdivision” shall comply with the requirements of this section and all other applicable provisions of this resolution.
1. No agricultural uses except the growing of crops, fruits, vegetables, flower, and plants are permitted on lots of less than one (1) acre located within an improved platted subdivision.
 2. All buildings or structures incidental to the use of land for agricultural purposes on lots located in improved platted subdivision that are one (1) acre, but less than five (5) acres, shall comply with the following:
 - a. Any building or structure in which five (5) or fewer animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 75 feet from any other lot in an improved platted subdivision.
 - b. Any building or structure in which more than five (5) animals that are owned or used for agricultural purposes are housed shall be set back a minimum of 200 feet from any lot in an improved platted subdivision.
 - c. No structure shall exceed 35 feet in height.
 3. In any improved platted subdivision where at least 35% of the lots in the improved platted 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 homes under ORC 4503.06) or on any lot used for residential purposes, dairying, animal husbandry, or poultry husbandry shall be regulated as follows:
 - a. Dairying, animal husbandry, or poultry husbandry is prohibited on lots of less than one (1) acre.
 - b. Lots of less than five (5) acres shall be limited to two (2) head of livestock, excluding poultry.
 - c. On any lot less than five (5) acres, any building or structure used for dairying, animal husbandry, or poultry husbandry shall be set back a minimum of 75 feet from any other lot in any improved platted subdivision or lot in any residential district, recorded residential subdivision, or any lot occupied by a dwelling (other than a farm dwelling), religious place of worship, educational facility, or any convalescent care facility not located on the same lot as the said uses or buildings.

4. For purposes of this resolution, the keeping, breeding, raising, or caring of any animal constitutes animal husbandry except that the keeping of not more than four (4) household pets shall not constitute animal husbandry. The keeping, breeding, raising or care of more than four (4) of any one or more kinds of animals, including household pets, does constitute animal husbandry.

7.32 EXEMPTIONS FOR PUBLIC UTILITIES AND RAILROADS

Per Section 519.211 of the ORC, no part of this zoning resolution shall confer any power on the board of township trustees, zoning commission, or board of zoning appeals, to regulate the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

7.33 OUTDOOR DINING AREAS

Outdoor dining areas accessory to a restaurant is a Conditional Use requiring approval by the Board of Zoning Appeals and are subject to the following standards:

- A. Outdoor dining areas in a public right-of-way shall be prohibited.
- B. Outdoor dining areas on a private property shall be regulated as follows:
 1. An outdoor dining area may be allowed as an accessory use to a restaurant with an indoor eating area on the same site; provided, the outdoor dining area shall not replace any off-street parking, loading, or landscaping areas as may be required by this resolution.
 2. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.
 3. Umbrellas, or other protective elements, that shelter diners from the elements shall be secured so as not to create a hazard.

4. Enclosing an outdoor dining area 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 Zoning Certificate.
5. There shall be no use of electronics (e.g., televisions, radios, or speakers) in the outdoor dining areas that generate noise.
6. The location of outdoor dining areas shall ensure that access to the building and pedestrian walkways are not obstructed.

7.34 KENNELS AND VETERINARY HOSPITALS OR CLINICS

Kennels and veterinary hospitals or clinics with outdoor runs shall be located no closer than 200 feet to an adjoining property line unless a variance is approved by the Board of Zoning Appeals.

**ARTICLE 8
OFF-STREET PARKING AND LOADING**

8.01 GENERAL REQUIREMENTS

Any building, structure or use of land, when erected or enlarged, shall provide for off-street parking spaces for automobiles in accordance with the following provisions of this Article. A parking plan shall be required for all uses except single-family detached dwellings and two-family dwellings. The parking plan shall be submitted to the Zoning Administrator as part of the application for the site plan review and Zoning Certificate. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, lighting, boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use constructed or established after the effective date of this resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10%) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged to the extent of twenty-five (25%) percent or more in floor area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

8.02 OFF-STREET PARKING AND SITE ACCESS STANDARDS

All off-street parking facilities including entrances, exits, circulation areas and parking spaces shall be in accordance with the following standards and specifications:

A. Utilization

Required off-street parking facilities as listed in Section 8.04 shall be utilized solely for the parking of motor vehicles in operating condition, of patrons, occupants or employees of such uses.

B. Size

A required off-street parking space shall be a minimum width of nine (9) feet, and minimum length of eighteen (18) feet.

C. Access

There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access as follows:

1. All parking spaces, except those required for single-family detached dwellings and two-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion. In all cases vehicular access to a property shall adhere to and be governed by the Clermont County Curb Cut and Access Management Regulations.
2. Parking for uses not permitted in a residential zone shall not be permitted in a residential zone, nor shall any Residential District property be utilized as access for uses not permitted in that Residential District.

D. Surfacing

1. All off-street parking areas on residential lots of less than one-half acre shall be paved with concrete or asphalt, including any turnaround areas.
2. All required off-street parking and vehicle circulation areas for uses other than single family residential shall be paved with a hard surface of concrete or asphalt.

E. Setbacks

The location of off-street parking facilities may be located in the required yards as prescribed elsewhere in this Resolution. Except in the case of single-family and two-family residences, no parking area shall be located closer than twenty (20) feet to any dwelling unit, educational institution, hospital or other institution for human care located on an adjoining lot.

F. Separation

With the exception of single-family and two-family residences, all off-street parking areas shall be separated from public sidewalks and/or the street right-of-way as shown on the Official Thoroughfare Plan or the existing right-of-way, whichever is greater, with a six (6) inch high barrier provided on the parking lot side.

G. Screening

In addition to the setback requirements specified in this Article for off-street parking for more than ten (10) vehicles, screening shall be provided on each side of any parking area that abuts any Residential District or a public street.

1. Required off-street parking areas adjacent to residential districts shall be setback a minimum of fifteen (15) feet from the property line adjacent to the residential district and the setback space shall be maintained as a landscaped area. Screening shall be as indicated in Article 7, Bufferyards and Landscaping.
2. All off-street parking areas in non-residential districts located within the required front yards shall be setback a minimum of ten (10) feet from the street right-of-way and the setback space shall be maintained as a permanent landscaped strip.
3. All off-street parking areas, except for single-family and two-family residences, shall maintain a minimum setback of five (5) feet from an adjacent property line.
4. When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Article, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

H. Outdoor Lighting

1. Purpose

The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties while continuing to provide for safe and secure environments.

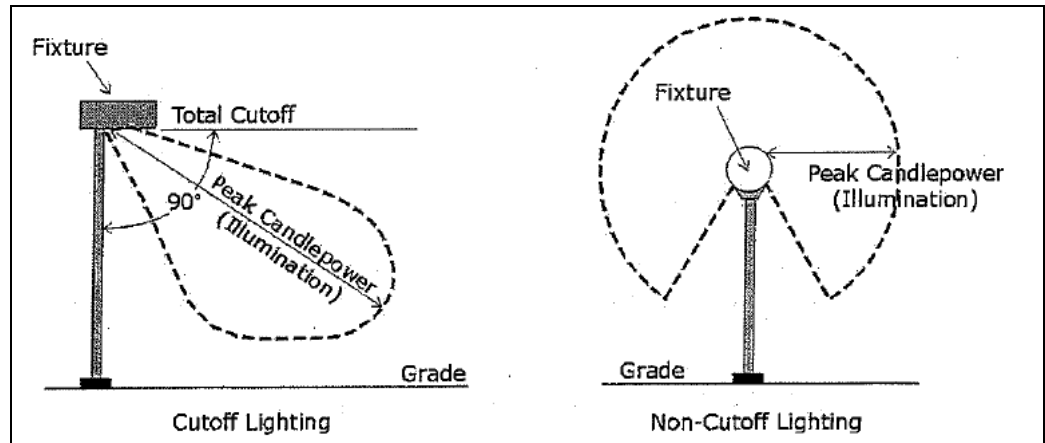
2. Applicability

The regulations of this Section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot. These regulations shall apply to those uses or activities that require site plan approval per Article 38.

3. Lighting Standards

- a. All outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights. See Figure H-3a

Figure H-3a Cutoff and Non-Cutoff Lighting



- b. Variation of heights greater than as specified above shall be subject to approval by the Board of Zoning Appeals based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other Sections of this Article.
 - c. Outdoor lights shall be shielded so that substantially all the directly emitted light falls within the property line.
 - d. Lighting levels at the property line shall not exceed 1.0 footcandles, except if adjacent to a residential district or use, the lighting levels shall not exceed 0.5 footcandles at the property line adjoining such use or district. However, at driveways and entrances additional footcandles may be permitted if determined by the Zoning Administrator that site conditions warrant such increase for safety reasons.
4. A plan illustrating proposed light fixture type, style, height, and a photometric plan illustrating proposed illumination on the site and at the property lines shall be submitted for approval for all uses that require site plan review per Article 38, unless determined by the Zoning Administrator that the scope of the project does not warrant such review.
 5. No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.
 6. Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.

7. Non-cutoff lighting affixed to a wall shall be prohibited.
8. In the case of an existing fixture, a nonconforming use of lighting may continue until the luminaire is replaced unless such fixture is a nuisance or considered to be a safety hazard.

I. Interior Parking Area Landscaping

Landscaping shall be provided within the interior of parking areas in accordance with the provisions of this Article.

1. Parking areas containing less than twenty (20) parking spaces shall be exempt from the requirements of this Section.
 - a. Where the total parking provided is located in more than one location on a site and each location contains less than twenty (20) parking spaces, each such area shall be exempt from this Section if separated on all sides by at least twenty (20) feet of non-paved areas.
 - b. Where an existing parking area containing less than twenty (20) contiguous parking spaces is expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.
2. Landscaping shall be provided within or adjacent to parking areas. The total amount of landscaping required is 22 square feet per parking and stacking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required.
3. All parking spaces must be within 125 feet of a landscaped area, and landscape areas shall be a minimum of 100 square feet in size.
4. A minimum of one (1) deciduous tree, a minimum of two inches in caliper, shall be provided for each 15 parking spaces, and three (3) shrubs for each required tree. Any fractional number of trees should be calculated to the next highest whole number.
5. All parts of unenclosed off-street parking areas which are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be continuously maintained.

J. Drainage

All parking spaces, together with driveways, aisles and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage facilities shall be approved by the County Engineer.

K. Barriers

Wherever a parking lot extends to a property line, fencing, wheelstops, curbs or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line and from destroying the screening materials or required landscaping.

L. Visibility

Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible by any pedestrian or motorist approaching the access or driveway from a public street, private street, alley or sidewalk.

M. Marking

All parking areas with a capacity over ten (10) vehicles shall be striped between stalls to facilitate the movement in and out of the parking stalls.

N. Maintenance

Any owner of property used for parking areas shall maintain such areas in good condition without holes and free from all dust, trash, weeds, and other debris.

O. Signage

Where necessary, due to multiple curb cuts, the entrance, exits and the intended circulation pattern shall be clearly marked in the parking area. Signage shall consist of pavement markings or freestanding directional signs in accordance with Article 40, Signs, of this Resolution.

P. Repair and Service, Disabled Vehicles and Trailer Storage

1. No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or in association with any off-street parking area.
2. The parking of a disabled vehicle within the Township shall be prohibited, unless such vehicle is stored in an enclosed garage or other enclosed accessory building.
3. With the exception of industrial districts, no tractor trailer, which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel of ground unless it is within a completely enclosed building or structure.

Q. Pedestrian Circulation

1. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a pedestrian system shall be clearly designated.
2. Sidewalks shall be required for all new developments whenever the parcel has frontage on a public street. In the case of frontage on a public street the sidewalk shall be constructed the entire distance the property abuts the street.
3. Sidewalks for single-family detached residential uses shall be regulated in accordance with the Clermont County Subdivision Regulations.

R. Traffic Impact Study

The Township may require the applicant to provide a traffic impact study, under the following conditions.

1. If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten (10%) percent or more.
2. If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic.

3. The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity.
4. The proposed development is in the vicinity of a street or intersection with a history of safety and/or accident problems.
5. The geometry of existing or proposed improvements might cause a safety hazard.

S. Vehicular Access

Acceleration, deceleration, and / or left turn lanes may be required if the Township finds that such improvements are necessary to preserve safety, and/or the traffic carrying capacity of the existing street is diminished below acceptable levels of service based on the recommendations of a traffic impact study and the recommendation of the Clermont County Engineer.

8.03 DETERMINATION OF REQUIRED SPACES

In computing the number of parking spaces required by this Resolution, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross leasable horizontal area of all floors of a non-residential building.
- B. Where seating capacity is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each twenty (20) lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.
- D. Parking space requirements for a use not specifically mentioned in this Resolution shall be determined by using the most similar and restrictive parking space requirement as specified by the Board of Zoning Appeals based on the intended use, the location of the use, the traffic arteries leading into the premises and the expected patronage or use by individuals operating motor vehicles.
- E. When the building floor area is designated as the standard for determining parking space requirements and that number is less than the minimum standard, at least one parking space shall be provided on the premises.

8.04 OFF-STREET PARKING REQUIREMENTS

Off-street parking requirements shall be as follows:

Use	Number of Spaces Required
A. Automobile Service Station and Repair	Two spaces for each service bay and two spaces for each gasoline pump. Stations which primarily dispense petroleum products and have no under-roof facilities for repair or service of motor vehicles shall require four spaces. Stations with automobile car washes shall provide sufficient stacking spaces for three vehicles per washing unit.
B. Bed and Breakfast	One space for each guest room plus three spaces for the permanent residents.
C. Medical Offices	One space for each 200 square feet of floor area of examination, treating room, office and waiting room.
D. Club	One space for each 200 square feet of floor area.
E. Commercial School or Trade School	One space for each 300 square feet of floor area.
F. Community Social Service Facility or Group Home	One space for each two beds.
G. Business, Convenience	One space for each 100 square feet of floor area.
H. Day Care	One space for each employee on the maximum shift plus one off-street parking space for each 5 children.
I. Educational Institution	Two spaces for each classroom plus one space for each four seats in the auditorium. High schools shall also include one space for each ten students at design capacity. College and universities shall provide five spaces for each classroom plus one space for each four seats in the auditorium.
J. Financial Institution	One space for each 200 square feet of floor area plus sufficient stacking space at a drive-through facility to accommodate the number of automobiles equal to five times the number of drive-through teller windows.

K.	Funeral Home.	One space for each 100 square feet of parlor floor area plus one reserved space for each hearse or company vehicle.
L.	Hospitals	One space for each two beds.
M.	Hotels and Motels	One space for each sleeping room plus one space for each 400 square feet of public meeting area and/or restaurant space.
N.	Manufacturing	One space for each 2,000 square feet of floor area
O.	Warehousing, Wholesaling or Similar Establishments	One space for each 2,000 square feet of floor area
O.	Office	One space for each 400 square feet of floor area.
P.	Personal Service	One space for each 200 square feet of floor area.
Q.	Public Assembly Hall	One space for each 50 square feet of floor area.
R.	Public Buildings	One space for each 400 square feet of floor area.
S.	Recreational, Non-Commercial	One space for each participant at maximum utilization.
T.	Recreational, Commercial	One space for each three seats or one space for each 100 feet of floor area, whichever is greater.
U.	Religious Places of Worship	One space for each five seats in the place of assembly.
V.	Residential, Multi-family	Two and one half (2.5) spaces for each dwelling unit.
W.	Residential, Single-family, detached	Four spaces for each dwelling unit.
X.	Residential, Single-family, attached	Two and one half (2.5) spaces per dwelling unit.
Y.	Residential, Two-family	Three spaces for each dwelling unit.
Z.	Research and Development Laboratories	One space for each 500 square feet of floor area.
AA.	Restaurants	One space for each 200 square feet of floor area.

BB.	Restaurants, Fast Food	One space for each 100 square feet of floor area plus sufficient stacking space for five vehicles at each drive-through window.
CC.	Retail Business	One space for each 200 square feet of floor area.
DD.	Self-Service Storage Facility	One space for each 10 storage units.
EE.	Shopping Center	One space for each 300 square feet of floor area.
FF.	Swimming Club	One space for each 300 square feet of pool and promenade area.
GG.	Taverns	One space for each 100 square feet of floor area.
HH.	Truck Terminals	One space for each 500 square feet of floor area.
II.	Veterinary Hospital or Clinic	Two spaces for each examination room.

8.05 RESTRICTED PARKING LOTS - CONDITIONAL USE

The Board of Zoning Appeals may permit the use of land lying in a zoning district in which parking lots otherwise are not a permissible use as restricted parking lots.

- A. The Board's approval of a restricted parking lot must be based on a finding that:
1. The parcel to be used is located not more than fifty (50) feet from the parcel on which is located the land use requiring such parking facilities.
 2. The parking lot or parking lots shall be for use in connection with a permissible use in an adjacent district (whether such adjacent district is within the territory subject to this Resolution or is within a territory subject to the zoning restrictions of another zoning authority). Such parking lot shall be used solely for the parking of private passenger vehicles.
 3. The parking lot shall not be used for repair work or vehicle servicing or loading of any kind, and no advertising signs of any kind shall be erected on the lot.
 4. The parking lot shall be closed between 11 PM and 7 AM; except as may be otherwise permitted by the Board of Zoning Appeals.
- B. Application for a Conditional Use certificate shall be treated, processed, noticed and heard in the manner prescribed for in Article 5.07 hereof.
- C. The Board shall impose further conditions, such as screening and landscaping, as may be necessary and appropriate, in order to reduce the adverse effect of a

parking lot upon the preservation of the residential character and development of the Residential District in which the parking lot is proposed to be located.

8.06 MIXED OCCUPANCIES AND USES NOT SPECIFIED

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Where a use is not specifically mentioned in Section 8.04, the requirements for a use which is so mentioned and to which said use is similar shall apply. Off-street parking facilities for one use shall not be considered as providing requirements for any other use, except as specified for joint use.

8.07 JOINT OR COLLECTIVE PARKING FACILITIES

The joint or collective parking provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. The total of such off-street parking spaces supplied collectively may be less than the sum of the requirements for the various uses computed separately. However, in no case shall the sum of the requirements for the various uses be reduced to a point greater than 15% of the required parking for uses when computed separately.

8.08 DRIVE-THROUGH FACILITIES

Uses that include drive-up, drive-through, or other services to customers in vehicles shall be designed to provide adequate on-site stacking spaces. Stacking spaces shall be designed so that vehicles waiting for service do not interfere with traffic on public streets, and do not interfere with vehicular or pedestrian access or circulation on the site.

- A. A minimum of four (4) stacking spaces shall be provided per service point.
- B. A bypass lane with a minimum width of ten feet shall be provided for all drive-through uses.
- C. For the purpose of determining adequate stacking, a plan illustrating the required number of stacking spaces measured a minimum of nine (9) feet wide and twenty two (22) feet long shall be provided.

8.09 OFF-STREET LOADING SPACES REQUIRED

In connection with every building or part thereof hereafter erected, except dwellings, there shall be provided, on the same lot with such buildings, off-street loading spaces or berths, for uses which customarily receive or distribute material or merchandise by vehicle, in accordance with the requirements of Sections 8.10 and 8.11 of this Article.

8.10 OFF-STREET LOADING REQUIREMENTS

Off-street loading requirements shall be as follows:

BUILDING AREA	MINIMUM NUMBER OF SPACES REQUIRED
Less than 1,000 square feet	None required
More than 1,000 square feet but less than 10,000 square feet	One space
More than 10,000 square feet but less than 40,000 square feet	Two spaces
40,000 square feet or more	Three spaces, plus one space for each 30,000 square feet over 40,000 square feet of building area

8.11 OFF-STREET LOADING DESIGN STANDARDS

All off-street loading spaces shall be in accordance with the following standards and specifications:

A. Dimension

Each off-street loading space shall be at least ten (10) feet in width by twenty-five (25) feet in length having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress or egress.

B. Surfacing

All open loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials capable of withstanding 1,000 pounds per square inch (psi).

C. Drainage

All loading spaces shall be provided with adequate drainage facilities as approved by the County Engineer.

D. Location

All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a required front yard or rear yard when such yard is adjacent to a Residential District. If the facility is designed in a manner that provides for all loading and unloading to occur within the perimeters of the building, no outdoor loading spaces shall be required.

E. Access

All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle entering and leaving the premises shall be traveling in a forward motion.

F. Screening

In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Article 7, Bufferyards and Landscaping, of this Resolution.

G. Lighting

Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from any adjacent properties or right-of-way in accordance with Section 8.02.

**ARTICLE 9
YARD EXCEPTIONS, MODIFICATION AND INTERPRETATIONS**

9.01 MISCELLANEOUS HEIGHT AND OPEN SPACE REQUIREMENTS

The following regulations shall supersede the height and open space requirements found in this Resolution:

- A. Parapet walls not exceeding four (4) feet in height, chimneys, ventilators, cooling towers, elevators, bulkheads, tanks, telecommunication towers, radio towers, ornamental towers, monuments, cupolas, domes, and church spires may be erected above the height limits herein established.
- B. Every part of a yard required herein shall be open and unobstructed from the lowest point at ground level to the sky except for the ordinary projections of windowsills and other ornamental features to the extent of not more than four (4) inches.
- C. Chimneys and bay windows may be erected within the limits prescribed for yards provided that they do not extend more than two (2) feet into any such yard.
- D. Only one principal building shall be erected or used on a residential lot. A group of multi-family dwelling structures shall be considered as one principal building for purposes of this provision only.
- E. Barns, silos or other farm and agricultural related structures on farms shall meet the minimum yard requirements for the district in which it is located if the agricultural use or property is located on a lot of less than five (5) acres in size and is adjacent to or is abutting an area consisting of fifteen (15) or more residential lots or a platted subdivision.

9.02 PERMITTED USES REVOKED

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

9.03 FRONTAGE

Every lot with an area of less than five (5) acres shall front on a public street, and shall have a minimum street frontage of twenty-five (25) feet. An access easement does not constitute ownership and therefore does not fulfill the public street frontage requirement. This Section shall not apply to any lot five (5) acres or more in size.

9.04 SETBACK REQUIREMENTS FOR CORNER BUILDING

On a corner lot, the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard setback in the district in which such structures are located.

9.05 ARCHITECTURAL PROJECTIONS

Open structures such as porches, decks, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard.

9.06 HEIGHT REGULATIONS

No building may be over forty (40) feet in height without Board of Zoning Appeal approval, unless specifically exempted herein.

The following shall be required for approval:

- A. All necessary fire equipment has been provided.
- B. Local fire and building department permits have been obtained.
- C. A Clermont County airport Zoning Certificate has been obtained.
- D. Statement from FCC that building will not interfere with air communications.

ARTICLE 10
A AGRICULTURAL DISTRICT

10.01 PURPOSE

This district serves to protect land best suited for agricultural use from the encroachment of incompatible land uses and to preserve valuable agricultural land for agricultural uses and to retain land suited for eventual development for urban uses in a productive agricultural use until an adjoining community can grow and expand in an orderly manner.

10.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as per ORC 519.21 and as regulated in Section 7.31.
- B. Dairying, Animal and Poultry Husbandry (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- C. Roadside Stands; as regulated in Section 7.22.
- D. Single-family Dwellings.
- E. Kennels; as regulated in Section 7.34.
- F. Riding Stables.
- G. Cemeteries, Mausoleums and Crematoriums.
- H. Veterinary Hospitals or Clinic; as regulated in Section 7.34.
- I. Type B Family Day Care Home.
- J. Adult Family Home or Small Residential Facility.
- K. Wireless Telecommunications Towers; as regulated in Section 7.12.

10.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Home Occupations.

- C. Any use or structure customarily accessory and incidental to any of the permitted uses.

10.04 CONDITIONALLY PERMITTED USES ARE AS FOLLOWS:

Conditionally permitted uses are as follows:

- A. Agricultural Services.
- B. Airports.
- C. Clubs.
- D. Golf Courses.
- E. Bed and Breakfast Facilities.
- F. Educational Institutions.
- G. Religious Places of Worship.
- H. Government Owned Buildings
- I. Non-Commercial Recreation Areas.
- J. Secondary Dwelling Units; as regulated in Article 7.
- K. Recreational Vehicle Park or Campground; as regulated in Article 7.
- L. Outdoor Stoves or Furnaces on lots three (3) acres or less; as regulated in Section 7.28.

10.05 MINIMUM LOT AREA, LOT WIDTHS AND EXCEPTIONS

The minimum lot area and width for properties in the A Agricultural District shall be as follows:

- A. All agricultural buildings, structures and uses as defined by the ORC are exempt from these regulations if on five (5) acres or more.
- B. All agricultural buildings and structures used for dairying and animal husbandry on parcels less than five (5) acres shall be located no closer than 75feet to an adjoining property line. Poultry shall be excluded from this regulation.

- C. All other uses shall have a minimum lot size of three (3) acres with a width of not less than 200 feet at the building setback line.

10.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the A Agricultural District shall be 50 feet.

10.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the A Agricultural District shall be 30 feet.

10.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the A Agricultural District shall be 60 feet.

10.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the A Agricultural District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 40 feet in height.

10.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

ARTICLE 14
E-R ESTATE RESIDENTIAL DISTRICT

14.01 PURPOSE

This district is designed to accommodate low density single-family residential development within urbanizing portions of the Township and within and adjacent to areas of similar development.

14.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single-family dwellings.
- B. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- C. Type B Family Day Care Home.
- D. Adult Family Home or Small Residential Facility.

14.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated by Article 40.
- B. Home occupations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses.

14.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Bed and Breakfast Facilities.
- B. Educational Institutions.
- C. Religious Places of Worship.
- D. Government Buildings.
- E. Non-Commercial Recreation Areas.

- F. Secondary Dwelling Units; as regulated in Article 7.
- G. Wireless Telecommunications Towers; as regulated in Section 7.12.
- H. Outdoor Stoves or Furnaces on lots three (3) acres or less; as regulated in Section 7.28.
- I. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.

14.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the E-R Estate Residential shall be one (1) acre and a width of not less than 150 feet at the building setback line.

14.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the E-R Estate Residential shall be 50 feet.

14.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the E-R Estate Residential shall be 25 feet.

14.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the E-R Estate Residential shall be 50 feet.

14.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the E-R Estate Residential shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 15 feet in height unless such structure is greater than 300-square feet, but in no case shall any accessory structure exceed the height of the principal structure on the lot.

14.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

ARTICLE 16
R-1 SINGLE-FAMILY DISTRICT

16.01 PURPOSE

This district is designed to accommodate moderate density single-family residential development within urbanizing portions of the Township and within and adjacent to areas of similar development.

16.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single-family dwellings.
- B. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- C. Type B Family Day Care Home.
- D. Adult Family Home or Small Residential Facility.

16.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated by Article 40.
- B. Home occupations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses.

16.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Bed and Breakfast Facilities.
- B. Educational Institutions.
- C. Religious Places of Worship.
- D. Government Buildings.
- E. Non-Commercial Recreation Areas.

- F. Secondary Dwelling Units; as regulated in Article 7.
- G. Wireless Telecommunications Towers; as regulated in Section 7.12.
- H. Outdoor Stoves or Furnaces on lots three (3) acres or less; as regulated in Section 7.28.
- I. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.

16.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area and width for properties in the R-1 Single-family District shall be as follows:

- A. Single-family dwellings shall have a minimum lot area of 20,000 square feet and a width of not less than 100 feet at the building setback line.
- B. Other uses shall have a minimum lot area of 1 acre and a width of not less than 100 feet at the building setback line.

16.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the R-1 Single-family District shall be 50 feet.

16.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the R-1 Single-family District shall be 10 feet with a minimum total side yard setback of 40 feet.

16.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-1 Single-family District shall be 40 feet.

16.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the R-1 Single-family District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.

- B. No accessory structure shall exceed 15 feet in height unless such structure is greater than 300 square feet, but in no case shall any accessory structure exceed the height of the principal structure on the lot.

16.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

ARTICLE 18
R-3 MULTI-FAMILY DISTRICT

18.01 PURPOSE

This district serves to promote high quality single, two-family and multi-family developments at a low to medium density.

18.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Single-family Dwellings.
- B. Two-family Dwellings.
- C. Multi-family Dwellings.
- D. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- E. Type B Family Day Care Home.
- F. Adult Family Home or Small Residential Facility.

18.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated by Article 40.
- B. Home occupations.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses.

18.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Educational Institutions.
- B. Religious Places of Worship.
- C. Government Buildings.

- D. Non-Commercial Recreation Areas.
- E. Adult Group Homes; as licensed under State Law.
- F. Clubs.
- G. Hospitals.
- H. Day Care Center
- I. Rest Homes/Convalescent Care/Assisted Care Living Facilities.
- J. Secondary Dwelling Units; as regulated in Article 7.
- K. Wireless Telecommunications Towers; as regulated in Section 7.12.
- L. Outdoor Stoves or Furnaces on lots three (3) acres or less; as regulated in Section 7.28.
- M. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.

18.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the R-3 Multi-family District are as follows:

- A. Single-family dwellings shall have a minimum lot area of 20,000 square feet and a width of not less than 100 feet at the building setback line.
- B. Two-family dwellings shall have a minimum lot area of 25,000 square feet and a width of not less than 125 feet at the building setback line.
- C. Multi-family dwellings shall not exceed a density of six (6) dwelling units per gross acre, with lot having a width of not less than 125 feet at the building setback line.
- D. Hospitals, Educational Institutions, and Religious Places of Worship shall have a minimum lot area of 5 acres and a width of not less than 200 feet at the building setback line.
- E. Other uses shall have a minimum lot area of 1 acre and a width of not less than 100 feet at the building setback line.

18.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the R-3 Multi-family District shall be 50 feet.

18.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the R-3 Multi-family District shall be as follows:

- A. Single-family dwellings shall have a minimum side yard setback of 10 feet with a minimum total side yard setback of 40 feet.
- B. Two-family dwellings shall have a minimum side yard setback of 20 feet.
- C. Multi-family dwellings shall have a minimum side yard setback of 50 feet.
- D. Other uses shall have a minimum side yard setback of 50 feet.

18.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the R-3 Multi-family District shall be as follows:

- A. Single-family and two-family dwellings shall have a minimum rear yard setback of 35 feet.
- B. All other uses shall have a minimum rear yard setback of 50 feet.

18.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the R-3 Multi-family District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 15 feet in height, unless such structure is greater than 300 square feet, but in no case shall any accessory structure exceed the height of the principal structure on the lot.

18.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

18.12 MINIMUM FLOOR AREA

The minimum floor area for dwellings in the R-3 Multi-family District shall be as follows:

- A. Two-family dwellings shall have a minimum floor area of 1,000 square feet each unit.
- B. Multi-family dwellings shall have a minimum floor area as follows:
 - 1. Efficiency dwellings - 560 square feet.
 - 2. One bedroom dwellings - 680 square feet.
 - 3. Two bedroom dwellings - 770 square feet.
 - 4. Three bedroom dwellings - 980 square feet.

18.13 STANDARDS FOR MULTI-FAMILY DWELLING

Multi-family dwellings shall be further regulated as follows:

- A. All driveways and parking areas must be paved.
- B. Adequate off-street parking must be provided by the developer in accordance with the provisions of Article 8 of this Resolution.
- C. Each multi-family dwelling or development shall have adequate exterior and common area lighting where necessary. Adequate exterior and common area lighting shall mean that all common areas outside and around the multi-family buildings, including stairwells, are sufficiently lit to allow for safe and convenient pedestrian movement.
- D. Every application for the construction, operation, maintenance, and occupancy of a multi-family dwelling shall be accompanied with plans and specifications fully setting out the number of buildings, position of each building, number of parking spaces, number of units, driveways giving access to each building and to the development and a plan of landscaping and copies of the specifications for the materials to be contained therein.
- E. A group of multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group, as a unit, shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district.

18.14 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment, except single-family and two-family dwellings, shall be subject to the site plan review process as outlined in Article 38.
- B. Dumpsters shall conform to the regulations of Article 7.
- C. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- D. Mechanical equipment, transformers and other utility hardware for all new development and redevelopment, except single-family and two-family dwellings, shall be screened from public view.

ARTICLE 22
O-B OFFICE BUSINESS DISTRICT

22.01 PURPOSE

This district is designed to provide for the location of offices, institutional, and governmental services in suitable locations in which they can support community needs as well as serve as transitional areas between residential and commercial districts or between major thoroughfares and residential districts.

22.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- B. Educational Institutions.
- C. Religious Places of Worship.
- D. Government Buildings.
- E. Medical and Dental Offices/Clinics.
- F. Professional Services.
- G. Personal Services.
- H. Offices.
- I. Day Care Center.
- J. Wireless Telecommunications Towers.

22.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.
- C. Retail Business; provided that such facility does not exceed 10% of the total floor area of the Structure.

- D. Restaurants; provided that such facility does not exceed 10% of the total floor area of the Structure.
- E. Any use or structure customarily accessory and incidental to any of the permitted uses.

22.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Veterinary Hospitals or Clinics; as regulated in Section 7.34.
- B. Golf Courses.
- C. Non-Commercial Recreation.
- D. Clubs.
- E. Hospitals.
- F. Rest Homes/Convalescent Care/Assisted Living Facilities.
- G. Financial Institutions.
- H. Commercial Recreation.
- I. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- J. Uses similar to those indicated in this District.

22.05 MINIMUM LOT AREA AND WIDTH

There shall be no minimum lot area or width for properties in the O-B Office Business District.

22.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the O-B Office Business District shall be 50 feet.

22.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the O-B Office Business District shall be 20 feet.

22.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the O-B Office Business District shall be 40 feet.

22.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the O-B Office Business District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 20 feet in height.

22.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

22.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- B. All business activities within the O-B Office Business District shall be conducted within a fully enclosed building, with the exception of parking, loading and unloading, or those uses conditionally approved by the Board of Zoning Appeals.
- C. Outdoor storage and dumpsters shall conform to the regulations of Article 7.
- D. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- E. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.

ARTICLE 24
B-1 COMMUNITY BUSINESS DISTRICT

24.01 PURPOSE

This District is designed to permit and encourage the retention and establishment of small convenience goods and personal service businesses located in close proximity to the residential areas which it is intended to serve.

24.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- B. Educational Institutions.
- C. Religious Places of Worship.
- D. Government Buildings.
- E. Clubs.
- F. Day Care Center
- G. Medical and Dental Offices/Clinics.
- H. Professional Services.
- I. Personal Services.
- J. Offices.
- K. Financial Institutions.
- L. Retail Business - Limited to 5,000 square feet gross floor area.
- M. Convenience Business.
- N. Commercial Entertainment.
- O. Wireless Telecommunications Towers.

24.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.
- C. Any use or structure customarily accessory and incidental to any of the permitted uses.

24.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Non-Commercial Recreation.
- B. Hospitals.
- C. Rest Home/Convalescent Care/Assisted Living Facilities.
- D. Commercial Recreation.
- E. Restaurants with or without outdoor dining and/or entertainment; as regulated in Section 7.33.
- F. Fast Food Restaurants.
- G. Taverns.
- H. Automotive Filling Stations.
- I. Medical and Dental Laboratories.
- J. Veterinary Hospitals or Clinics; as regulated in Section 7.34.
- K. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- L. Uses similar to those indicated in this District.

24.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the B-1 Community Business District shall be one (1) acre with no minimum width.

24.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the B-1 Community Business District shall be 50 feet.

24.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the B-1 Community Business District shall be 20 feet.

24.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the B-1 Community Business District shall be 40 feet.

24.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the B-1 Community Business District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 20 feet in height.

24.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

24.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- B. All business activities within the B-1 Community Business District shall be conducted within a fully enclosed building, with the exception of permitted fuel dispensers, parking, loading and unloading, those uses devoted to outdoor display or storage, or uses conditionally approved by the Board of Zoning Appeals.
- C. Outdoor storage and dumpsters shall conform to the regulations of Article 7.

- D. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- E. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.

ARTICLE 26
B-2 GENERAL BUSINESS DISTRICT

26.01 PURPOSE

This district is designed to provide for a variety of retail, service and administrative establishments required to satisfy the needs of the overall Township.

26.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- B. Agricultural Services.
- C. Veterinary Hospitals or Clinics.
- D. Educational Institutions.
- E. Religious Places of Worship.
- F. Government Buildings.
- G. Clubs.
- H. Medical and Dental Offices/Clinics.
- I. Professional Services.
- J. Personal Services.
- K. Offices.
- L. Financial Institutions.
- M. Retail Business.
- N. Restaurants.
- O. Internet Café.
- P. Fast Food Restaurants.

- Q. Automotive Filling Stations.
- R. Commercial Entertainment.
- S. Hotels and Motels.
- T. Automotive Service and Repairs.
- U. Automobile, Motorcycle, Recreational Vehicle, Truck, Trailer and Farm Implement Sales; New or Used.
- V. Automotive Washing Facility.
- W. Wholesale Business.
- X. Shopping Center.
- Y. Day Care Center.
- Z. Plant Nursery.
- AA. Wireless Telecommunications Towers.

26.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.
- C. Drive-through Facilities.
- D. Warehouse; provided that such facility does not exceed 40% of the total floor area of the Structure.
- E. Any use or structure customarily accessory and incidental to any of the permitted uses.

26.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Golf Courses.

- B. Non-Commercial Recreation.
- C. Hospitals.
- D. Government Buildings.
- E. Rest Homes/Convalescent Care/Assisted Living Facilities.
- F. Taverns.
- G. Medical and Dental Laboratories.
- H. Restaurants with outdoor dining and/or entertainment; as regulated in Section 7.33.
- I. Veterinary Hospitals or Clinics; as regulated in Section 7.34.
- J. Recreational Vehicle Storage Facility.
- K. Self-Service Storage Facility.
- L. Commercial Recreation.
- M. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- N. Uses similar to those indicated in this District.

26.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the B-2 General Business District shall be one (1) acre with no minimum width.

26.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the B-2 General Business District shall be 50 feet.

26.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the B-2 General Business District shall be 20 feet.

26.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the B-2 General Business District shall be 40 feet.

26.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the B-2 General Business District shall be as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 20 feet in height.

26.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

26.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- A. All business activities within the B-2 General Business District shall be conducted within a fully enclosed building, with the exception of permitted fuel dispensers, parking, loading and unloading, those uses devoted to outdoor display or storage, or uses conditionally approved by the Board of Zoning Appeals.
- C. Outdoor storage and dumpsters shall conform to the regulations of Article 7.
- D. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- E. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.

ARTICLE 28
C-I CAMPUS INDUSTRIAL DISTRICT

28.01 PURPOSE

This district is designed to provide for those activities associated with research and development as well as for office and industrial uses having minimum impact upon the surrounding environment in areas that are suitable for industrial development by reason of location and the availability of adequate utility and transportation systems.

28.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Agriculture; as ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- B. Veterinary Hospitals or Clinics.
- C. Office.
- D. Medical and Dental Laboratories.
- E. Research and Development Laboratories.
- F. Light Manufacturing.
- G. Wireless Telecommunications Towers.

28.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.
- C. Day Care (provided that such facility does not exceed 5% of the total floor area of the principal use).
- D. Personal Services (provided that such facility does not exceed 5% of the total floor area of the principal use).
- E. Financial Institutions (provided that such facility does not exceed 5% of the total floor area of the principal use).

- F. Retail Business (provided that such facility does not exceed 5% of the total floor area of the principal use).
- G. Restaurants (provided that such facility does not exceed 5% of the total floor area of the principal use).
- H. Warehouse.
- I. Any use or structure customarily accessory and incidental to any of the permitted uses.

28.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Golf Courses.
- B. Non-Commercial Recreation.
- C. Hospitals.
- D. Commercial Recreation.
- E. Government Buildings.
- F. Commercial Entertainment.
- G. Hotels and Motels.
- H. Automotive Service and Repairs.
- I. Automobile, Motorcycle, Recreational Vehicle, Truck, Trailer and Farm Implement Sales; New or Used.
- J. Wholesale Business.
- K. Construction Services.
- L. Maintenance and Storage Facility.
- M. Recreational Vehicle Storage Facility.
- N. Self-Service Storage Facility.

- O. Veterinary Hospitals or Clinics with outdoor runs; as regulated in Section 7.34.
- P. Day Care Center.
- Q. Educational Institution.
- R. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- S. Uses similar to those indicated in this District.

28.05 MINIMUM LOT AREA AND WIDTH

The minimum lot area for properties in the C-I Campus Industrial District shall be 15,000 square feet with no minimum width.

28.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the C-I Campus Industrial District shall be 50 feet.

28.07 MINIMUM SIDE YARD SETBACK

There shall be no minimum side yard setback for properties in the C-I Campus Industrial District unless abutting a residential district, then the minimum side yard setback shall be 100 feet.

28.08 MINIMUM REAR YARD SETBACK

There shall be no minimum rear yard setback for properties in the C-I Campus Industrial District unless abutting a residential district, then the minimum rear yard setback shall be 100 feet.

28.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the C-I Campus Industrial District shall be as follows:

- A. No principal structure shall exceed 45 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

28.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

28.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- B. All business activities within the C-I Campus Industrial District shall be conducted within a fully enclosed building, with the exception of permitted fuel dispensers, parking, loading and unloading, those uses devoted to outdoor display, or storage or uses conditionally approved by the Board of Zoning Appeals.
- C. Outdoor storage and dumpsters shall conform to the regulations of Article 7.
- D. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- E. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.
- F. All uses in the C-I Campus Industrial District shall comply with the Environmental Performance Standards in Article 7.

**ARTICLE 30
I INDUSTRIAL DISTRICT**

30.01 PURPOSE

This district is designed to accommodate a broad range of industrial activities diverse in products, operational techniques and size which have a minimal impact upon their environment but need to be separated from residential uses due to their more intensive nature.

30.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Light Manufacturing.
- B. Office.
- C. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- D. Medical and Dental Laboratories.
- E. Automotive Service and Repairs.
- F. Automobile, Motorcycle, Recreational Vehicle, Truck, Trailer and Farm Implement Sales; New or Used.
- G. Warehouse.
- H. Research and Development Laboratories.
- I. Self-Service Storage Facility.
- J. Construction Services.
- K. Wireless Telecommunications Towers.

30.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.

- C. Day Care (provided that such facility does not exceed 25% of the total floor area of the principal use).
- D. Personal Services (provided that such facility does not exceed 25% of the total floor area of the principal use).
- E. Financial Institutions (provided that such facility does not exceed 25% of the total floor area of the principal use).
- F. Retail Business (provided that such facility does not exceed 25% of the total floor area of the principal use).
- G. Restaurants (provided that such facility does not exceed 25% of the total floor area of the principal use).
- H. Any use or structure customarily accessory and incidental to any of the permitted uses.

30.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Airports.
- B. Retail Business.
- C. Non-Commercial Recreation.
- D. Commercial Recreation.
- E. Government Buildings.
- F. Automotive Filling Stations.
- G. Commercial Entertainment.
- H. Wholesale Business.
- I. Quarries, Mining and Gravel Pits.
- J. Adult Entertainment Establishment.
- K. Sanitary Landfills.

- L. Construction Services Storage Yard.
- M. Maintenance and Storage Facility.
- N. Recreational Vehicle Storage Facility.
- O. Veterinary Hospital or Clinic with or without outdoor runs; as regulated in Section 7.34.
- P. Day Care Center.
- Q. Educational Institutions.
- R. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- S. Uses similar to those indicated in this District.

30.05 MINIMUM LOT AREA AND WIDTH

There shall be no minimum lot area or width for properties in the I Industrial District.

30.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the I Industrial District shall be 50 feet.

30.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the I Industrial District shall be 20 feet, unless abutting a residential district, then the minimum side yard setback shall be 100 feet.

30.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the I Industrial District shall be 20 feet, unless abutting a residential district, then the minimum rear yard setback shall be 100 feet.

30.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the I Industrial District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.

- B. No accessory structure shall exceed 25 feet in height.

30.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

30.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- B. Outdoor storage and dumpsters shall conform to the regulations of Article 7.
- C. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- D. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.
- E. All uses in the I Industrial District shall comply with the Environmental Performance Standards in Article 7.

ARTICLE 32
M-I MAJOR INDUSTRIAL DISTRICT

32.01 PURPOSE

This district is designed to accommodate a broad range of heavier industrial activities diverse in products, operational techniques and size which may have an impact upon the surrounding environment and may require separation from residential uses due to their more intensive nature.

32.02 PRINCIPALLY PERMITTED USES

Principally permitted uses are as follows:

- A. Light Manufacturing.
- B. Office.
- C. Agriculture; as per ORC 519.21 and as regulated in Section 7.31. (Under 5 Acres of land shall be limited to two head of livestock, excluding poultry).
- D. Medical and Dental Laboratories.
- E. Automotive Service and Repairs.
- F. Automobile, Motorcycle, Recreational Vehicle, Truck, Trailer and Farm Implement Sales; New or Used.
- G. Warehouse.
- H. Research and Development Laboratories.
- I. Self-Service Storage Facility.
- J. Construction Services.
- K. Wireless Telecommunications Towers.

32.03 PERMITTED ACCESSORY USES

Permitted accessory uses are as follows, and in accordance with Article 7:

- A. Signs, as regulated in Article 40.
- B. Roadside Stands.

- C. Day Care (provided that such facility does not exceed 5% of the total floor area of the principal use).
- D. Personal Services (provided that such facility does not exceed 5% of the total floor area of the principal use).
- E. Financial Institutions (provided that such facility does not exceed 5% of the total floor area of the principal use).
- F. Retail Business (provided that such facility does not exceed 5% of the total floor area of the principal use).
- G. Restaurants (provided that such facility does not exceed 5% of the total floor area of the principal use).
- H. Any use or structure customarily accessory and incidental to any of the permitted uses.

32.04 CONDITIONALLY PERMITTED USES

Conditionally permitted uses are as follows:

- A. Heavy Manufacturing.
- B. Airports.
- C. Retail Business.
- D. Non-Commercial Recreation.
- F. Commercial Recreation.
- G. Government Buildings.
- H. Automotive Filling Stations.
- I. Commercial Entertainment.
- J. Wholesale Business.
- K. Quarries, Mining and Gravel Pits.
- L. Adult Entertainment Establishment.

- M. Sanitary Landfills.
- N. Construction Services Storage Yard.
- O. Maintenance and Storage Facility.
- P. Recreational Vehicle Storage Facility.
- Q. Veterinary Hospital or Clinic with or without outdoor runs; as regulated in Section 7.34.
- R. Recycling Center.
- S. Day Care Center.
- T. Small Wind Energy Conservation Systems on lots three (3) acres or less; as regulated in Section 7.29.
- U. Uses similar to those indicated in this District.

32.05 MINIMUM LOT AREA AND WIDTH

There shall be no minimum lot area or width for properties in the M-I Industrial District.

32.06 MINIMUM FRONT YARD SETBACK

The minimum front yard setback for properties in the M-I Industrial District shall be 75 feet.

32.07 MINIMUM SIDE YARD SETBACK

The minimum side yard setback for properties in the M-I Industrial District shall be 50 feet, unless abutting a residential district, then the minimum side yard setback shall be 100 feet.

32.08 MINIMUM REAR YARD SETBACK

The minimum rear yard setback for properties in the M-I Industrial District shall be 20 feet, unless abutting a residential district, then the minimum side yard setback shall be 100 feet.

32.09 MAXIMUM HEIGHT REGULATIONS

The maximum height regulations for properties in the M-I Industrial District shall be as follows:

- A. No principal structure shall exceed 40 feet in height.
- B. No accessory structure shall exceed 25 feet in height.

32.10 OFF-STREET PARKING AND LOADING

Off-street parking and loading shall be required as is specified in Article 8, Off-Street Parking and Loading.

32.12 ADDITIONAL REQUIREMENTS

- A. All new development and redevelopment shall be subject to the site plan review process as outlined in Article 38.
- B. Outdoor storage and dumpsters shall conform to the regulations of Article 7.
- C. Sidewalks and pedestrian connections shall be provided in accordance with Article 8.
- D. Mechanical equipment, transformers, and other utility hardware shall be screened from public view.
- E. All uses in the M-I Major Industrial District shall comply with the Environmental Performance Standards in Article 7.

ARTICLE 34
SPECIAL PLANNING OVERLAY DISTRICTS

34.01 GENERAL PROVISIONS

A. Statement of Intent

An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to, but not necessarily more restrictive than the “base” or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall supersede the base district regulations.

B. Definition

A Special Planning Overlay (SPO) District is defined as a geographic area exhibiting or planned to contain special and distinctive characteristics that are of significant value or importance to the public. These characteristics include:

1. Natural phenomena such as 3unique geologic strata, soil formations, slopes, vegetation, water flow, significant scenic views or other similar natural features; or
2. Have physical development features such as substantial public investment in public improvements or community plans that coordinate public and private investment, or have characteristics that include institutional uses or neighborhood support services in residential neighborhoods or village developments in suburban metropolitan areas.

An SPO district shall be classified according to an SPO category type, and the characteristics of each SPO district shall be in accordance with the characteristics of its type as described in this Chapter.

C. Purposes

The purposes of SPO regulations are to assist the development of land and structures to be compatible with a larger planning area beyond the immediate vicinity of the site *and* to protect or improve the quality of the environment in those locations where the characteristics of the environment or the amount of public investment are of significant public interest and are vulnerable to damage or loss of public opportunity by the cumulative effect of development in such planning areas permitted under conventional zoning regulations.

SPO regulations are required to protect the public and property owners in the district:

1. From blighting influences that might be incrementally caused, extended or worsened by the application of conventional land use regulations to properties and areas of sensitive and special public interest;
2. From significant damage to neighborhoods that contain large institutional and other non-residential uses or support services;
3. From significant damage or destruction of prominent wetlands, floodplains, hillsides and/or valleys or other natural resources caused by improper development thereof;
4. From significant damage to the economic value and efficiency of operation of existing properties and/or new developments due to the interdependence of their visual and functional relationships;
5. From soil erosion, stream situation and development on unstable land;
6. From the loss or destruction of mature and/or valuable trees and other natural resources;
7. From the detrimental cumulative effects of incremental development decisions in suburban centers, corridors, neighborhoods and villages on:
 - a. Conservation and correction of the character, integrity, safety, access and circulation.
 - b. Preservation and enhancement of pedestrian safety and views from the public right-of-way.
 - c. Balance of convenience and compatibility between residential and non-residential areas.
 - d. Coordination of useful and attractive signage and streetscape elements.
 - e. Minimization of traffic congestion and coordination of land use intensity with local capacities and goals.

D. Identification

The location of all SPO districts shall be shown on the Zoning Map as an overlay zone superimposed in specific areas over existing zoning district areas.

E. Applicability

Except as otherwise provided herein and in other sections of this Zoning Resolution, all regulations of the underlying zoning districts shall apply to and control property in the SPO district. However, in the case of conflict between the provisions of an underlying zoning district and an SPO district, the provisions of the SPO district shall prevail. The adoption of an SPO district shall not have any affect on a previously approved Zoning Certificate or PD Plan during the period of validity of such approval.

F. Creation

The Batavia Township Board of Trustees have the authority to create SPO districts as defined and containing the characteristics, as set forth in this Chapter.

G. Procedure

The establishment or adoption of SPO districts shall be in accordance with the following procedures.

1. Adoption of Special Planning Overlay Strategy

Prior to the submittal of an application for initiation of a zoning amendment or supplement for a Special Planning Overlay (SPO) District, an SPO strategy shall be duly adopted by Batavia Township. The strategy shall contain:

- a. A boundary map for the proposed overlay district;
- b. Justifications for establishment of the proposed overlay district standards and boundaries including development goals and policies for the area within the proposed boundary; and
- c. The specific supplemental standards proposed for achieving the SPO strategy.

2. Adoption of Zoning Text and Map Amendment

The Batavia Township Board of Trustees, pursuant to procedures for zoning amendments in Article 4, shall approve, deny or modify such standards and boundary recommended in the SPO strategy and incorporate same in the resolution establishing any specific SPO district as a supplement to this Article. In the SPO District the adopted specific standards shall serve as supplemental requirements to the regulations of

the underlying district in reviewing all requests for Zoning Certificates within the Overlay District boundary.

H. Supplemental SPO District Regulations

SPO district standards adopted by the Batavia Township Board of Trustees may relax or further restrict the underlying zoning districts regulations for land use, lot area, coverage, density, floor area, setback, parking, height, fencing, signs, landscaping or other specific development standards for specific SPO districts upon finding that conditions peculiar to such district and the achievement of adopted community plans require supplemental regulations. Any such supplemental regulations shall be set forth in the resolution establishing such SPO district or in an amendment thereto.

I. Classification

SPO districts shall be classified by categories, according to the provisions and qualifications as described herein, and each adopted SPO district shall be shown on the official Zoning Map. The three categories of SPO overlay districts include:

1. Natural Resource (SPO-NR)
2. Neighborhood Quality (SPO-NQ)
3. Commercial Corridor (SPO-CC)

34.02 SPECIAL PLANNING OVERLAY-NATURAL RESOURCE DISTRICTS

Special Planning Overlay (SPO) Natural Resource Districts shall be identified as SPO-NR Overlay Districts.

A. Legislative Findings and Specific Purpose

Natural resources are an important component of quality of life for all residents in the Township. When irreplaceable natural features are threatened, their preservation should be weighed and evaluated in relation to public and private interests.

1. The existence of a twenty (20%) percent slope, in combination with Miamitown Shale or Kope geologic formation, is evidence of a condition of natural critical stability, and development under conventional regulations may precipitate landslides or excessive soil erosion. Additional regulations are needed to preserve the prominent views from the top or from the slopes of the hillside and the natural contours thereof.

2. Hillsides, as community separators or boundaries, are historic aids to the identification of residential communities which help citizens to relate to their communities and to relate the social organizations of communities to their physical environments.
3. The location of natural resources often coincides with prime development sites. Long term benefits of conserving natural resources in a metropolitan area can be achieved through innovative development regulations based on comprehensive plans.

B. Characteristics

SPO-NR districts shall be limited to geographic areas included in a SPO-Natural Resource Protection Strategy (as defined in Section 34.01(B)) adopted by Batavia Township and containing one or more of the following characteristics:

1. Lakes, rivers, floodplains, wetlands, mineral deposits, aquifers, forests, parks, or hillsides (20% slope or greater) or other natural features of significant public interest;
2. Existence of Miamitown Shale or Kope geologic formations, or soils classified as having severe constraints for development;
3. Prominent hillsides and natural resources which are readily viewable from a public thoroughfare;
4. Scenic areas providing views of a major stream or valley or other natural resource;
5. Hillsides and other natural features functioning as community separators or community boundaries;
6. Hillsides which support a substantial natural wooded cover.

C. Designation

The SPO-Natural Resource Districts which meet the characteristics contained in Section 34.02(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Natural Resource District listed below are included in this Zoning Resolution as a supplement to Article 34.

[NATURAL RESOURCE DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES]
 [LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT]

34.03 SPECIAL PLANNING OVERLAY - NEIGHBORHOOD QUALITY DISTRICTS

Special Planning Overlay (SPO) Neighborhood Quality Districts shall be identified as SPO-NQ Overlay Districts.

A. Legislative Findings and Specific Purpose

Balancing the benefits of growth and development of institutions and neighborhood support services with the livability of adjacent residential neighborhoods requires protection over and above the protection provided by conventional zoning regulations as follows:

1. To support convenience to services and quality of environment by providing sufficient land for public and private services and educational and research institutions;
2. To promote the orderly growth and expansion of such institutions and support services located in residential neighborhoods;
3. To require the development and maintenance of bufferyards on institutional and other non-residential properties to protect adjoining residential neighborhoods from the noise, glare and congestion associated with the intensity of diverse land uses;
4. To promote compatibility between non-residential uses and surrounding residential uses, and
5. To plan for unusual intensity or density of development.

B. Characteristics

SPO-NQ districts shall be limited to geographic areas included in an SPO-Neighborhood Quality Strategy (as defined in Section 34.01(B)) adopted by Batavia Township and which contain or are planned to contain all of the following characteristics:

1. Land uses including or adjacent to neighborhood retail and support services (for example hospitals, clinics, educational facilities, and research facilities) or other institutional uses;
2. Close proximity of diverse land uses to a residential neighborhood.

C. Designation

The SPO-Neighborhood Quality Districts which meet the characteristics contained in Section 34.03(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Neighborhood Quality District listed below are included in this Zoning Resolution as a supplement to Article 34.

[NEIGHBORHOOD QUALITY DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES]
[LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT]

34.04 SPECIAL PLANNING OVERLAY-COMMERCIAL CORRIDOR DISTRICTS

Special Planning Overlay (SPO) Commercial Corridor Districts shall be identified as SPO-CC Overlay Districts.

A. Legislative Findings and Specific Purpose

Business districts and corridors are recognized as principal focal points of community activity providing an economic resource and a center for community orientation. It is in the interest of the Township to protect and enhance the features of public interest in such business districts by:

1. Preventing the deterioration of property and the extension of blighting conditions;
2. Encouraging and protecting private investment which improves and stimulates the economic vitality and social character of the area;
3. Preventing the creation of influences adverse to the physical character of the area.

B. Characteristics

SPO-CC districts shall be limited to geographic areas included in a SPO-Commercial Corridor (as defined in Section 34.01(B)) adopted by Batavia Township and which contain or are planned to contain the following characteristics:

1. A concentration of retail and service oriented commercial establishments serving as a principal business activity center for a sociogeographic neighborhood, community, or region;
2. An area that has received or been approved for substantial public investment.

3. An area that is planned for unusual intensity or density of development.

C. Designation

The SPO-Commercial Corridor District which meets the characteristics contained in Section 34.04(B) are listed below and are illustrated on the official Zoning Map. The adopted specific standards for each Commercial Corridor District listed below are included in this Zoning Resolution as a supplement to Article 34

[COMMERCIAL CORRIDOR DISTRICTS TO BE INSERTED WHEN ADOPTED BY BATAVIA TOWNSHIP BOARD OF TRUSTEES]
[LIST BY SPO NUMBER AND TITLE OF SPECIFIC OVERLAY DISTRICT]

34.041 BATAVIA ROAD INDUSTRIAL AREA COMMERCIAL CORRIDOR DISTRICT – SPO-CC-BRIA

A. Purpose

The purpose of the Batavia Road Industrial Area Commercial Corridor Overlay District is to set forth special regulations to supplement the general regulations of the Zoning Resolution, and to implement the Future Development Policies of the Batavia Township Growth Management Plan.

B. Permitted Uses

The permitted uses in the CC-BRIA shall be the permitted and Conditional Uses listed in the existing underlying zoning district, or other uses approved by the Batavia Township Board of Trustees.

C. Accessory Uses

Accessory uses shall be regulated in accordance with the underlying district, and shall not be subject to Overlay District review.

D. Site Development

The Batavia Township Board of Trustees shall review the proposed Overlay Plan to determine whether the proposed plan satisfies the following Future Development Policies, and, as specifically requested, whether the proposed site design justifies deviation from the standards as specified in the underlying zoning district:

1. The proposed use and design result in development that will produce jobs, attract jobs or encourage a balanced tax base.

2. The plan will achieve superior site design that is not possible within the development regulations of the underlying zoning district.
3. The plan is sensitive to stream corridors, steep slopes areas, or other sensitive terrain.
4. The proposed use and site design will be compatible with current and future uses of adjacent properties.
5. Vehicular and pedestrian circulation and access is coordinated and planned to prevent congestion and mitigate traffic impacts.
6. Buffers will be provided that are appropriate for the proposed use, and transitions are provided between uses and intensities where necessary.
7. The proposed intensity is appropriate and suitable for the site and the vicinity.
8. Adequate public services are provided for the proposed intensity.

E. Review by Zoning Administrator

The Zoning Administrator shall present the required site plan review per Article 38 to the Batavia Township Board of Trustees as part of the Overlay Plan review. Projects that are not subject to site plan review per Section 38.02 are not subject to Overlay District Plan review, unless specifically noted in the development standards for the overlay district. The Zoning Administrator may issue Zoning Certificates for accessory uses and fences permitted in the underlying district without requiring Overlay District Plan review.

34.05 DEVELOPMENT AUTHORIZATION

A. Applications; Procedure.

Applications for Zoning Certificates in SPO districts shall be made to the Zoning Administrator pursuant to Article 5. Said applications shall be made on such form or forms as may be provided. The information required for submission shall demonstrate the compliance of the proposed improvement, construction or development with any specific standards for the SPO district as well as all requirements of the underlying district not in conflict with the SPO standards. Requests to modify the regulations of the underlying districts, provisions of the zoning resolution or specific standards of an SPO shall be demonstrated by the information required for submission.

1. To be eligible for review, the property must be properly zoned with a permitted use as regulated by the zoning resolution, or use that the Batavia Township Board of Trustees determine to meet the criteria of Section 34.041 D. The property owner shall submit a written request to identify the characteristics that are consistent with the intent of the SPO District on forms provided by the Zoning Administrator.
2. A number of copies of the proposed site plans and other details as specified in the application forms shall accompany the request, along with the required fee, if any.
3. Site plan review shall be conducted concurrent with the Overlay District Plan review for projects in an overlay district that would require separate site plan review per Article 38. The applicant shall provide all material and fees necessary for site plan review in addition to the Overlay District Plan review.
4. The plan shall be identified as “Overlay District Plan”.
5. Unless waived by the Zoning Administrator, prior to submission to the Batavia Township Board of Trustees, the applicant shall provide written authorization from the Clermont County Engineer, Clermont County Water and Soil Conservation District, Clermont County Water and Sewer District, and any other agencies as deemed necessary by the Zoning Administrator evidencing conformance to all requirements or resolution of all issues pertaining to the Overlay District.
6. The Batavia Township Board of Trustees shall hold a public hearing within thirty (30) days after the receipt of an Overlay District application.
 - a. Notice of such hearing shall be given in one or more newspapers of general circulation in the Township at least ten (10) days before the hearing. The notice shall include the date, time, place, a general description of the plan requested, and that the matter will be referred to the Batavia Township Board of Trustees for further determination.
 - b. The Overlay District Plan application shall be placed on the Batavia Township Board of Trustees’ docket at the next available meeting.
 - c. The applicant will have the opportunity to appear, examine witnesses and present evidence.
 - d. All witnesses will be sworn.

- e. The Batavia Township Board of Trustees shall consider the Overlay District Plan application, make appropriate findings of facts and adopt a motion approving or denying the application.
- f. Prior to entering a final decision, the Batavia Township Board of Trustees may direct that further data be provided if necessary to make an informed decision.

B. Appeal

Any appeal to the administrative decision of the Batavia Township Board of Trustees regarding an Overlay District application shall be made to the Court of Common Pleas consistent with the Ohio Revised Code.

**ARTICLE 36
PLANNED DEVELOPMENT**

36.01 PLANNED DEVELOPMENT

Planned Developments shall be regulated as follows:

A. Objectives for Planned Developments

The Planned Development (PD) District and the associated planning and development regulations as set forth and referred to herein are designed to achieve the following objectives:

1. Provide flexibility in the regulation of residential, commercial and office land development;
2. Encourage a variety of housing and building types, a compatible mix of commercial and residential development and creative site design;
3. Encourage provision of useful open space, and preservation of valuable and unique natural resources;
4. Provide a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, prevents the disruption of natural drainage patterns, and contributes to the ecological well being of the community;
5. Promote efficiency through a more effective use of land than is generally achieved through conventional residential and/or commercial development resulting in substantial savings through shorter utilities, streets and other public services, and
6. Provide a residential and/or commercial development pattern in harmony with land use density, transportation facilities, community facilities, and objectives of the Batavia Township Growth Management Plan.

B. Provisions Governing Planned Developments

1. General

Because of the special characteristics of Planned Developments, special provisions governing the developments of land for this purpose are required. Whenever there is a conflict or difference between the provisions of this Article and those of the other Articles of this Resolution,

the provisions of this Article shall prevail for the development of land for Planned Developments. Subjects not covered by this Article shall be governed by the respective provisions found elsewhere in this Resolution.

2. Construction

No construction, grading, tree removal, soil stripping, or other site improvements or changes shall commence, and no permits shall be issued until approval of the PD Final Development Plan by the Township Zoning Commission in conformance with the requirements of this Section 36, PD Planned Development Provisions have been met.

C. Uses Permitted

Any use that is permitted in any zoning district may be approved within a Planned Development provided that the project shall be planned, developed operated in accordance with an approved development plan. Specific uses, structures, and developments shall be properly integrated with the surrounding area in such a way as to promote the health, safety, morals, general welfare and wholesome environment of the general public and of the occupants of nearby property, and to avoid nuisances to the general public or to the occupants of nearby property. B-1B-2O-BAll uses shall be approved by the Township as part of the development plan review process

D. Recommended Minimum Project Area

It is recommended that the gross area of the tract to be developed under the Planned Development approach shall be a minimum of five (5) acres.

E. Definitions

1. "Common Open Space" is a parcel of land or any area of water, or a combination of land and water within the site designed and intended for the use or enjoyment of occupants of the Planned Development, or consistent with use as described in Section 36.01 H. Common Open Space may contain such complimentary structures and improvements as are necessary and appropriate for the benefit and enjoyment of occupants but shall not include rights-of-way and required private yards;
2. "Landowner" shall mean the legal or beneficial owner or owners of all of the land proposed to be included in a Planned Development. The holder of an option or contract to purchase, a lessee or other person having an enforceable proprietary interest in such land, shall be deemed to be a landowner for the purposes of this Article;

3. “Plan” shall mean the written and graphic submission for a Planned Development, including a Preliminary Development Plan (denoting a prospectus for development), Final Development Plan, a plat of subdivision, all covenants relating to use, location, and bulk of buildings and other structures, density of development, private streets, ways and parking facilities, common open space and public facilities;
4. “Planned Development” (PD) is an area of land, controlled by a Landowner, to be developed as a single entity for a variety of dwelling units and/or other uses, the Plan for which may not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district created, from time to time, under the provisions of the Batavia Township Zoning Resolution; and
5. “Professional Consultant” shall mean a person who possesses the knowledge and skills, by reason of education, training, and experience to comprehend the full nature and extent of the project in question regarding its social, economic, physical, environmental and design characteristics and implications in order to foster a unified plan for development. The professional consultant may be, a registered architect, landscape architect, engineer, planner, or equivalent.

F. Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

G. Common Open Space

No less than twenty (20%) percent of the gross acreage in any Planned Development shall be reserved for common open space and recreational facilities for the residents or users of the area being developed. The open space shall be disposed of as required in H of this section. All required open space shall be readily accessible and usable by occupants of the approved development.

H. Disposition of Common Open Space

The required amount of common open space land reserved under a Planned Development shall be held in corporate ownership by owners or the Homeowners Association of the project area for the use of each owner who buys property within the development or under exceptional circumstances be dedicated to the Township, following consent and approval by the Township, and retained as common open space for public parks, recreation, and related uses. All land

dedicated to the Township must meet the Batavia Township Board of Trustees requirements as to size, shape, and location. Public utility and similar easements and right-of-ways for water courses and other similar channels are not acceptable for common open space dedication to the Township, unless such land or right-of-way is usable as a trail or other similar purposes and approved by the Batavia Township Board of Trustees. A Homeowners Association (HOA), or other appropriate management entity for non-residential use projects, shall be established and in place prior to the development of any land within a PD with the open space(s) under their control being denoted on the record plat and identified as “non-buildable” other than for HOA approved uses.

I. Maintenance of Open Space

A Homeowners Association, or other appropriate management entity for non-residential use projects, shall be responsible for maintenance of open space and other required amenities within the proposed PD. A Homeowners Association shall be established and the Bylaws and Articles of Incorporation shall be recorded at the time of approval of the Final Development Plan, prior to issuance of a Zoning Certificate or approval of a record plat.

The Batavia Township Board of Trustees may require a maintenance bond be provided or an escrow account established by the developer for maintenance and upkeep of all common areas until such time as 75% of the lots have been sold.

J. Utility Requirements

Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Developments. Appurtenances to these systems which can be effectively screened may be exempt from this requirement.

K. Planned Development

Planned Developments may be developed following the provisions of L-N of this Section.

L. Minimum recommended Lot Sizes, Setbacks, Building Line Widths, Dwelling Square Footages and maximum recommended Density Levels.

Minimum requirements with respect to lot sizes, setbacks, building line widths, and dwelling square footages shall be duly noted on the record plat. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided, and may require additional improvements if deemed necessary.

1. “Single-family”. Each lot intended for a single-family detached dwelling is recommended to have a minimum area of 10,000 square feet and a minimum width at the building line of 75 feet. Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:
 - a. Front yard 35 feet from right-of-way;
 - b. Side yards 20 feet total; 5 feet minimum on one side; and
 - c. Rear yard 30 feet from rear lot line.

2. “Two-family”. Each lot intended for a two-family dwelling is recommended to have a minimum area of 15,000 square feet and a minimum width at the building line of 100 feet. Variable setbacks may be granted by the Township if considered appropriate. If not, minimum setbacks shall be:
 - a. Front yard 35 feet from right-of-way;
 - b. Side yards 25 feet total; 10 feet minimum on one side; and
 - c. Rear yard 35 feet from rear lot line.

3. “Multi-family” dwellings and “Attached Single-family” dwellings. Multi-family and attached single-family dwelling units, including apartments, attached townhouse and condominium units, may be incorporated into a proposed Planned Development, if the Township finds that such use will be consistent with the character of the area, compatible with surrounding uses, and in compliance with the standards of this chapter. The Township may allow higher density for mixed use development when determined to be of benefit to the project. In no case shall the complex of multi-family structures, including paved area, utilize more than 60% of the net acreage allocated to such complex. In areas where townhouses or attached condominiums are developed, a maximum of eight (8) townhouse units in any contiguous group is recommended. Variable setbacks may be granted by the Township for each multi-family dwelling or attached single-family building if considered appropriate. If not, minimum setbacks from the perimeter property line shall be:
 - a. Front yard 50 feet from the public right-of-way; or 30 feet from a private right-of-way easement.
 - b. Side yards 50 feet on each side; and
 - c. Rear yard 50 feet from rear lot line.
 - d. Between buildings 25 feet between buildings.

4. “Non-residential Uses”. Each lot intended for a non-residential use is recommended to have a minimum area of 15,000 square feet and a minimum width at the building line of 100 feet. Yard setbacks shall be as follows:
 - a. Front yard 40 feet
 - b. Side yards 20 feet on each side;
 - c. Rear yard 40 feet from rear lot line;
 - d. Parking setback from right-of-way 10 feet; and
 - e. Parking setback from other lot lines 5 feet

5. The square footage of all dwelling units, attached and detached units, within a PD shall follow the guidelines established by the Zoning Resolution in effect at the time of issuance of Zoning Certificates unless modifications are agreed upon at the time of PD approval.

6. The total residential density of the PD shall be established on the NET acreage of the residential portion of the PD, excluding any areas of commercial, office, or non-residential use including open space lots. Slopes greater than 20%, existing public right of ways, and existing utility easements shall be subtracted from the total acreage to calculate net density. The total maximum recommended net residential density of PD’s shall be 3 D.U.A. (dwelling units per acre).

EXAMPLES TO BE USED FOR CALCULATING NET DENSITY

- #1 100 gross acres (including min. of 20% open space or 20 acres)
 - 15 acres of > 20% slope
 - 5 acres of existing public r-o-w and/or utility easements
 80 **net** acres**80 x 3 D.U.A. = 240** (max. number of dwelling units)
 80 net acres – 20 acres of open space = 60 acres (max. 240 d/u to be built on max. of 60 acres)
- #2 100 gross acres (including min. of 20% open space or 20 acres)
 - 0 acres of >20% slope
 - 0 acres of existing public r-o-w and/or utility easements
 100 **net** acres**100 x 3 D.U.A. = 300** (max. number of dwelling units)
 100 net acres – 20 acres of open space = 80 acres (max. 300 d/u to be built on max. of 80 acres)

7. Other Development Controls for Non-residential Uses. The following development controls shall be applied to non-residential uses within a PD:
 - a. Parking and loading requirements shall be in accordance with the provisions set forth in Article 8 of this Resolution or as approved on the Preliminary or Final Plan.
 - b. No outdoor sales or display of any materials shall be permitted in the PD unless approved as a part of the Preliminary or Final Plan.

- c. No lighting shall be permitted which will have unreasonable glare from any use located in the PD onto any street or into an adjacent property. A lighting plan illustrating the proposed location, height, pole and fixture type, design, lamp, and photometric plan shall be approved on the Preliminary or Final Plan.
- d. All business activities permitted within the PD shall be conducted within a completely enclosed building, except for the following:
 - i. Off-street parking and loading and/or unloading areas.
 - ii. Outside play areas as part of child day care centers, churches, and schools.
 - iii. Accessory seating area for eating establishments.
 - iv. Open air display areas located on the same lot as the primary permitted uses. Such area shall be clearly identified on the PD plan as “outside display area”.
 - v. Fuel Dispensing
 - vi. Other activities as approved on the Preliminary or Final Plan.
 - vii. Mechanical equipment, whether ground or roof mounted, shall be screened from view from public right-of-ways.
 - viii. Circulation systems (vehicular and pedestrian) shall be coordinated with those of adjacent areas.
 - ix. No use producing unreasonable objectionable odors, noise, or dust shall be permitted within five hundred (500) feet from the boundary of any residential zone.
 - x. All waste receptacles shall be contained in an area screened on three sides by a six (6) foot tall solid wood or masonry enclosure. The fourth side is to contain steel enforced wood gates.
 - xi. Signage is to be consistent with Article 40 of this Resolution or as approved on the Preliminary or Final Plan.
 - xii. Landscaping/Screening shall be as approved on the Preliminary or Final Plan.

M. Lots to Have Access to Common Open Space

Every residential property developed under the Planned Development approach should be designed to easily access common open space or similar areas. Open space areas shall be accessible to all residents and dwelling units and shall be

conveniently located in relation to dwelling units. This does not limit the creation or protection of buffer areas not intended for active use. Open space areas shall have minimum dimensions which are usable for the functions intended and which will permit proper maintenance. The Township Board may require that natural amenities, such as but not limited to, ravines, rock, outcrops, wooded area, tree or shrub specimens, unique wildlife habitat, ponds, streams and marshes be preserved as part of the open space system.

Common open space within non-residential use areas shall be designed to provide maximum benefit to the users of the development, and should not be provided in unusable fragments. The design of the open space should create open space areas that are accessible and oriented to pedestrian activity.

N. Height Requirements

It is recommended that heights of principle use structures in the PD shall not exceed forty (40) feet and that heights of accessory structures shall not exceed 15 feet.

O. Street Design

The design of streets is significant in determining the character of Planned Developments. The following conditions are recommended standards within Planned Developments.

1. Streets should have a minimum pavement width of 28 feet for collector streets and 24 feet for local/cul-de-sac streets.
2. Width of private streets are to be reviewed by the Township based on input from the Township fire and maintenance departments, and the County.
3. Parking should be limited to one side of the street, recommended to be located opposite the fire hydrants.
4. Sidewalks should be provided on both sides of public streets.
5. The Township shall evaluate the proposed off-street parking to determine if adequate parking is provided, and may require additional improvements if deemed necessary.

P. Review Procedure

Because of the distinctive nature of Planned Developments, the review process may consist of a simultaneous zoning review and Clermont County subdivision review. Applications for PD's shall be processed in two (2) steps as follows:

1. Step #1 Application for Planned Development

The required number of copies of the application material for Planned Development consistent with the submission requirements shall be filed with the Township Zoning Administrator and processed in the same manner as any change of zone application. The Zoning Administrator upon receipt of the Application Material for Planned Development, shall transmit copies of said plans to the County Planning Commission, to the Township Zoning Commission, the Batavia Township Board of Trustees, and retain one (1) file copy. The County Planning Commission, upon receipt of the application for Planned Development shall:

- a. Address itself to the zoning aspect of the PD application, determining if the site is appropriate for the type and magnitude of land use proposed, and
- b. Simultaneously review the PD application and required information for a map amendment to a Planned Development to determine if the drawings satisfy the requirements as specified in the Township Submission Requirements. The review of the Preliminary Development Plan shall include review for general consistency with the Clermont County Subdivision Regulations including but not limited to proposed lot configuration, street layout, right-of-way width, pedestrian circulation, cul-de-sac length and traffic impacts of the proposed PD on the existing street network. This review process will require dissemination of the necessary drawings to the appropriate County agencies for their review and comments.
- c. The Township recommends that the applicant for a residential PD complete the design review for a subdivision with the County prior to, or simultaneous with, application for the PD Preliminary Plan/Zone Change approval by the Township.

The comments and recommendations of the County Planning Commission, the comments of associated County agencies, and the recommendation by the Township Zoning Commission shall be transmitted to the Batavia Township Board of Trustees for the final decision on the application for Planned Development. The Batavia Township Board of Trustees shall notify the County Planning Commission immediately of their action on the zone map amendment.

2. Step #2 Final Development Plan

A Final Development Plan for the entire development or the first phase of the development if acceptable, must be filed within eighteen (18) months of the Batavia Township Board of Trustees Preliminary Development Plan approval unless an eighteen (18) month extension of time is granted by such Board. If a Final Development Plan is not filed within this time period, the Township shall follow the procedures established in Section 36.01 U. The Township recommends that the applicant complete formal subdivision review by the County prior to obtaining final approval by the Township for the Final Development Plan.

The required number of copies of a Final Development Plan shall be submitted to the Township Zoning Administrator for each phase of the project proposed to be developed. The Final Development Plan shall provide details regarding the construction of improvements within the PD and shall be in accordance with the submission requirements for Final Development Plans. The Zoning Administrator, upon receipt of a Final Development Plan, shall transmit copies of said plans to the Zoning Commission, to the Batavia Township Board of Trustees, and retain one (1) file copy. If the Clermont County Planning Commission has not completed their formal subdivision review of the development, copies of the Final Development Plan shall also be transmitted to their office for review.

The comments of the County Planning Commission, the comments of associated County agencies, and the recommendation by the Township Zoning Commission shall be transmitted to the Batavia Township Board of Trustees for the decision on the application for Final Development Plan. The Batavia Township Board of Trustees shall notify the County Planning Commission immediately of their action.

Q. Application for Planned Development/Preliminary Development Plan Requirements – Step #1

1. Petition Procedures

- a. A petition for PD district may be made by the owner(s) of record or by a person(s) acting on behalf of the owner(s) of record of the subject parcel, with the owner's written consent. The owner of each parcel of land within the proposed PD shall be required to sign a Statement of Acknowledgment and consent as provided by Batavia Township within the application packet.
- b. The petition and related information shall be filed with the Township Zoning Administrator who shall transmit copies of the

petition to the Zoning Commission secretary and to the County Planning Commission.

- c. In addition to the standard requirement fixed by this Resolution and the rules of the Zoning Commission for applications for a change of zone, additional information as required in the submission requirements and instructions per map amendments to Planned Developments shall also be submitted.

2. Consideration of PD Petition by Zoning Commission

- a. The Township Zoning Commission shall hold a public hearing on the petition after consideration by the County Planning Commission.
- b. At the public hearing the petitioner shall present evidence regarding the following characteristics of the proposed development:
 - 1. The general character and substance;
 - 2. Objectives and purposes to be served;
 - 3. Compliance with all applicable Township ordinances, regulations, and standards;
 - 4. Scale and scope of development proposed;
 - 5. Development schedules including a prospectus detailing the phasing of the project;
 - 6. Compliance with the adopted Batavia Township Growth Management Plan;
 - 7. The proposed development shall have a continuous boundary with all proposed development contained within a contiguous area;
 - 8. Evidence that the proposed Preliminary Development Plan complies with the Subdivision Regulations of Clermont County; and
 - 9. Mitigation techniques for anticipated traffic impacts.

- c. The Zoning Commission may also require that the petitioner provide information at the public hearing concerning economic feasibility of the proposed uses; school districts and boundaries, recreation facilities and costs/revenues for the Township, and environmental impact.
 - d. Evidence and expert opinion shall be submitted by the petitioner in the form of maps, charts, reports, models or other materials; and in the form of testimony by experts, as will clearly state the full nature and extent of the proposal. Materials shall be submitted in sufficient quantity for public display and for review by the Zoning Commission and other Township officials.
 - e. The Township Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modification thereof and submit such recommendation together with such application or resolution, Preliminary Development Plan and related required information pertaining thereto and the recommendation of the County Planning Commission thereon to the Batavia Township Board of Trustees .
3. Consideration of PD Petition by Batavia Township Board of Trustees
- a. The Batavia Township Board of Trustees shall, upon receipt of such recommendation set a time for a public hearing on such proposed amendment, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notice of such public hearing shall be given by the Board by publication in one or more newspapers of general circulation in the township at least ten (10) days before the date of such hearing.
 - b. The Batavia Township Board of Trustees shall, within forty-five (45) days after the public hearing, approve, approve with modifications, or deny the petition for PD Preliminary Development Plan.
4. At the request of the applicant, the Zoning Commission or Batavia Township Board of Trustees may grant an extension in time limits required herein.
5. If land subdivision is involved, the development plans must satisfy the requirements of the Clermont County Subdivision Regulations. Formal

subdivision approval must be granted by the County Planning Commission prior to the commencement of development of the PD.

R. Standards for Petition Review of PD Preliminary Development Plan

Using the information submitted by the petitioner and the findings of the County Planning Commission, the Zoning Commission shall review the application and report to the Batavia Township Board of Trustees their findings as to whether the petition meets the following standards.

1. The proposed development shall conform to the adopted Batavia Township Growth Management Plan, or represent a land use policy, which, in the Zoning Commissions' opinion, is a logical and acceptable change in the adopted Master Plan;
2. The proposed development shall conform to the intent and all regulations, requirements and standards of a PD District;
3. The proposed development shall be adequately served by public facilities and services such as but not limited to streets, police and fire protection, drainage course, water and sanitary facilities, refuse disposal, and sidewalks; or that the persons or agencies responsible for the proposed development shall be able to properly provide such facilities and services;
4. Common open space, other common properties and facilities, individual properties, and all other elements of a PD are so planned that they will achieve a unified open space and recreation area system with open space and all other elements in appropriate locations, suitably related to each other, the site and surrounding lands;
5. The petitioner shall have made provision to assure that public and common areas will be or have been irrevocably committed for that purpose with notations of such commitment being denoted on the record plat. Provisions shall be made for financing of improvements shown on the plan for open space and other common areas, and that proper maintenance of such improvements is assured;
6. Traffic to, from, and within the site will not be hazardous or inconvenient to the project or to the neighborhood. In applying this standard the Zoning Commission shall consider, among other things; convenient routes for pedestrian traffic; relationship of the proposed project to main thoroughfares and street intersections; the construction of any roadway improvements necessary to mitigate the impact of the development, and the general character and intensity of the existing and potential development of the neighborhood;
7. The mix of housing unit types and densities, or in the case of non-residential development, the mix of uses and intensities, shall be

acceptable in terms of compatibility, issues of privacy, and similar measures;

8. Where applicable, the convenience type retail or office development within the project shall be appropriately located within the PD such that the vehicular traffic generated by those uses does not affect adjacent neighborhoods or the residential portions of the development.
9. The Zoning Commission shall determine, where applicable, that noise, odor, light, or other external effects which are connected with the proposed uses, will not adversely affect adjacent and neighboring lands and uses;
10. The proposed development shall create a minimum disturbance to natural features and land forms;
11. The property shall have adequate access to public streets. The plan shall provide for logical extensions of public streets and shall provide suitable street connections to adjacent parcels, where applicable; and
12. Pedestrian circulation shall be provided within the site, and shall interconnect all use areas, where applicable. The pedestrian system shall provide for a logical extension of pedestrian ways outside the site and to the edges of the site, where applicable.

S. Application for Final Development Plan Requirements – Step #2

1. Petition Requirements

- a. A Final Development Plan shall be submitted for approval for each phase of a PD as delineated on the approved Preliminary Development Plan. Each Final Development Plan shall meet all applicable provisions of the Township Zoning Resolution, the submission requirements, and shall conform to the approved Preliminary Development Plan and to all conditions attached thereto.
- b. The Final Development Plan, in addition to customary engineering depiction of the area, monuments, etc., shall also include all of the information required by the submission requirements and instructions for Final Development Plans;
- c. The plans and drawings required by the submission requirements and instructions may be combined in any suitable and convenient manner so long as the data required is clearly indicated on one or

more of said plats. A separate plat for each element is not necessary, but may be provided at the option of the applicant; and

- d. Sketches of the exteriors of several representative buildings in the project shall be provided as requested by the Township. It is intended that neither uniformity of architectural style nor unnecessary diversity thereof be a prerequisite to approval, but the developer is encouraged to exercise ingenuity in achieving a harmonious entity without undue attention to consistency. The purpose of this Section is to permit development flexibility greater than that permitted by other sections of this ordinance.

2. Consideration of Final Development Plan

- a. The Final Development Plan shall be submitted to the Township Zoning Commission and the Batavia Township Board of Trustees for review. The Zoning Commission shall recommend approval, modification or denial of the Plan with any conditions that may be appropriate within sixty (60) days of the filing date, unless the applicant has agreed to an extension to the deadline. Upon completion of their review, they shall forward their recommendation to the Batavia Township Board of Trustees for a final determination.
- b. The Township may request review by the County Planning Commission and other agencies along with information regarding the project's submittals for subdivision review.

T. Financing Responsibility

No building permits shall be issued for construction within a PD District until required improvements are installed or performance bond posted in accordance with the same procedures as provided for by the Board of County Commissioners. Other requirements may also be established from time to time by the Board of County Commissioners.

U. Phasing and Delay in Construction

Development may be phased as delineated on the approved development plan, subject to the following requirements:

- 1. A phase shall not be dependent upon subsequent phases for safe and convenient vehicular and pedestrian access, adequate utility services and open spaces and recreation facilities;

2. The Township may require, as part of a Final Development Plan review of a phase of a PD, that land shown as open space on the approved area plan be held in reserve as part of the phase to be developed, in order to guarantee that density limits for the entire approved PD will not be exceeded when the subject phase is completed. Such reserved land may be included in the development of subsequent phases if the density limits will not be exceeded upon completion of that phase or if other land is similarly held in reserve; and
3. Development shall be started and shall be diligently pursued in the manner and sequence shown on the approved plan with the timing of each subsequent phase following the submitted prospectus.
4. As a condition for approval, the developer shall produce a prospectus for construction of said development. If the construction for said development has not started by the designated time, or if progress is not in conformity to the prospectus, the developer shall so state the cause in writing and request from the Township an extension of time. For the purpose of this chapter, "beginning of construction" means possession of a valid building permit for construction in the development.
5. Failure of the developer to follow the plans approved by the Township for the Planned Development Project will be cause for permit approvals to be suspended until the development conforms to such plans, or revoked if such conformity is not established within six (6) months of a suspension for nonconformity. Upon revocation of a permit, the land owner and lessees shall be subject to the penalties provided by law and by this Resolution for land use not permitted.
6. Expiration and Extension of Approval Period:
 - a. In the event that a Final Development Plan has not been approved within eighteen (18) months of the Batavia Township Board of Trustees approval of the Preliminary Development Plan, the Preliminary Plan shall no longer be valid and shall expire, unless an extension is granted by the Township. A Zoning Certificate shall not be issued until a valid Preliminary Plan is approved in the same manner as the previous Preliminary Plan. Under this scenario the PD zoning designation of the property shall remain in effect awaiting a new Preliminary Development Plan, or until appropriate action is taken to amend the zoning of the property in accordance with Article 4.
 - b. In the event that construction of the development is not started within two (2) years from the effective date of approval of the

Final Development Plan by the Batavia Township Board of Trustees, the Final Plan shall no longer be valid and shall expire, unless an extension is granted by the Township. A Zoning Certificate shall not be issued until a valid Final Plan is approved in the same manner as the previous Final Plan.

- c. In the event that a Final Plan is not approved within eighteen (18) months of the expiration of the Final Plan, the Preliminary Plan shall expire. A Zoning Certificate shall not be issued until a valid Preliminary Plan is approved in the same manner as the previous plan. Under this scenario the PD zoning designation of the property shall remain in effect awaiting a new Preliminary Development Plan, or until appropriate action is taken to amend the zoning of the property in accordance with Article 4.
- d. To request an extension of a Preliminary Plan or Final Plan, the developer or property owner shall notify the Township in writing stating the cause of delay of construction and request from the Township an extension in time and a change in the prospectus. The Zoning Commission, after reviewing the PD time extension request shall recommend to the Batavia Township Board of Trustees that either an extension of time be granted, that the plan be allowed to expire, or that the area of the PD be considered for zone map amendment to a district considered appropriate based upon the recommendations of the Township Batavia Township Growth Management Plan and the development patterns generally occurring in the vicinity of the property. The Board of Trustees shall consider the recommendation of the Zoning Commission, and either grant an extension of the PD, allow the plan to expire, or initiate the necessary process to amend the zoning of the property.

V. Performance Guarantees

Guarantees to assure completion of site improvements shall be provided in accordance with the requirements of the Batavia Township Zoning Resolution, or as otherwise required by the Township.

W. Adjustments to Planned Developments

- 1. Major Changes. Major changes to an existing Planned Development, modifications from the Preliminary Development Plan, or revisions to a Final Development Plan for a tract of land in which development has not already begun or is not completed, in light of technical or engineering considerations, shall include the following. If the Zoning Commission determines a proposed modification to be a major change, then the

modification shall be reviewed in accordance with the procedures specified in Section 36.01 P. 1.

- a. A significant change in density or intensity.
- b. Changes in the outside boundaries of the Planned Development.
- c. Significant modification of the type, design, location, or amount of land designated for a specific land use or open space.
- d. Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations.
- e. A modification to the minimum setbacks or building sizes of the approved Preliminary Development Plan.

All changes not deemed to be major changes shall be considered minor changes.

2. Minor Changes to an approved Preliminary Development Plan or Minor Changes to an approved Final Development Plan. All modifications from an approved Preliminary Development Plan or minor changes to an approved Final Development Plan not determined to be major changes as described above shall be subject to the approval procedures set forth in Section 36.01 P.2.

X. Required Charges.

1. The applicant shall be responsible for the expenses incurred by the Township in reviewing the PD Application, development plans or any modifications to the development plans. Such expenses may include items such as the cost of professional and review services, including expenses and legal fees in connection with reviewing the plan and preparing reports, the publication and mailing of public notice in connection therewith and any other reasonable expenses directly attributable thereon.
2. At the time of submitting each PD application, Preliminary and Final, to the Zoning Administrator, the Zoning Administrator may require the applicant to make a deposit with the Township Clerk in the amount equal to the estimated cost of the Township's expense, or as specified on the application forms. When this deposit has been depleted to thirty-three (33 %), another deposit will be requested.
3. Failure to pay the above costs and fees within thirty days of invoice will stop all processing of the PD District application.

4. The Zoning Administrator shall not approve a Final Development Plan by signing the required record plat until all fees, bonds or other obligations have been paid by the applicant.

**ARTICLE 38
SITE PLAN REVIEW**

38.01 PURPOSE

It is the purpose of this Article to ensure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies and plans, and good site planning practice.

38.02 APPLICABILITY

Site plan review and approval shall be required for any use in Batavia Township, except for agriculture, single-family dwellings, or developments approved as a Planned Development pursuant to Article 36. This includes new construction and expansions of existing developments.

- A. Site plan review shall apply to any collective substantial expansion of existing structures, except those uses exempted from review. Substantial expansion of existing structures shall be defined based on the criteria established below:

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Square feet	50% or Greater
1,001 - 10,000 Square feet	40% or Greater
10,001 - 25,000 Square feet	30% or Greater
25,001 - 50,000 Square feet	20% or Greater
50,001 Square feet and larger	10% or Greater

38.03 PROCEDURE

- A. Pre-Application Meeting.

An informal meeting among applicant, Township Zoning Administrator, and other Township staff members may be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a “sketch” plan to be used as a basis for discussion.

- B. Application.

The applicant shall submit the required number of copies of the site plan review application and plans to the Zoning Administrator. To be considered complete, a site plan application shall identify and provide all information required under Section 38.04. The Zoning Administrator shall transmit copies of both to the Township Administrator and the appropriate County and State review agencies.

C. Review.

The Township and appropriate County and State review agencies shall review the site plan and prepare a report identifying compliance or non-compliance with the regulations of this Resolution and other applicable regulations.

D. Decision.

The Township Zoning Administrator shall within ten working days of receipt of the reports and recommendations, either approve or deny the site plan application. If approved, a Zoning Certificate may be issued. If denied, the Zoning Administrator shall state the reasons for the action taken. If the application is denied, the applicant may submit a new site plan for review in accordance with this Section or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Article 5 of this Resolution.

38.04 SITE PLAN CONTENTS

A. All applications for site plan review shall be accompanied by:

1. A completed application form.
2. The required site plan review fee.
3. The required number of site plans.

B. For sites less than twenty five (25) acres, the site plan shall be drawn for the subject property to a scale no smaller than one (1) inch equals one hundred (100) feet to be considered complete. For sites larger than twenty five (25) acres, an appropriate scale should be used. All site plans shall be dated and shall include the following information, in any suitable and convenient manner as long as the data is clearly indicated and legible, and includes the following:

1. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent land ownership, streets, and location with reference to identifiable street intersections.
2. Name of development, legal description of property, north arrow, scale, acreage, name and address of record, and the person responsible for preparing the site plan (engineer, architect, land planner, etc.).

3. Vicinity map locating the subject property in Batavia Township. Both vicinity map and site plan shall be oriented with parallel north arrows.
4. The total lot area of the subject property, indicating both gross area and net area (excluding right-of-way).
5. The present zoning of the subject property and all adjacent properties.
6. All public and private rights-of-way and easement lines located on or adjacent to the subject property, which are proposed to be continued, created, enlarged, relocated, or abandoned, including future right-of-way.
7. Existing topography and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review. Plans shall indicate existing and proposed drainage patterns and locations of existing or proposed storm water control on the site.
8. The location of existing and proposed buildings with number of floors and gross floor area, including setbacks from property lines and/or existing and proposed rights-of-way, and between proposed buildings.
9. Delineation of all existing and proposed uses in the project.
10. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations.
11. Location and dimensions of all curb cuts, driving aisles, off-street parking, drive-through stacking spaces, and loading and / or unloading spaces including number of spaces, angle of stalls, etc., with dimensions indicating setback from existing and proposed property lines and rights-of-way. Locations of cross access easements shall be illustrated if applicable
12. The locations of existing buildings on adjacent property, and locations of existing driveways within 200 feet of the property.
13. Location of proposed pedestrian walkways identifying approximate dimensions.
14. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.

15. Location of all existing and proposed water, sanitary sewer, and storm drainage lines indicating approximate pipe sizes and service provider. Indication should also be given regarding the provision of electric and telephone service and locations of equipment boxes, switch stations, transformers or similar equipment on the site.
16. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachment and earth fill within this area, with 100 year water surface elevations and proposed finished floor elevations denoted.
17. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
18. Existing and proposed location(s) of outdoor lighting. Proposed lighting levels shall be demonstrated by the submission of a photometric plan illustrating proposed lighting fixture styles, lamp types, pole heights, and fixture locations, including building-mounted units.
19. Existing and proposed location(s) of signs. Proposed signs shall be illustrated on a plan showing the proposed location, dimension, height, and area of all signs for the development.
20. Existing and proposed location(s) of buffer plantings, fences, walls and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be identified.
21. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used, and screening to be provided, including setback dimension from property lines.
22. Location of proposed landscaping and plantings in compliance with any streetscape, buffer or parking area planting requirements. Indicate the proposed size, name, type, quantity and location of landscape material.
22. Elevations of all faces of buildings and structures, including walls and fences, at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate heights of buildings and structures; roofs and overhangs; and building material and color.

23. A traffic impact analysis that includes average daily and peak hour estimates, and proposed public right-of-way improvements.
24. Additional information or engineering data, in such form and content as necessary, to determine that the site plan meets the standards of this Article and other requirements and performance standards of the Zoning Resolution for Batavia Township and of other public agencies in Clermont County, to ensure proper integration of the proposed project in the area and the prevention of adverse and undesirable impacts on the community.

38.05 WAIVER OF SITE PLAN REQUIREMENTS

Depending on the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Zoning Administrator. To obtain a waiver, the applicant must submit a statement to the Zoning Administrator indicating reasons why the requirements should be waived. The Zoning Administrator may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the existing character of the neighborhood and / or the spirit of the Zoning Resolution. The decision of the Zoning Administrator with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

38.06 SITE PLAN REVIEW CRITERIA

In reviewing the site plan, the Township Zoning Administrator shall determine whether the proposed development meets all requirements of the Zoning Resolution, including but not limited to, those of the particular zoning district in which the development would be located, and regulations for supplemental regulations, off-street parking and loading regulations, signs, landscaping and other provisions.

38.07 REVISIONS OF SITE PLAN AFTER APPROVAL

No changes, erasures, modification or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Zoning Administrator. In determining whether to permit revision of the site plan after approval, the Zoning Administrator shall proceed as follows:

- A. Minor modifications are defined as a ten (10%) percent change in approved building floor area, height, setbacks, and any change regarding open space, green areas, grading and drainage, circulation, lighting, or buffering. The Zoning Administrator may permit these changes upon

determination that the change does not adversely impact upon the adjacent property owners. The Zoning Administrator cannot grant reductions in development standards that require approval of the Board of Zoning Appeals.

- B. Major modifications shall include all other changes not addressed in subsection (A) above and shall require the applicant to submit a new site plan for review in accordance with the procedures in Section 38.03.
- C. For developments that are designed to be built in phases and for which the final site plan was approved under this Section, further review of the site plans shall be in accordance with this Section.

38.08 EXPIRATION

If substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan, said site plan shall be deemed null and void. The Zoning Inspector may extend the construction period if sufficient proof can be demonstrated that the applicant's control and that prevailing conditions have not changed appreciably to render the approved site plan obsolete. Such extension shall be requested in writing by the applicant.

38.09 SITE PLAN REVIEW FEES

A fee shall be required for site plan review applications. The applicant shall be responsible for the expenses incurred by the Township in the site plan review. If revisions, modifications or resubmission of material or plans is required, additional plan review fees may be required.

ARTICLE 40 SIGNS

40.01 PURPOSE

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

40.02 GENERAL PROVISIONS

The following regulations shall apply to all signs in the Township:

- A. No sign, except as specifically exempted herein, shall be erected, displayed, relocated or altered until a permit has been issued by the Zoning Administrator indicating compliance with these regulations. The following are the requirements to obtain a permit:
 - 1. A completed application form.
 - 2. A site plan and/or building elevation drawn to scale showing the location of the proposed sign(s) on the lot and/or building, including setbacks.
 - 3. Detailed drawing of sign including type of construction, method of illumination, dimensions, method of mounting and/or erecting.
 - 4. The written consent of the owner or authorized agent of the underlying property.
 - 5. A permit fee as required.
- B. All signs shall be designated and constructed in conformity to the provision of Article 14 of the Ohio Basic Building Code and National Electric Code.
- C. Outdoor advertising signs (billboards) shall be classified as a business use and only be permitted in business, manufacturing, and Agricultural Districts. Signs along interstate and primary highways shall conform to the regulation of the Ohio Revised Code, Chapter 5516.
- D. Any illuminated sign shall employ only light emitting a light of constant intensity. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, and no sign shall be placed so as to direct or permit beams to be cast directly upon a public right-of-way or adjoining property, except as permitted in subsection S.

- E. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise use motion to attract attention. Subsection C and D shall not apply to that portion of any sign indicating time, temperature, day, or date, and does not restrict signs as allowed in subsection S.
- F. No sign shall be placed on the roof of any building except those whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- G. With the exception of temporary signs, no sign shall contain banners, posters, pennants, ribbons, spinners, streamers, or other moving devices. No strings or lights shall be used to attract attention.
- H. No sign of any type shall be installed or attached in any form to a fire escape or fire exit.
- I. All signs permanent or temporary shall be clearly marked with the person or firm responsible for maintaining the sign.
- J. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs.
- K. No sign shall be placed in the required sight triangle of any intersection except publicly owned signs.
- L. No sign shall be attached to or painted on the surface of any tree, utility pole, street light, or dilapidated structure.
- M. No light or sign or other advertising device shall be designed or erected in such a manner or location as to imitate or resemble any official traffic sign, signal or device, phrase, symbol or character.
- N. No sign, whether freestanding, ground-mounted or attached to a building or other structure, may project over any public street, sidewalk or other public right-of-way, except as expressly permitted in this Article.
- O. Temporary signs shall not be erected for a period of more than fourteen (14) consecutive days in any quarter of any calendar year. Temporary signs shall be securely attached to a wall or existing permanent sign structure.
- P. No sign shall be permitted as the principal use on a premises. Such signs shall only be permitted as accessory uses.
- Q. Any sign being replaced must have a new permit.

- R. Temporary promotional signs which are inflatable; attached to or are supported by part of a structure which is designed to be moved on wheels, skids or other similar device; or that which is transported, pushed or pulled by motor vehicle, shall be permitted for a period of fourteen (14) consecutive days during any quarter of any calendar year.
- S. Reader boards and electronic message boards are considered as part of the permitted display area of a sign. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding, contracting or rotating shapes, or other similar animation effects, shall be prohibited. Such restriction applies to "scrolling" or "running" messages. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board. The electronic message changeable copy sign shall have an automatic dimming capability that adjusts the brightness to the ambient light at all times of day and night.
- T. Signs that are placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs are prohibited. This does not apply to portable signs or lettering on buses, taxis or vehicles that are customarily and regularly used for the normal course of business, or vehicles parked at the driver's place of residence. It is the intent to prohibit parking of vehicles on public or private property for the purpose of displaying signs that are not exempt from the regulations.

40.03 SIGNS EXEMPT FROM PERMIT REQUIREMENT AND PERMITTED IN ALL ZONES

- A. These signs shall not require a permit but are subject to all applicable restrictions contained in this Resolution:
 - 1. Signs erected and maintained pursuant to and in discharge of any governmental function or required by any ordinance, resolution, or governmental regulation;
 - 2. Signs not exceeding one (1) square foot in area and bearing only property numbers, name of street, post box number, or names of occupants on the premises.
 - 3. Real Estate and Auction Signs
 - a. One unlighted sign advertising the sale, lease, or rental of the premises shall be permitted on the premises, shall not exceed thirty-two (32) square feet in area except in Residential Districts where the display area is not to exceed eight (8) square feet in area.

- b. Real Estate signs shall be removed within three (3) days of closing of sale on the property.
 - 4. Signs within a stadium, theater, building, arena, or other structure, provided that such signs can only be viewed by persons within such stadium, theater, building, arena or other structure.
- B. Political Signs shall be exempt from these regulations.

40.04 PERMITTED SIGNS IN ALL ZONES THAT REQUIRE A PERMIT

- A. Signs or bulletin boards customary to places of worship, libraries, museums, social clubs, or societies shall be located on the premises of such institution, may explain the name, activities, or services and may not be located within ten (10) feet of the public right-of-way. Such signs may be lit internally or externally in an area not zoned for residential use and shall only be externally lit in areas zoned for residential uses.
- B. A sign for lots or houses in a new residential subdivision, one (1) sign may be erected facing each street in or abutting such subdivision. The display surface shall not exceed thirty-two (32) square feet in area, be non-illuminated, and shall be set back from the right-of-way line of each abutting street a distance of ten (10) feet. The sign must be removed by the developer upon completion of the project.
- C. One sign may be permitted at each side of each entrance to a subdivision indicating the name of the subdivision. The combined display surface area at each entrance shall not exceed thirty-two (32) square feet in area. There are to be not more than two (2) display surfaces that may be illuminated by externally mounted ground lighting.

40.05 MEASUREMENT STANDARDS

The following standards shall be used to determine the area and height measurements for all signs in the Township:

- A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign, but not including any supporting frame or bracing.
- B. The sign area for a sign with more than one face shall be computed measuring one face.
- C. In the case of irregularly shaped three dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross section.

- D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berms or mounding. If the grade prior to construction cannot be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.

40.06 SIGNS PERMITTED BY DISTRICTS, REQUIRING A PERMIT

- A. A (if residentially developed), E-R, R-1, and R-3 Sign Regulations

Signs shall be regulated in the Residential Districts and residentially developed Agricultural properties as follows:

- 1. Permitted signs

The following types of signs are permitted in the Residential Districts and residentially developed Agricultural District properties:

- a. Wall signs.
- b. Subdivision signs.
- c. Temporary signs.
- d. Ground-mounted signs for educational facilities, religious places of worship, clubs, recreational facilities and other non-residential permitted uses.

- 2. Permitted number, height, area and location.

- a. Permitted number

Only one (1) sign shall be permitted for each lot. For subdivision and multi-family complex signs see Article 40.04.

- b. Maximum height

The maximum height for all subdivision signs, ground-mounted signs, and temporary signs in these districts shall be six (6) feet, exclusive of decorative walls or pillars.

- c. Maximum area

The maximum area for signs in these districts shall be as follows:

1. Wall signs
 - a. Home Occupations - Seventy-two (72) square inches. Such sign shall not be illuminated.
 - b. Non-Residential Permitted Uses - Sixteen (16) square feet. Such sign shall not be illuminated.
2. Subdivision signs - Combined total of thirty-two (32) square feet at each entrance exclusive of decorative walls or pillars. Such sign may be externally illuminated. See Article 40.04.
3. Ground-mounted signs - Thirty-two (32) square feet. Such sign may be externally illuminated.
4. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and minimum setback

With the exception of the subdivision sign, all signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10) feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

B. O-B Sign Regulations

Signs shall be regulated in the Office-Business District as follows:

1. Permitted signs

The following types of signs are permitted in O-B Office-Business Districts:

- a. Wall signs.
- b. Ground-mounted signs.
- c. Directional signs.
- d. Temporary signs.

2. Permitted number, height, area and location

a. Permitted number

1. Each lot may erect and maintain wall signs and one (1) ground-mounted sign, and one (1) temporary sign on a lot. Corner lots shall be permitted wall signs on each building wall that has frontage on a street.
2. Each lot containing multiple occupants shall have a maximum of one (1) ground-mounted sign to be used by all occupants, plus a maximum of one (1) additional wall sign for each occupant.

b. Maximum height

The maximum height shall be as follows:

1. Wall signs shall not extend above or beyond the wall on which it is attached. No wall sign shall project more than twelve (12) inches from the face of the building.
2. Ground-mounted signs - six (6) feet.
3. Temporary signs - six (6) feet.
4. Directional signs - three (3) feet.

c. Maximum area

The maximum area for signs in the O-B Office-Business District shall be as follows:

1. Wall signs - The sign area shall not exceed one and one half (1½) square foot per lineal foot of building. Such sign may be internally or externally illuminated.
2. Ground-mounted signs - The sign area shall not exceed one half (½) square foot per lineal foot of frontage of the lot, with a maximum of thirty-two (32) square feet. Such sign may be internally or externally illuminated.
3. Directional signs - Three (3) square feet. Such sign may be internally or externally illuminated.

4. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and minimum setback

All signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10) feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

C. B-1 Sign Regulations

Signs shall be regulated in the B-1 Community Business Districts as follows:

1. Permitted signs

The following types of signs are permitted in B-1 Community Business Districts:

- a. Wall signs.
- b. Ground-mounted signs.
- c. Freestanding signs.
- d. Directional signs.
- e. Temporary signs.

2. Permitted number, height, area and location.

a. Permitted number

1. Each lot may erect and maintain one (1) ground-mounted sign or one (1) freestanding sign, plus wall signs, and one (1) temporary sign on a lot. Each lot may also erect and maintain two (2) directional signs at each driveway accessing a public street.

2. Each lot containing multiple occupants shall have a maximum of one (1) ground-mounted sign per structure or one (1) freestanding sign to be used by all occupants, plus a maximum of one (1) additional wall sign for each occupant.

b. Maximum height - The maximum height shall be as follows:

1. Wall signs - Wall signs shall not extend above or beyond the wall to which it is attached. No wall sign shall project more than twelve (12) inches from the face of the building.
2. Ground-mounted signs - Six (6) feet.
3. Freestanding signs - Twenty (20) feet.
4. Directional signs - Three (3) feet.
5. Temporary signs - Six (6) feet.

c. Maximum area

The maximum area for signs in the B-1 Community Business District shall be as follows:

1. Wall signs - The sign area shall not exceed one and one half (1½) square foot per lineal foot of building. Such sign may be internally or externally illuminated. Corner lots shall be permitted wall signs on each building wall that has frontage on a street.
2. Ground-mounted signs - The sign area shall not exceed one (1) square foot per linear foot of frontage of the premises, with a maximum of thirty-six (36) square feet. Such sign may be internally or externally illuminated.
3. Freestanding signs - The sign area shall not exceed one (1) square foot per linear foot of frontage of the premise, with a maximum of sixty-four (64) square feet. Such sign may be internally or externally illuminated.
4. Directional signs - Three (3) square feet. Such sign may be internally illuminated.
5. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and setback

All signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10) feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

D. B-2 Sign Regulations

Signs shall be regulated in the B-2 General Business Districts as follows:

1. Permitted signs

The following types of signs are permitted in B-2 General Business Districts:

- a. Wall signs.
- b. Ground-mounted signs.
- c. Freestanding signs.
- d. Directional signs.
- e. Temporary signs.

2. Permitted number, height, area and location

a. Permitted number

1. Each lot may erect and maintain one (1) freestanding sign or one (1) ground-mounted sign, plus wall signs, and one (1) temporary sign on a lot. Each lot may also erect and maintain two (2) directional signs at each driveway accessing a public street.
2. Each lot containing multiple occupants shall have a maximum of one (1) ground-mounted sign per structure or one (1) freestanding sign to be used by all occupants, plus a maximum of one (1) additional wall sign for each occupant.

b. Maximum height

The maximum height shall be as follows:

1. Wall signs - Wall signs shall not extend above the wall or beyond the wall to which it is attached. No wall sign shall project more than twelve (12) inches from the face of the building.
2. Ground-mounted signs - Ten (10) feet.
3. Freestanding signs - Twenty-five (25) feet.

4. Directional signs - Three (3) feet.
5. Temporary signs - Six (6) feet.

c. Maximum area

The maximum area for signs in the B-2 General Business District shall be as follows below.

1. Wall signs - The sign area shall not exceed one and one half (1½) square foot per lineal foot of building. Such sign may be internally or externally illuminated. Corner lots shall be permitted wall signs on each building wall that has frontage on a street.
2. Ground-mounted signs - The sign area shall not exceed two (2) square feet per foot of frontage of the premise with a maximum of thirty-six (36) square feet. Such sign may be internally or externally illuminated.
3. Freestanding signs - The sign area shall not exceed two (2) square feet per lineal foot of frontage of the premise, with a maximum of one hundred (100) square feet. Such sign may be internally or externally illuminated.
4. Directional signs - Three (3) square feet. Such sign may be internally illuminated.
5. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and setback

All signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10) feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

E. C-I Sign Regulations

Signs shall be regulated in the C-I Campus Industrial Districts as follows:

1. Permitted signs

The following types of signs are permitted in C-I Campus Industrial Districts:

- a. Wall signs.
- b. Ground-mounted signs.
- c. Directional signs.
- d. Temporary signs.

2. Permitted number, height, area and location

a. Permitted number

Each lot may erect and maintain one (1) ground-mounted sign, plus wall signs, and one (1) temporary sign on a lot. Each lot may also erect and maintain two (2) directional signs at each driveway accessing a public street.

Each lot containing multiple occupants shall have a maximum of one (1) ground-mounted sign to be used by all occupants, plus a maximum of one (1) additional wall sign for each occupant.

b. Maximum height

The maximum height shall be as follows:

- 1. Ground-mounted signs - Six (6) feet.
- 2. Temporary signs - Six (6) feet.
- 3. Directional signs - three (3) feet.

c. Maximum area

The maximum area for signs in the C-I Campus Industrial District shall be as follows:

- 1. Wall signs - The sign area shall not exceed one and one half (1½) square foot per lineal foot of building, with a maximum of twenty four (24) square feet. Such sign may be internally or externally illuminated. Corner lots shall be permitted wall signs on each building wall that has frontage on a street.
- 2. Ground-mounted signs - The sign area shall not exceed two (2) square feet per lineal foot of frontage of the lot, with a

maximum of thirty-six (36) square feet. Such sign may be internally or externally illuminated.

3. Directional signs - Three (3) square feet. Such sign may be internally illuminated.
4. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and minimum setback

All signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10) feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

F. I and “MI” Sign Regulations

Signs shall be regulated in the I and “MI” Industrial Districts as follows:

1. Permitted signs

The following types of signs are permitted in I and “MI” Industrial Districts:

- a. Wall signs.
- b. Ground-mounted signs.
- c. Freestanding signs.
- d. Directional signs
- f. Temporary signs.

2. Permitted number, height, area and location.

a. Permitted number.

Each lot may erect and maintain one (1) freestanding sign or one (1) ground-mounted sign, plus wall signs, and one (1) temporary sign on a lot.

b. Maximum height

The maximum height shall be as follows:

1. Wall signs - Wall signs shall not extend above the wall or beyond the wall to which it is attached. Wall signs shall not project more than 12 inches from the building wall.
2. Ground-mounted signs - Six (6) feet.
3. Freestanding signs - Twenty (20) feet.
4. Directional signs - Three (3) feet.
5. Temporary signs - Six (6) feet.

c. Maximum area

The maximum area for signs in the I and "MI" Industrial District shall be as follows:

1. Wall signs - The sign area shall not exceed one and one half (1½) square foot per lineal foot of building. Such sign may be internally or externally illuminated. Corner lots shall be permitted wall signs on each building wall that has frontage on a street.
2. Ground-mounted signs - The sign area shall not exceed one (1) square foot per lineal foot of frontage of the premise, maximum of thirty-six (36) square feet. Such sign may be internally or externally illuminated.

For businesses with frontages on major thoroughfares, one additional ground-mounted sign may be permitted for each entrance to the lot.

3. Freestanding signs - The sign area shall not exceed two (2) square foot per lineal foot of frontage of the lot, maximum of sixty-four (64) square feet. Such sign may be internally or externally illuminated.
4. Directional signs - Three (3) square feet. Such sign may be internally illuminated.
5. Temporary signs - Thirty-two (32) square feet. Such sign shall not be illuminated.

d. Location and setback

All signs shall be located on the same lot to which they are an accessory use. All signs must be located a minimum of ten (10)

feet from the right-of-way line of any abutting street and a minimum of ten (10) feet from any property line.

G. A Sign Regulations (as relating to agricultural and agricultural service uses of property)

Signs shall be regulated in the Agricultural Districts as follows:

1. Permitted signs

- a. Ground-mounted signs.
- b. Wall signs.
- c. Informational signs and directional signs, which in the opinion of the Zoning Administrator, are determined to be in keeping with the character of the Agricultural Districts.

2. Permitted number, height, area and location

a. Permitted number

1. One (1) freestanding or ground-mounted sign shall be permitted per property.
2. One (1) wall mounted sign shall be permitted per property.

b. Maximum height

The maximum height shall be six (6) feet.

c. Maximum area

1. The maximum area for ground-mounted signs shall be thirty-two (32) square feet.
2. The maximum area for wall signs shall be eight (8) square feet.

d. Location and setback

Signs shall be located on the same lot to which they are an accessory use. All signs shall be set back a minimum of ten (10) feet from the right-of-way line and a minimum of ten (10) feet from any property line.

H. PD Sign Regulations

Signs within a Planned Development, PD, shall be approved as part of the PD development plan review process.

40.07 NON-CONFORMING SIGNS

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

40.08 ABANDONMENT OF SIGNS

If any sign is abandoned for a period of at least twelve (12) consecutive months in any twenty-four (24) month period, such sign shall be a nuisance affecting or endangering surrounding property values and be detrimental to the public health, safety and general welfare of the community and shall be abated.

Such abandoned sign shall be abated within sixty (60) days of notification by the Zoning Administrator either by:

- A. Removing the sign in question. Removal includes the total disassembly of the sign structure, including the base, to the grade on which the sign was erected. Any sign not removed within the specified sixty (60) day time period may be removed by the Township at the property owner's expense and assessed to that property owner on the next County Property Tax Statement.
- B. Altering the sign and its structure so that it conforms to the regulations and provisions of this Resolution.
- C. The failure, neglect or refusal of any property owner to comply with these regulations will constitute a violation of this Zoning Resolution.

40.09 PERMIT REQUIRED

A Zoning Certificate shall be required based on the following conditions:

- A. No person shall locate or display any sign unless all provisions of this Zoning Resolution have been met. A sign permit shall be required for each sign unless specifically exempted in the Article.
- B. A sign for which a permit has been issued shall not be modified, relocated, altered or replaced unless an amended or new permit is obtained from the Zoning Administrator.

40.10 VIOLATION

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

ARTICLE 99
VIOLATION, PENALTIES AND FEES

99.01 VIOLATION AND PENALTIES

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Batavia Township. The Zoning Administrator shall notify any violator of said violation and shall give said violator fourteen (14) days after receipt to correct or eliminate the violation. Any person, firm, or corporation violating any regulation in or any provisions of this Resolution or any amendment or supplement thereto and not correcting same after notice as provided herein shall be deemed guilty of a misdemeanor and, upon conviction thereof, pursuant to the authority granted under the provisions of the Ohio Revised Code Sec. 519.99 shall be subject to a fine of not more than five hundred dollars per violation for each and every day from the date notice is served and during which such illegal location, erection, construction, reconstruction, enlargement, change maintenance or uses continue, and each such day may be deemed a separate offense, and in addition shall be responsible for the payment of all costs and expenses involved in the case.

Service of notice of the violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of eighteen (18) years or older; or
- B. By certified mail, return receipt requested, and first class mail simultaneously, addressed to the person or persons responsible at a last known address. Service shall be deemed complete when a certified mail receipt is received or first class mail is not returned after 10 days of mailing; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

99.02 VIOLATION - REMEDIES

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

99.03 INSPECTION OF PREMISES

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

99.04 SCHEDULE OF FEES, CHARGES AND EXPENSES

The Batavia Township Board of Trustees shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, Appeals, and other matters pertaining to this Resolution. The schedule of fees shall be posted in the office of the Zoning Administrator and may be altered or amended only by the Batavia Township Board of Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

The applicant shall be responsible for the expenses incurred by the Township in reviewing plans or any modifications of such plans. Such expenses may include items such as the cost of professional services including expenses and legal fees in connection with reviewing the plan, preparing reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses directly attributable thereon.

Any fees passed on to the applicant are not refundable regardless of the outcome of the application.

**APPENDIX A
LOT AREA AND SETBACK SUMMARY TABLE**

<u>LOT AREA-SETBACK CHART</u>							
<u>Zoning District</u>	<u>Minimum Lot Area</u>	<u>Minimum Front Yard</u>	<u>Minimum Rear Yard</u>	<u>Minimum Side Yard</u>	<u>Minimum Bldg. Line</u>		<u>Maximum Height</u>
A *	3 acres	50 ft.	60 ft.	30 ft. ea.	200 ft.		40 ft.
ER *	1 acre	50 ft.	50 ft.	25 ft. ea.	150 ft.		40 ft.
R-1 *	20,000 sf	50 ft.	40 ft.	40 ft. T/ 10 ft. min.	100 ft.		40 ft.
R-3 *	20,000 sf	50 ft.	35 ft.	40 ft. T / 10 ft. min.	100 ft.		40 ft.
	25,000/sf	50 ft.	35 ft.	20 ft. ea.	125 ft.		40 ft.
	6 per/ac/mf	50 ft.	50 ft.	50 ft. ea.	125 ft.		40 ft.
OB	n/a	50 ft.	40 ft.	20 ft. ea.	n/a		40 ft.
B-1	1 acre	50 ft.	40 ft.	20 ft. ea.	n/a		40 ft.
B-2	1 acre	50 ft.	40 ft.	20 ft. ea.	n/a		45 ft.
C-1	15,000 sf	50 ft.	0 ft. / 100 ft. – R	0 ft. / 100 ft. – R	n/a		45 ft.
I	n/a	50 ft.	20 ft. / 100 ft. – R	20 ft. / 100 ft. – R	n/a		40 ft.
M-I	n/a	75 ft.	20 ft. / 100 ft. – R	50 ft. / 100 ft. – R	n/a		40 ft.
PD **	10,000 sf	35 ft.	30 ft.	20 ft. T / 5 ft. min	75 ft.		40 ft.
* min/max apply to residential uses only							
** all regulations are subject to negotiations							