

# GOSHEN TOWNSHIP

Clermont County, Ohio



## ZONING RESOLUTION

June 2006

Department of Community & Economic Development  
6757 Goshen Road Goshen, Ohio 45122

## **Article 1**

### **Intent and Interpretation**

- 1.01 Title**
- 1.02 Purpose**
- 1.03 Interpretation of Standards**
- 1.04 Separability**
- 1.05 Repeal of Conflicting Resolution, Effective Date**

#### **1.01 Title**

This Resolution shall be known and may be cited and referred to as the "Goshen Township Zoning Resolution."

#### **1.02 Purpose**

This Resolution is hereby enacted by Goshen 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 a Growth Management Plan and any changes made thereto as reflected in the Zoning Map and documents and records of Goshen 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 Interpretation of Standards**

In their interpretation and application, the provisions of this Resolution shall be held to be minimum requirements. Where this Resolution imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolution, the provisions of this Resolution shall control.

#### **1.04 Separability**

Should any section or provision of this Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

#### **1.05 Repeal of Conflicting Resolution, Effective Date**

All resolutions or parts of resolutions in conflict with this zoning resolution or inconsistent with the provisions of this resolution are hereby repealed to the extent necessary to give this resolution full force and effect. This resolution shall become effect from and after the date of its approval and adoption, as provided by law.

## Article 2 Definitions and Rules of Word Usage

### 2.01 Word Usage

### 2.02 Definitions

### 2.01 Word Usage

For the purpose of this resolution, certain terms or words used herein, shall be interpreted as the following:

1. **“Person”** includes a firm, association, organization, partnership, trust company, or corporation as well as an individual.
2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
3. **“Shall”** is a mandatory requirement, **“May”** is a permissive, and **“Should”** is a preferred requirement.
4. **“Used”** or **“Occupied”** include the words **“intended, designed, or arranged** to be used or occupied”
5. **“Lot”** includes the words **“Plot”** or **“Parcel”**.

### 2.02 Definitions

**Abandoned** – Deserted, given up entirely, left unrestrained.

**Accessory Use or Structure** – A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure, located on the same lot as the principal structure. The use of which is incidental and accessory to that of the main building or use.

**Agriculture** – The use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce provided, however, that:

1. The property has a Current Agricultural Use Value (CAUV) status at the Clermont County Auditor’s Office on the current Tax Bill.
2. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
3. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any dwelling.
4. The term Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**Airport** – Any runway, landing area or other area or facility designed or used either publicly or privately together with the necessary taxiways, aircraft storage and tie down areas, hangers and other necessary buildings, and open spaces.

**Alley** – A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

**Alterations** – Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

**Automotive repair** – The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

**Automotive Sales** – The sale or rental of new or used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on premises.

**Automotive Wrecking** – The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

**Basement** – A story all or partly underground but having at least one-half (1/2) of it's height below the average level of the adjoining ground.

**Building** – Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels, or property.

**Building, Accessory** – A subordinate building detached from, but located on the same lot 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 for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building, Principal** – A 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 excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 5,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

**Business, General** – Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition too serving the day to day needs of the community, to also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores; and discount stores.

**Business, Highway** – Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business, Office Type** – Quasi-commercial uses that may often be transitional between retail business and/or manufacturing, and residential uses. Office businesses generally accommodate such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious nature are also included in this classification.

**Business Services** – Any profit making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Business, Wholesale** – Business establishments that generally sell commodities in large quantity or by the piece to retailers, jobbers, 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 burial of the human or animal 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 a 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, and who may be provided with board or room or kept overnight on the premises.

**Club** – A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

**Commercial Entertainment Facilities** – Any activity for profit that is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Conditional Use** - A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted, if any, in each district are listed in Article 8.

**Conditional Use Permit** – A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

**Corner Lot** – See Lot Types

**Cul-de-Sac** – See Thoroughfare

**Dead-End Street** – See Thoroughfare

**Density** – A unit of measure; the number of dwelling units per acre of land.

**Density, Gross** – The number of dwelling units per acre of the total land to be developed.

**Density, Net** – The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential use.

**Development** – The division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any excavation, filling or land disturbance; and any use or extension of the use of land.  
Effective 11-04-1995.

**Disabled** – Physically unfit-incapacitated (revised). Effective 01-03-1997

**Dwelling** – Space, within a dwelling, comprising living, dining, 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 it's household employees. Any building or structure (except a house trailer or mobile home as defined by ORC 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**Dwelling, Single Family** – A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**Dwelling, Two Family** – A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

**Dwelling, Multi Family** – A dwelling consisting of three or more dwelling units including cooperatives and condominiums with varying arrangements of entrances and parting walls. Multi family housing may include public housing and industrialized units.

**Dwelling, Industrialized Unit** – An assembly of materials or products comprising all or part of a total structure which, when constructed, is self sufficient or substantially self sufficient and when installed, constitutes a dwelling unit, except the necessary preparations for its placement, and including a modular or approved by the state of Ohio, but not a mobile home.

**Dwelling, Rooming House (Boarding/Lodging House, Dormitory)** A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where there is to be no cooking or dining facilities provided in the individual room.

**Easement** – Authorization by a property owner for the use by another and for a specified purpose of any designated part of his property.

**Essential Services** – The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground gas, electrical steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

**Family** – One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons.

**Farm Vacation Enterprises (Profit or Non-Profit)** – Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and nature recreation areas, hunting areas, hunting preserves and watershed projects.

**Flood Plain** – That land, including the flood fringe and the flood way, subject to inundation by the regional flood.

**Flood Regional** – Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**Floodway** – That portion of the flood plain, including the channel, which is reasonably required or required to convey the regional floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

**Floodway Fringe** – That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

**Floor Area of a Residential Building** – The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

**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 usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

**Food Processing** – The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

**Frontage** – The frontage or front yard width requirements should be measured along the public right-of-way or if a private street then from the outer edge of such right-of-way upon which the parcel fronts.

**Garages, Private** – A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

1. Not more than one space is rented for parking to person(s) not resident on the premises;
2. No more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

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

**Garage, Service 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, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts;
2. Tire servicing and repair, but not recapping or re-grooving;
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
4. Radiator cleaning and flushing;
5. Washing, polishing, and sale of washing and polishing materials;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, and lines;
8. Minor servicing and repair of carburetors;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crank case or racing the motor;



11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers as accessory and incidental to principle operations;
12. Provisions of road maps and other informational material to customers, provision of restroom facilities;
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

**Home Occupation** – An occupation that is conducted in a dwelling unit, provided that:

1. No more than one person other than members of the immediate family residing on the premises shall be engaged in such occupation. Effective 4-8-1987.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty (25) percent of the gross floor area, not to exceed (500) five hundred sq. ft. of the dwelling unit, shall be used in the conduct of the occupation.
3. 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 four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. Any need for parking generated by the conduct of such home occupation shall be off street parking and shall not be located in the required front yard. (Revised) Effective 3-2-1994.
5. No equipment or process shall be used in such home occupation that creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

**Hotel, Motel or Apartment Hotel** – A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

**Institution** – Building and/or land designed to aid individuals in need of mental, therapeutic rehabilitative counseling, or other correctional services.

**Junk** – A term collectively used for scraps or pieces or accumulations of paper, glass, metal, appliances, fixtures, furniture, abandoned or unusable motor vehicles and similar refuse.

**Junk Buildings, Junk ships, Junk yards** – Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**Kennel** - Any lot or premises on which four (4) 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 animal medical treatment.

**Loading Space, Off-Street** – Space logically and conveniently located for bulk pickups 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 parking space is not to be included as off-street parking space in computation of required off-street parking space. All street-loading spaces shall be located totally outside of any street or alley right-of-way.

**Location Map** – See Vicinity Map

**Lot** – For the purposes of this resolution, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street or on a private street and may consist of:

1. A single lot of record;
2. A portion of a lot of record;
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

**Lot Coverage** - The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**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 streets shall be considered frontage, and yards shall be provided as indicated under “Yards” in this section.

**Lot Line** - The boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land.

**Lot Measurements** – A lot shall be measured as follows:

1. **Depth** – The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. **Width** – The distance between straight lines connecting front and rear lot lines at each side of the lots, measured at the building setback line.

**Lot of Record** – A lot that 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 Types** – Terminology used in this resolution with reference to corner lots, interior lots and through lots is as follows:

1. **Corner Lot** – A lot located at the intersection of two or more 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 point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. **Interior Lots** – A lot with only one frontage on a street.
3. **Through Lots** – A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot** – 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 portion of comprehensive plan adopted by the County Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Maintenance and Storage Facilities** – Land, buildings and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufacturing, Heavy** – Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service area, extensive services and facilities, ready to access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution and water pollution, but not beyond the district boundary.

**Manufacturing, Light** – Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operating and storing within enclosed structures and generating little industrial traffic and no nuisances.

**Manufacturing, Extractive** – Any mining, quarrying, excavating processing, storing, separating, cleaning or marketing of any mineral natural resource.

**Mobile Home** – Any non-self propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet.

**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.

**Non-Conformities** – A building, structure, sign 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, Nursing Home** – A home or facility for the care and treatment of babies, children, pensioners or elderly people.

**Nursery, Plant Materials** – Land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Open Space** – An area substantially open to the sky that may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools and tennis courts, any other recreational facilities that the zoning commission deems permissive. Streets, parking areas, structures for habitation and the like shall not be included.

**Parking Space, Off Street** – For the purpose of this resolution, an off street parking space shall consist of 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 shall be located totally outside of any street or alley right-of-way.

**Personal Services** – Any enterprise conducted for gain that primarily offers services to the general public such as a shoe repair, watch repair, barbershops, beauty shops, and similar activities.

**Policy Plan** – A plan or any portion thereof, adopted by the zoning commission and the Board of Trustees showing or discussing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools or other community facilities. This plan establishes the goals, objectives and policies of the community and may be in narrative or graphic form or a combination thereof.

**Power Unit** – Highway motor vehicle manufactured to be used for towing. Revised 2-28-93

**Professional Activities** – 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 owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

**Public Uses** – Public parks, schools, 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, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi-public Use** – Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

**Recreation Camp** – An area of land on which three more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Recreation 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 to include but need not be limited to hunting, fishing, 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 and bowling alleys.

**Research Activities** – Research, development and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration or odor shall be detected outside of said buildings.

**Roadside Stand** – A temporary structure designed or used for the display or sale of agricultural and related products.

**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 curbs, 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.

**Seat** – For 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.

**Setback Line** – A line generally parallel with an measured from the lot line, defining the limits of a yard in which no building, accessory building or structure may be located above ground, except as may be provided in this resolution. Amended, effective 4-15-1995

**Sewers, Central or Group** – An approved sewage disposal system that provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-Site** – A septic tank or similar installation on an individual lot which utilizes and 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.

**Sidewalk** – That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

**Sign**- Any writing (including letter, word, or numeral), pictorial representative (including illustration or decoration), emblem (including device, symbol, or trademark), flag (including banner or pennant), or any other figure of similar character.

**Sign, abandoned**- A sign and/or supporting structure which no longer identifies a business conducted or product sold on the premises; or any advertising sign which no longer directs attention to a bona fide business conducted, product sold or activity being conducted or for which no legal owner can be found. A sign shall be deemed abandoned when the conditions described above have been in evidence for a period exceeding thirty (30) days.

**Sign, animated**- A sign on which the message changes or components move more than eight times per day shall be considered an animated sign and not a changeable sign for purposes of this ordinance.

**Sign, awning**- A sign painted on or printed on, or attached flat against, the surface of an awning. An awning shall be defined as a shelter supported entirely from an exterior wall of a building consisting of cloth or other similar non-rigid material supported by a frame. See also “wall sign” and “canopy sign”.

**Sign, back-to-back** – Two parallel and integrally connected signs facing in opposite directions and separated by no more than eighteen (18) inches.

**Sign, banner** – Any sign of fabric, plastic or similar material that is mounted to a pole(s) or building. All banners are temporary signs. Nation, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Sign, canopy**- A sign painted, printed or attached flat against a surface of a canopy. A canopy shall be defined as a permanently roofed shelter covering a sidewalk, driveway or other similar area, which shelter may be wholly supported by a building or may be wholly supported by columns, poles or braces extended from the ground. See also “awning sign” and “wall sign”.

**Sign, changeable copy**- A sign on which message copy is changeable. Also called a “Readerboard Sign.” A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance.

**Sign, community event**- A sign that displays the messages of community events sponsored by nonprofit organizations. May be on-premise or off-premise signs.

**Sign, construction-** A temporary sign identifying the project name, the architect, engineer, contractor, financing company, material supplier, or others engaged in work on the construction site on which the sign is located. Leasing information, renderings and similar copy shall also be permitted.

**Sign, copy-** Any word, letter, number or emblem affixed to the sign surface either permanently or in removable form.

**Sign, directional-** A non-commercial sign on a instructional nature, such as “parking”, “exit”, or “entrance”, or containing an arrow, displayed solely for the convenience of the public, no more than twenty-five percent (25%) of such sign being devoted to the name or logo of the property, business or profession on the site and containing no business advertising, or product trade name identification or listing of any product sold or offered on the premises.

**Sign face-** The area of a sign on which the copy is placed.

**Sign, identification-** A sign that identifies a business, owner, resident, or street address and which sets forth no other advertisement.

**Sign, illegal-** A sign which does not meet the requirements of this resolution that is nonconforming.

**Sign, illuminated-** A sign that is lighted, either internally or externally.

**Sign, informational-** A small sign, not exceeding two (2) square feet each, limited to information and directions related to the permitted use on the lot or building on which the sign is located, and containing no direct illumination as defined in this article. Examples include “no smoking”, “restroom”, “no solicitors”, “no trespassing”, “self-service”, “vacancy,” credit card acceptance signs, signs indicating hours of operation and similar information.

**Sign, kiosk-** A monument-type sign which contains a surface area for changeable copy signs. The purpose of erecting kiosk signs is to provide information to the general public relative to the building for which the kiosk was erected (i.e., schedule of activities, events, etc.)

**Sign, marquee-** A sign that is attached to, supported by and projects from a building and, which in addition to permanent copy, may allow changeable copy letters.

**Sign, mobile-** See “Portable sign.”

**Sign, monument-** A ground-mounted sign that is attached to the ground by means of a wide solid support base.

**Sign, nonconforming-** A sign which lawfully existed on the effective date of this ordinance of amendments thereto, and which does not conform to the provisions of this ordinance.

**Sign, off-premise-** A sign not located on the premises of the use or activity to which the sign pertains.

**Sign, off-premise directional**- a sign not located on the premises of the use or activity to which the sign pertains and which serves the purpose of directing traffic to a business, church, school or other land use which does not have frontage on nor is visible from a main roadway. Legal off-premise directional signs are those that fully comply with the Off-Premise Directional Sign Section of this Resolution.

**Sign, pennant**- Any plastic, fabric, or other material, whether or no containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Sign, permanent**- A sign that is designed, constructed and erected for the purpose of advertising a business or product for a prolonged period of time. Permanent signs have a sturdy base that is generally affixed into the ground. Pennants, banners, mobile, temporary and portable signs are not permanent signs.

**Sign, pole**- A sign erected on a singular pole that is permanently placed in the ground.

**Sign, political**- A sign advertising a candidate or issue to be voted upon on a specific election day.

**Sign, portable**- Any sign designed to intended to be readily relocated whether or not it is permanently attached to a building, structured or on the ground. Portable signs also include signs on wheels, “a-frame” or “t-shape” signs, signs on portable structures such as trailers, and advertising placed on motor vehicles which are not used regularly or able to move under their own power and are placed in such a manner as to attract attention. Portable signs do not include political signs as defined by this ordinance.

**Sign, post and panel**- A sign consisting of one or more panels which are supported between two posts and which is permanently placed in the ground.

**Sign, projecting**- A sign which projects twelve inches (12”) or greater from and is supported by the wall of a building.

**Sign, roof**- A sign erected, constructed, and maintained wholly upon or over the roof of any building with the principal support on the roof structure.

**Sign, seasonal**- A non-commercial sign which advertises or promotes a holiday, such as Christmas, Valentine’s Day, Halloween, Hanukkah, or a local celebration.

**Sign, temporary**- A sign intended for a limited period of display and not permanently placed in the ground or permanently affixed to a structure.

**Sign, time and temperature**- A sign on which the only copy that changes is an electronic or mechanical indication of time or temperature.

**Sign, wall**- A sign which is attached directly to or painted upon a building wall or window with the exposed face of the sign in a plane parallel to said wall or window and projects less than twelve inches (12”). See also “canopy sign” and “awning sign”.



**Sign, window-** A sign that is painted on, applied or attached to the interior of a window or glass wall.

**Story** – That part of a building between the surface of a floor and the ceiling immediately above.

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

**Supply Yards** – A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pools** – A pool, pond, lake, or open tank containing at least 1.5 feet of water in depth at any point and maintained by the owner or manager.

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

**Telecommunication Tower** – Any freestanding structure, or any structure to be attached to a building or other structure, that meets all of the criteria in Article 16, Section 1600.

**Thoroughfare, Street or Road** – The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley** – A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street** – A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. **Collector Street** – A thoroughfare, whether within a residential, industrial, commercial or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. **Cul-de-sac** – A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. **Dead-End Street** – A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. **Local Street** – A street primarily for providing access to residential or other abutting property.
7. **Loop Street** – A type of local street each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degrees system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. **Marginal Access Streets** – A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street)
9. **Private Street** – An undedicated street serving more than one parcel of land.

**Through Lot** – See Lot Types

**Transportation, Director of** – The Director of the Ohio Department of Transportation.

**Use** – The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

**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.

**Veterinary Animal Hospital or Clinic** – A place used for the care, grooming, diagnosis, or 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 the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**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 the general area in order to better locate and orient the area in question.

**Walkway** – A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

**Wrecked** – Remains of anything destroyed or ruined –Obsolete revised, effective 1-3-1997

**Yard** – A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above 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.

1. **Yard, Front** – A yard extending between side lot lines across the front of a lot and from the right-of-way line to the front of the principal building.
2. **Yard, Rear** – A yard extending between side lot lines across the rear of a lot from the rear lot line to the rear of the principal building.
3. **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.
4. **Yards, Corner Lot** – A corner lot should be considered to have two front yards since it fronts on two sides. The rear yard of such a lot should be that yard which is on the opposite side of the structure from the front yard lot line which has the least dimension i.e. least frontage on the streets upon which the lot fronts. If the two front yards have equal frontage on the street then the lot should be considered to have two rear yards.

**Zoning Permit** – A document issued by the zoning inspector authorizing use of lots, structures, uses of land and structures, and the characteristic of the uses.

## **Article 3**

### **Administrative Bodies and Officials**

- 3.01           Zoning Inspector**
- 3.02           Zoning Commission**
- 3.03           Board of Zoning Appeals**

#### **3.01           Zoning Inspector**

##### Section 1: Office of Zoning Inspector Created

A Zoning Inspector designated by the Board of Township Trustees shall administer and enforce this resolution. He may be provided with the assistance of such persons as the Board of Township Trustees may direct. The township Zoning Inspector before entering upon his duties shall give bond as specified in Section 519.61 of the Ohio Revised Code.

##### Section 2: Duties of Zoning Inspector

For the purpose of this resolution, the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this resolution are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
2. Order discontinuance of illegal uses of land, building or structures;
3. Order removal by owner of illegal buildings or structures or illegal additions or structural alterations;
4. Order discontinuance of any illegal work being done;
5. Take any action authorized by this resolution to ensure compliance with or to prevent violations of this resolution. This may include the issuance of and action on zoning permits and such similar administrative duties as are permissible under the law;
6. The cover page listing cases of Zoning Amendments shall consist of case number, page number, title and effective date. (Number 6 effective July 3, 1992)

### **3.02                    Zoning Commission**

#### **Section 1: Zoning Commission Created**

The Board of Township Trustees shall appoint a zoning commission which shall possess all the powers granted by the Ohio Revised Code Chapter 519 and this resolution. The commission shall be composed of five (5) members who reside in the unincorporated area of the township and the terms of the members shall be of such length and so arranged that the term of one (1) member will expire each year.

#### **Section 2: Proceedings of Zoning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission. The proceedings shall be generally conducted in the same method and manner as required by Ohio Revised Code Chapter 519.

#### **Section 3: Duties of Zoning Commission**

For the purpose of this resolution the Commission shall have the following duties:

1. Initiate proposed amendments to this resolution;
2. Review all proposed amendments to this resolution and make recommendations to the Board of Township Trustees as specified in Article 6;

### **3.03                    Board of Zoning Appeals**

#### **Section 1: Board of Zoning Appeals Created**

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Board of Township Trustees each for a term of five (5) years, with the terms staggered so as one member's term expires each year. Each member shall be a resident of the Township. Members of the Board may be removed from office by the Board of Township Trustees for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of the member so affected.

## Section 2: Proceedings of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this resolution. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. 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 record of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

No action shall be taken by the Board of Zoning Appeals on any case until after public hearing and notice, this notice to be in the same manner as that required of the Board of Township Trustees for amendments to this resolution as required by the Ohio Revised Code 519.12. The presence of three members shall constitute a quorum. The concurring vote of three members of the Board shall be necessary to reverse or modify any order, requirement or decision of the Zoning Inspector or to decide in favor of the applicant in any manner upon which the Board is required to pass or affect any variation.

## Section 3: Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or 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 the powers of the Zoning Inspector from whom the appeal is taken.

The Board shall hear and decide all questions brought before it by Appeal from the regular granting or revocation of permits by the Zoning Inspector under the provisions of this Article. It shall, also, hear and decide all matters referred to it or upon which it is required to pass under this resolution.

For the purpose of this resolution the Board has the following specific responsibilities:

1. Permit the extension of an existing or proposed building or use into a more restricted district under such conditions as will safeguard the character of the more restricted district.
2. Grant a permit in any agricultural, residence, business, or industrial district for a temporary building or use incidental to the residential or commercial development. Such permit to be issued for a period of not more than (1) year.
3. Grant a permit in any district for a building or use otherwise excluded from such district provided such building or use is distinctly incidental and essential to a use of a building or plant or a series of buildings or plants located in such district subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

4. Apply the provisions of this resolution and Article in such a way as to carry out the true intent and purpose where the street and alley layout on the ground differs from the layout shown on the Township Zoning Map.
5. Where, by reason of exceptional narrowness, shallowness or shape of a specified piece of property at the time of enactment of the zoning regulations or by reason of the exceptional topographical conditions or other extraordinary and exceptional situations or conditions of such piece of property restrict the application of these regulations would result in peculiar 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 the 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 is not because of the applicant's own making, and without substantially impairing the intent and purpose of the Zoning Plan and the Zoning Ordinance.
6. To hear and decide Appeals where it is alleged by the Appellant that there is error in any requirement, permit, decision, or refusal by the Zoning Inspector or any other Administrative Official in carrying out the enforcement of any provision under these regulations.
7. To grant a permit for the erection of buildings or the use of buildings and lands within any of the districts established by this resolution wherein conditional uses are allowed and in so granting or refusing said permit or permits for conditional uses to consider in addition to the other requirements of this resolution whether or not the proposed use or buildings will impair adequate supply of light and air to the adjacent property or materially increase congestion of public streets or increase the public danger of fire and safety or materially diminish or impair established property values within the surrounding area or in any other respect impair the public health, safety, comfort, morals, or welfare of the community. Additionally, the Board of Zoning Appeals shall hold a public hearing on such permit requests and proper notice of such hearing before the Board shall be a legal notice published in a newspaper of general circulation in Goshen Township at least ten (10) days before the date set for a public hearing and a written notice shall be mailed to the owner or his agent at the address given on the permit application and also directly affected property owners or their agents at least five (5) days prior to the date set for such proposed hearing in such manner as the Board in its Rules of Procedure shall prescribe. The results of this hearing shall be weighed with all other factors in determining whether or not the permit shall be issued.

## **Article 4**

### **Zoning Applications and Approvals**

<b>4.01</b>	<b>Zoning Permits</b>
<b>4.02</b>	<b>Site Plan Review</b>
<b>4.03</b>	<b>Conditional Uses</b>
<b>4.04</b>	<b>Appeals and Variances</b>
<b>4.05</b>	<b>Amendments</b>

#### **4.01 Zoning Permits**

##### Section 1: Zoning Permits Required

No building, sign or other structure shall be created, erected, changed, converted, replaced, enlarged, structurally or otherwise altered without a permit therefore issued by the Zoning Inspector. No building, sign or other structure shall be changed in use without a permit issued by the Zoning Inspector. Zoning permits shall be used only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

##### Section 2: Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or owners' representative attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year (1) or substantially completed with two and one half years (2.5). At minimum, the application shall contain the following:

1. Name, address and phone number of applicant.
2. Existing use
3. Proposed use
4. Zoning District
5. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed buildings or alteration.
6. Building Heights
7. Number of off-street parking spaces or loading berths
8. Number of dwelling units

9. Such other matter as may be necessary to determine conformance with, and provide for the enforcement of this resolution.
10. Legal description of property for new use or new construction or house number and street name for alterations or demolition; this will include a copy of deed and legal survey/plot plan or owners property.
11. Location and design of access drives.
12. If applicable, application for a sign permit or conditional, special or temporary use permit, unless previously submitted.

### Section 3: Approval of Zoning Permit

Within ten (10) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this resolution. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy. One copy as approved or disapproved and attested to by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question attesting to the fact that the use or alteration is in conformance with the provisions of this resolution.

### Section 4: Submission to Director of Transportation

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



#### Section 5: Expiration of Zoning Permit

If the work or use described in any zoning permit has not begun within one year from date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2.5) years of the date of issuance thereof, said permit shall expire and be revoked by the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted. Failure of delivery of notice required in this Section shall not toll the expiration of the permit.

#### Section 6: Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits.

#### Section 7: (Temporary Certificate) Disaster

A certificate for the temporary use of a mobile home in case a dwelling is completely destroyed by fire or act of God may be issued by Zoning Inspector provided that such use be of a temporary nature and for a listed period of time. A zoning certificate for such use may be granted for not more than six month period and no extensions shall be allowed unless granted by the Board of Zoning Appeals based upon a finding by said board that applicant is making every reasonable and possible effort to rebuild or restore the dwelling that was destroyed and the reason for his inability to accomplish this goal within the six month period is totally beyond his control.

### **4.02 Site Plan Review**

#### Section 1: Purpose

This Article sets forth requirements, guidelines and procedures for site plan review. Developments for which Site Plan Review are required, though generally suitable for location in a particular district or on a particular site, are because of their nature, size, complexity or other indicators of probable impact, capable of adversely affecting the purposes of the Zoning Resolution unless careful consideration has been given to critical design elements. The Board finds that all requests for zone change have a significant impact on the Zoning Resolution and the developments set forth below also have a substantial impact on the Zoning Resolution and the developments set forth below also have a substantial impact as to require site plan review.

It is the purpose of this article to insure 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.

## Section 2: Applicability

Site plan review is required for the following:

- A. Any zone change application, except those initiated by the Township
- B. Any development involving:
  - 1. Any non-farming or non-single family development in the A - Agricultural District;
  - 2. Any development in the Residential Districts which are not single family developments;
  - 3. All developments in the following districts; (T), (B-2), (M-1), (M-2).

## Section 3: Process

- 1. Pre-application discussion with Zoning Administrator;
- 2. Applicant incorporates comments from conference into plan and submits to Zoning Administrator;
- 3. Zoning Administrator Logs application and distributes plan to Zoning Commission, Road Department, Police Department, Fire and Life Squad Departments, Trustees; collect fees and require six (6) sets of plans from applicant. Return application in ten (10) working days.
- 4. Application for site plan review shall include the following
  - a. Site location map/zoning district map showing site;
  - b. Tract boundaries and lot lines;
  - c. Topographic map with contours or spot elevation adequate to describe the topography;
  - d. Basic vehicular system;
  - e. Location and type of buildings;
  - f. Preliminary building plans, including floor plans and elevations;
  - g. Location of off street parking;
  - h. Landscape plan;
  - i. Description of uses to take place on the property in enough detail to determine compliance with zoning and other pertinent codes.
- 5. Applications for minor revisions to existing approved development plans shall include the following:
  - a. Completed application form and supporting data why existing use is inappropriate and why the proposed plan is more appropriate and in conformance with the standards set by the final development plan;
  - b. Revised copy of the approved development plan with the requested revisions clearly indicated;
  - c. Application fee in accordance with the comprehensive fee schedule.

#### Section 4: Site Plan Review Standards

1. Site location map shall contain the following:
  - A. All roads in area of property to be reviewed (street guide map is sufficient with property location marked).
2. Tract boundaries and lot lines shall contain the following:
  - A. For site plans less than (25) acres, the site plan shall be drawn for the subject property to a scale not smaller than one (1) inch to equal one hundred (100) feet. For site plans larger than (25) acres, and appropriate scale shall be used. All site plans shall be dated and shall include the following information as required by this resolution:
    - I. All property line, shapes and dimensions of the lot to be built upon, showing directional bearings and distances, adjacent land ownership and street, and location with reference to identifiable intersections;
    - II. Name of development, legal description of property, north arrow, scale, acreage, name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the site plan
    - III. Vicinity map locating the subject property in Goshen Township. Both vicinity map and site plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page.
    - IV. The total area of the subject property. The present zoning of the subject property and all adjacent properties.
    - V. 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.
    - VI. Existing topography and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review.
    - VII. The location of every existing and proposed building with the number of floors and gross floor area.
    - VIII. Any modifications, changes and additions to the existing building(s) including floor area, height and setbacks
    - IX. Delineation of all existing and proposed nonresidential uses in the project, (1) commercial uses - location and type of all uses including approximate number of acres, gross floor area and height of buildings.
      - A. Open Space - Recreation: the approximate amount of area proposed for open space, including the location of recreational facilities, and identification of unique natural features to be retained, and/or other public and semi-public uses - location and type of all uses, including approximate number of acreage, and height of buildings.
    - X. Location and dimensions of all curb cuts, off-street parking and loading

- and/or unloading spaces including number of spaces, angle of spaces.
- XI. Location or proposed pedestrian walkways identifying approximate dimensions.
  - XII. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.
  - XIII. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service; existing and proposed.
  - XIV. Existing and proposed location(s) of outdoor lighting, signs, screen planting, fences and landscaping. Any significant natural features, such as water bodies, drainage courses, wetlands and wildlife habitats must be included and every good faith effort made to preserve, maintain and enhance same.
  - XV. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used.
  - XVI. Landscape treatment, required front, side and rear setback areas where paved, are to be landscaped with grass or other ground cover approved by zoning commission. Front yard and side yards adjacent to street shall be suitably planted with trees and shrubs. The wall facing residence or office district (if not constructed of the same material as the major portion of the exterior wall facing the street) and the rear and side yards abutting the residence or office districts shall be suitably screened with trees and hedges or sight obscuring fencing.
  - XVII. Building construction: At least 80% of exterior building walls facing street shall be brick, stone, concrete, glass aggregate panel, marble or ceramic tile. The balance of the exterior walls shall have metal or masonry facing, or the equivalent in refinished or job finished materials. No unpainted block or unpainted wood will be permitted. All buildings, walls and fences shall be maintained at high standards.
  - XVIII. Pedestrian circulation, sidewalks and or pedestrian paths shall be constructed and located in order to provide a convenient, safe and visible pedestrian path between parking areas and building entrance. Whenever a pedestrian path traverses a parking lot, a safe and efficient system shall be clearly designated.
  - XIX. Lighting, on site exterior lighting should provide illumination adequate to permit safe night time activities. All street parking lot and walkway lights shall be shielded so that substantially all directly emitted light falls within the property lines.
  - XX. Screening and buffering, shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development. Where vegetative and/or topographic conditions that provide a natural screening and buffer exists 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 same.

- XXI. Compliance and Enforcement: It shall be incumbent upon the township zoning administrator or his/her duly authorized representative to make all inspections and certifications in accordance with the approved site plan. In the event that the zoning administrator finds that a construction in accordance with the site plan is not being done. He/she shall issue a stop work order, (shall be issued only after verbal warning has been given and condition found not to be in the process of correction within three working days). It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with approved site plan shall be at owner's expense.
- XXII. 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 administrator may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control; and that the prevailing conditions have not changed appreciably to render the approved site plan obsolete. Applicant shall submit notarized written proof stating reasons of delay.

#### Basic Vehicular System:

- A. Acceleration, deceleration and/or left turn lanes may be required if the township finds that they are necessary to preserve safety and/or the traffic carrying capacity of the existing street.
- B. The township may require a traffic impact study, to be approved by one of the following; The Clermont County Planning Department, Ohio Department of Transportation (ODOT) or the Clermont County Engineering office, if one or more of the following conditions exist:
  - I. If the proposed development or re-development may increase the number of trips entering or leaving the property by ten percent (10%) or more...
  - II. If the proposed development or re-development may adversely change the type of traffic generated within the property; (Example: additional truck traffic)
  - III. 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...

#### Examples:

- 1. The proposed development is in the vicinity of a street or intersection with a history of safety problems...
- 2. The geometry of existing or proposed improvement might cause safety hazard...

## Section 5: Flow Chart for Site Plan Review if Zoning District Change is Required

- I. Applicant meets with Zoning Administrator for a pre-application discussion
- I. Applicant incorporates comments from conference into plan and submits six (6) copies to Zoning Administrator. Application for zone change is submitted at this time also.
- II. Zoning Administrator logs both the site plan review application and zone change application. Collects all fees. Distributes zone change applications and site plan review applications to road, police, fire and life squad departments and trustees.
- III. Zoning Commission accepts application: Application sent to Clermont County Planning Commission for their review within five days after acceptance. Notice sent to adjoining property owners ten days prior to public hearing. Notice to newspaper is sent to be published ten days prior to public hearing
- IV. In approximately thirty (30) days the Township Zoning Commission holds hearing
- V. Township Zoning Commission makes recommendation to Township Trustees, including the county planning commission recommendations.
- VI. Within thirty (30) days, Township Trustees set date for their public hearing.
- VII. Notice of public hearing in paper and any adjoining property owners notified at least ten (10) days prior to public hearing.
- VIII. Within twenty (20) days of conclusion of Trustee's public hearing, trustees are to take action.
- I. Amendment or zone change takes effect thirty days after approval.

### **4.03 Conditional Uses**

#### Section 1: Purpose

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 7, shall follow the procedures and requirements set forth in Article 4.03, Sections 3-9, inclusive.

#### Section 2: Procedure and Requirements for Approval of Conditional Use Permits

Application for conditional uses shall conform to the procedures and requirements of Article 4.03, Sections 3-9, inclusive of this resolution.

#### Section 3: Contents of Application for Conditional Use Permit

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this resolution;
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;
8. Such other information as may be required in Section 5 of Article 4.03.

#### Section 4: General Standards Applicable to All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 5 of this article, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 7 for the Zoning District involved.
2. Will be harmonious with and in accordance with the general objectives, with any specific objective of the Township's policy plan and/or the zoning resolution;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;

8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

#### Section 5: Specific Criteria for Conditional Uses

Following is a list of specific requirements for conditionally permitted uses:

1. All buildings and activity areas should be located at least one hundred (100) feet from all property lines;
2. Loud speakers which cause a hazard or annoyance shall not be permitted.
3. All points of entrance or exit should be located no closer than two hundred (200) feet from the intersection of two arterial thoroughfares, or no closer than one hundred (100) feet from the intersection of an arterial street and a local or collector street;
4. There shall be no more than one (1) sign oriented to each abutting street identifying the activity if such signs are otherwise permitted in the zoning district.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties;
6. Buildings should have primary access to a collector thoroughfare;
7. Such uses and/or buildings should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets;
8. Such uses and/or buildings should be located adjacent to non-residential uses such as churches, parks, industrial or commercial uses and on an arterial thoroughfare;
9. Site locations should be preferred that offer natural or man made barriers that would lessen the effect of intrusion into a residential area;
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses;
11. Such uses and/or structures should be located adjacent to parks and other non residential uses such as schools and shopping facilities where use could be made of joint parking facilities;



12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general;
13. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. This site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed twenty-four (24) hours;
14. Non-residential uses shall not be conducted closer than five hundred (500) feet from any residential district, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district;
15. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
16. Any activity conducted in connection with non-residential operations shall be done within hours specified by the Board of Appeals.
17. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.

#### Section 6: Supplementary Conditions and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this resolution. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this resolution and punishable under Article 5.06 of this resolution.

#### Section 7: Procedure for Hearing, Notice

Upon receipt of the application for a conditional use permit specified in Article 4.03, Section 4, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Article 4.04, Sections 8 through 10 of this resolution.

#### Section 8: Action by the Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board

the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

#### Section 9: Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorized only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

### **4.04 Appeals and Variances**

#### Section 1: Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.

It is the intent of this resolution that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this resolution that the duties of the Board of Township Trustees in connection with this resolution shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this resolution. Under this resolution the Board of Township Trustees shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this resolution as provided by law. Nothing in this resolution shall be interpreted to prevent any official of the Township from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days from the Board's written decision.

#### Section 2: Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Article 4.04, Sections 3-11, inclusive, of this resolution. As specified in Article 3.02, Section 3, the Board of Zoning Appeals has appellant jurisdiction relative to appeals and variances.

#### Section 3: Appeals

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

#### Section 4: Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice

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

#### Section 5: Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this resolution as will not be contrary to the public interest where owing to special conditions, a literal enforcement of the provisions of the resolution would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in unnecessary hardship.

#### Section 6: Application and Standards for Variances

A variance from the terms of this resolution shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address and phone number of applicants
2. Legal description of property, which includes a legal survey/plot plan and copy of deed.
3. Description of nature of variance requested
4. A narrative statement demonstrating that the requested variance conforms to each of the following standards:
  - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
  - b. That a literal interpretation of the provisions of this resolution would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this resolution;
  - c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this resolution to other lands, structures, or buildings in the same district.
5. A list of all adjoining or contiguous land owners.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

#### Section 7: Supplementary Conditions and Safeguards

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this resolution in the district involved, or any use expressly or by implication prohibited by the terms of this resolution in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this resolution. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this resolution and punishable under Article 5.07 of this resolution.

#### Section 8: Public Hearing By the Board of Zoning Appeals

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

#### Section 9: Notice of Public Hearing in Newspaper

Before holding the public hearing required in Article 4.04, Section 8, notice of such hearing shall be given in one or more newspapers of general circulation in Township at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

#### Section 10: Notice to Parties in Interest

Before holding the public hearing required in Article 4.04, Section 8, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Article 4.04, Section 9.

#### Section 11: Action by Board of Zoning Appeals

Within thirty (30) days after the public hearing required in Article 4.04, Section 8, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section Article 4.04, Section 7, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from the Board decisions shall be made in the manner specified in Article 4.04, Section 1.

### **4.05 Amendments**

#### Section 1: Purpose

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Board of Township Trustees may by resolution after receipt of recommendation thereon from

the zoning commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations and restrictions, and boundaries or classification of property.

## Section 2: Procedure for Amendments or District Changes

This resolution may be amended by utilizing the procedures specified in Section 519.12 et. Seq. Of the Ohio Revised Code. See Article 4.05, Section 3.

## Section 3: OHIO STATE REVISED CODE, Section 519.12

Amendments or supplements to the zoning resolution may be initiated by motion of the township rural zoning commission, by the passage of a resolution therefore by the Board of Township Trustees or by the filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the township zoning commission. The Board of Township Trustees may require that the owner or lessee of property filing an application to amend or supplement the zoning resolution pay a fee therefore to defray the cost of advertising, mailing, and other expenses. If the township trustees require such a fee, it shall be required generally, for each application. The Board of Township Trustees shall upon the passage of such resolution certify to the township zoning commission.

Upon the adoption of such motion, or the certification of such resolution or the filing of such application, the township zoning commission shall set a date for a public hearing thereon, which date shall not be less than twenty nor more than forty days from the date of the certification of such resolution or the date of adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given by the township zoning commission by one publication in one or more newspapers of general circulation in the township at least fifteen days before the date of such hearing.

If the proposed amendment or supplement intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the zoning commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be re-zoned or re-districted to the addresses of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the board of county commissioners. The failure of delivery of such notice shall not invalidate any such amendment or supplement. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement and a statement that after the conclusion of such hearing the matter will be referred for further determination to the county or regional planning commission and to the board of township trustees as the case may be.

Within five days after the adoption of such motion, or the certification of such resolution or the filing of such application, the township zoning commission shall transmit a copy thereof together with text and map pertaining thereto to the county or regional planning commission, if there is such a commission.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the township zoning commission. Such recommendation shall be considered at the public hearing held by the township zoning commission on such proposed amendment or supplement.

The Township Zoning Commission shall, within thirty days after such hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the county or regional planning commission thereon to the Board of Township Trustees.

The Board of Township Trustees shall, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty 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 one publication in one or more newspapers of general circulation in the township, at least fifteen days before the date of such hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment or supplement.

Within twenty days after such public hearing the board shall either adopt or deny the recommendations of the zoning commission or adopt some modification thereof. In the event the board denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the board shall be required.

Such amendment or supplement adopted by the board shall become effective in thirty days after the date of such adoption unless within thirty days after the adoption of the amendment or supplement there is presented to the board of township trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the zoning plan equal to not less than eight percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the board of township trustees to submit the amendment or supplement to the electors of such area for approval or rejection at next primary or general election.

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

#### Section 4: Initiation of Zoning Amendments

Amendments to this resolution may be initiated in one of the following ways:

1. By adoption of a motion by the Zoning Commission
2. By adoption of a resolution by the Board of Township Trustees.

3. By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### Section 5: Contents of Application

Applications for amendment of the Official Zoning Map adopted as part of this resolution by Article 6.02 shall contain at least the following information:

1. Name, address and phone number of applicant.
2. Proposed amending resolution.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, such other items as the Zoning Inspector may require and a survey/plot plan and legal description of specific property or properties actually proposed for re-zoning.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be re-zoned and others that may have substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be re-zoned.
9. A statement on how the proposed amendment relates to the Policy Plan.
10. A fee as established by the Board of Township Trustees according to Section 360.

Applications for amendments proposing to amend, supplement, change or repeal portions of this resolution other than the Official Zoning Map shall include items 1, 2, 9, and 10 listed above.

## **Article 5 Enforcement**

- 5.01 Authority**
- 5.02 Complaints Regarding Violations**
- 5.03 Persons Liable**
- 5.04 Right of Entry**
- 5.05 Construction and Use to be as provided in Applications, Plans, Permits**
- 5.06 Penalties for Violation**
- 5.07 Schedule of Fees, Charges and Expenses**

### **5.01 Authority**

The Zoning Inspector is hereby designated to enforce the Goshen Township Zoning Resolution. All departments, officials and public employees of the Township vested with the duty and authority to issue certificates, permits or licenses, shall conform to the provisions of this Resolution. Any certificates, licenses or permits issued in conflict with the provisions of this Resolution shall be null and void.

### **5.02 Complaints Regarding Violations**

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 thereto, the Zoning Inspector, the County Prosecutor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law may institute injunctions, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erections, construction, reconstruction, enlargement, change, maintenance or use.

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

Should the Zoning Inspector find evidence of any violations of this Resolution while in the process of conducting regular and authorized field inspections, he/she shall photograph the violation(s) of this Resolution. If a violation(s) is determined to exist on the subject property(s), the Zoning Inspector shall issue a Notice of Violation of this Resolution to the owner(s) of the subject property(s). The Notice of Violation shall clearly indicate the nature and character of the violation(s) and shall outline the rectification period for said offense(s) to the violator(s).



### **5.03           Persons Liable**

Any person who participates in, directs, creates, or maintains any situation that is contrary to the provisions of this Resolution may be subject to all penalties and forfeitures, whether in law or in equity, as provided in the Ohio Revised Code an/or the Goshen Township Zoning Resolution, as amended.

### **5.04           Right of Entry**

The Zoning Inspector pursuant to this Article 5, may make inspections at any reasonable time, of all buildings, structures and premises located within the jurisdiction of this Resolution to determine their compliance with the provisions of this Resolution where he/she has probable cause to believe there exists a violation. All inspections shall be subject to the following standards and conditions.

1. An inspection may take place only if a complaint has been received by the Zoning Inspector pursuant of this Article 5, and such complaint, in the opinion of the Zoning Inspector provides reasonable grounds for the belief that a violation exists.
2. The Zoning Inspector shall furnish to the owner, tenant, or occupant of the building, structure or premise sought to be inspected, sufficient identification and information to enable the owner, tenant, or occupant to determine the purpose of the inspection, and that the person is a representative of the Township.
3. The Zoning Inspector may apply to any court of competent jurisdiction for a search warrant or other legal process for the purpose of securing entry to any premises if the owner, tenant, or occupant shall refuse to grant entry.

### **5.05           Construction and use to be as provided in Applications, Plans, Permits**

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement set forth in such approved plans and applications or approved amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution and punishable as provided in Section 7 of this Article 5.

### **5.06           Failure to Obtain a Zoning Permit**

Failure to obtain a zoning permit shall be a violation of this resolution and punishable under Section 7 of this Article 5.

### **5.07           Penalties for Violation**

Violations of the provisions of this resolution or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this resolution, shall constitute a Minor Misdemeanor.

Any person or persons who violate this Resolution or fail to comply with any of its requirements shall, upon conviction thereof, shall be fined up to Five Hundred Dollars (\$500.00) per day, per offense, in accordance with the penalty of the Ohio Revised Code for Minor Misdemeanors and in addition shall pay all cost and expense involved in the case.

Each day such violation exists after receipt by the landowner or tenant of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent, or other person commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. **Goshen Township shall file a separate affidavit for each offense in the Clermont County Court for each violation committed.**

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation, including the remedy of injunctive relief.

#### **5.08                    Schedule of Fees, Charges and Expenses**

The Board of Township Trustees shall, by separate resolution, establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals and other matters pertaining to the administration and enforcement of this resolution, requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered or amended only by the Board of Township Trustees. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal.

The permit fee is waived for the construction or reconstruction of a structure destroyed by fire or an act of God. Zoning permit application shall be made within one year of the disaster.  
*Modified 5/5/95.*

## **Article 6**

### **Provisions for Official Zoning Map**

#### **6.01 Official Zoning Map**

#### **6.02 Identification of the Official Zoning Map**

#### **6.03 Interpretation of District Boundaries**

#### **6.01 Official Zoning Map**

The districts established in Article 7 of this resolution as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Resolution.

#### **6.02 Identification of the Official Zoning Map**

The Official Zoning Map shall be identified by the signature of the Chairman of the Board of Township Trustees, attested by the Township Clerk, and bear the seal of the Township.

#### **6.03 Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the township unless otherwise indicated.

## **Article 7**

### **Establishment and Purpose of Districts**

- 7.01 Intent**
- 7.02 Residential District Purpose**
- 7.03 Suburban Estate Residential District (R-1)**
- 7.04 Low Density Residential District (R-2)**
- 7.05 Medium – Low Density Residential District (R-3)**
- 7.06 Medium Density Residential District (R-4)**
- 7.07 Medium – High Density Multi-Family District (R-5)**
- 7.08 High Density Residential Single Family District (R-6)**
- 7.09 Mobile Home Park District (T)**
- 7.10 Local Business District (B-1)**
- 7.11 General Business District (B-2)**
- 7.12 Light Manufacturing District (M-1)**
- 7.13 Heavy Manufacturing District (M-2)**
- 7.14 Agricultural District (A)**

#### **7.01 Intent**

The following zoning districts are hereby established for the Township of Goshen, Clermont County, Ohio. For the interpretation of this Resolution, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this Resolution. In addition, the specific purpose of each zoning district shall be as stated.

#### **7.02 Residential District Purpose**

1. To protect and enhance the rural character of Goshen Township with special emphasis upon the preservation of natural landscape features including, but not limited to existing trees; and
2. To encourage preservation of agricultural purpose and utilization as provided in Ohio Revised Code 519.01 for preservation of rural character;
3. To appropriately situate low, medium, and high density areas around appropriate utilities and infrastructure to better serve the community;
4. To harmonize new residential development with surrounding areas and existing area densities.

#### Specific Purpose for Single Family Residential Districts

1. AG – Agricultural – To preserve and protect the decreasing supply of prime agricultural land and to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.
2. R-1 – Suburban Estate Residential District – To permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future.

3. R-2 – Low Density Residential District – To permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities.
4. R-3 – Medium/Low Density Residential District – To permit the establishment of Medium/Low Density single family dwellings in unsewered areas.
5. R-6 – High Density Residential District – To permit the establishment of high density single family dwellings with group or Central Sewage Treatment and public water.

#### Minimum Performance Standards

##### Minimum Lot Sizes:

AG – 43,560 Square Feet  
 R-1 – 40,000 Square Feet  
 R-2 – 30,000 Square Feet  
 R-3 – 20,000 Square Feet  
 R-6 – 12,800 Square Feet

##### Minimum Frontage:

150 Feet  
 150 Feet  
 125 Feet  
 100 Feet  
 80 Feet

#### Minimum Square Footage for any Single Family Residence

The minimum square footage for all single family dwellings shall be 1,400 square feet exclusive of basements and garages.

#### Minimum Setback Requirements

Front Yard Setback	-	50 feet from all rights-of-way
Side Yard Setback	-	25 feet for both sides with one side a minim of 10 feet
Rear Yard Setback	-	35 feet from residence to rear property line
Maximum Height	-	35 feet from ground to highest point on structure

#### Accessory Structure Minimum Setback Requirements

The following shall be minimum setback requirements for all accessory structures erected on a single family residential lot:

Front Yard Setback	-	50 feet from all rights-of-way
Side Yard Setback	-	10 feet from side property lines
Rear Yard Setback	-	10 feet from structure to rear property line
Maximum Height	-	25 feet from ground to highest point on structure

#### Permitted Uses:

- a. Single Family Dwellings
- b. Accessory Structures
- c. Home Occupations
- d. Agriculture
- e. Churches/places of worship/religious educational
- f. Public Schools

### Conditionally Permitted Uses Requiring written Approval from Board of Zoning Appeals

- a. Regulation Golf Courses
- b. Community Swimming Pools
- c. Nursery Schools/Child Care Centers
- d. Cemeteries
- e. Telecommunication Towers (Cell Towers)

### Maximum Lot Density

The maximum percentage of lot to be occupied in any single family residential district shall not exceed 30% (30) percent including, but not limited to, principle structure, accessory buildings, garages, pools, etc., combined on any single lot.

### Home Occupation Requirements

An occupation which is conducted in a dwelling unit, provided that under the following requirements;

1. No more than one person other than members of the immediate family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty five (25) percent of the gross floor area, not to exceed five hundred (500) square feet of the dwelling unit, shall be used in the conduct of the occupation;
3. 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 four (4) square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
4. Any need for parking generated by the conduct of such home occupation shall be off street parking and shall not be located in the required front yard;
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

### **7.03 Suburban Estate Residential District (R-1)**

The purpose of the R-1 District is to permit a degree of development of a rural non-farm nature in areas not expected to have public facilities in the near future. This district also allows the opportunity to satisfy individual housing preferences and shall permit not more than one (1) dwelling unit per 40,000 Square Feet

- A. Permitted Uses
  1. Agricultural
  2. Single Family Dwellings

3. Churches and other places of worship
4. Public schools
5. Home Occupations
6. Accessory Buildings

B. Conditional Uses Permitted requiring written approve of the Board of Zoning Appeals:

1. Golf courses, except miniature courses, practice driving ranges operated independently of a golf course
2. Hospitals and institutions of an educational, religious, charitable or philanthropic in nature.
3. Swimming pool, community
4. Telecommunication Tower (See Article 16, Section 1600)

C. Dimensions and Area Regulations for Lots and Structures

See Zoning Requirements Schedule immediately following this Article.

#### **7.04 Low Density Residential District (R-2)**

The purpose of the R-2 District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities, but not to exceed one (1) dwelling unit per 30,000 square feet. Centralized water and sewer facilities are, however, encouraged.

A. Permitted Uses

1. All uses permitted in Section 8.03 (A)
2. Public Schools
3. Private educational institutions operated by a recognized religious organization
4. Cemeteries
5. Home Occupation

B. Conditional Uses requiring written approval of the Board of Zoning Appeals:

1. All conditional uses listed in Section 8.03 (B)
2. Nursery schools and child care centers

C. Dimensions and Area Regulations for Lots and Structures

See Zoning Requirements Schedule immediately following this Article.

#### **7.05 Medium – Low Density Residential District (R-3)**

The purpose of the R-3 District is to encourage the establishment of single and two family dwellings not to exceed one single or one two family dwelling per 20,000 square feet in sewered areas and one single family dwelling per 20,000 square feet in unsewered areas.

- A. Permitted Uses
  - 1. All uses permitted in Section 8.04 (A)
  - 2. Two family Dwellings (per 20,000 square feet in sewerred areas only)
  - 3. Home Occupation
- B. Conditional Uses requiring written approval of the Board of Zoning Appeals:
  - 1. All conditional uses listed in Section 8.04 (B)
- C. Dimensions and Area Regulations for Lots and Structures  
See Zoning Requirements Schedule immediately following this Article.

#### **7.06 Medium Density Residential District (R-4)**

The purpose of the R-4 District is to permit the establishment of medium density two family and multiple family dwellings not to exceed six (6) dwelling units per schedule, page 45. This district is also designed to permit the conversion of large older homes in well established neighborhoods to two family units. Centralized water and sewer facilities are required.

- A. Permitted Uses
  - 1. Two Family Dwellings not to exceed 6 units per gross acre
  - 2. Multiple Family Dwellings not to exceed 6 units per gross acre
  - 3. Churches and other places of worship
  - 4. Public Schools
  - 5. Educational institutions operated by a recognized religious organization
  - 6. Cemeteries
  - 7. All uses permitted in Section 8.05 (A)
  - 8. Home Occupations
- B. Conditional Uses requiring written approval of the Board of Zoning Appeals:  
All conditional uses listed in Section 8.05 ( B)
- C. Dimension and Area Regulations for Lots and Structures  
See Zoning Requirements Schedule immediately following this Article
- D. Required Minimum Lot Area for R-4 District please see Table Below  
**Units not served by sewer in R-4 District**

<u>Lot Area</u>	<u>Family Units</u>	<u>Minimum Width &amp; Depth</u>
20,000 SF	1	100 X 200
26,000 SF	2	115
32,000 SF	3	130
38,000 SF	4	140
44,000 SF	5	150
50,000 SF	6	160



**Units served by sewer in R-4 District**

<u>Lot Area</u>	<u>Family Units</u>	<u>Minimum Width &amp; Depth</u>
18,000 SF	1	90 X 180
23,000 SF	2	100
28,000 SF	3	120
33,000 SF	4	130
38,000 SF	5	140
43,000 SF	6	150

**7.07 Medium – High Density Multi-Family Residential District (R-5)**

The purpose of the R-5 District is to encourage the establishment of medium-high density multi-family dwellings not to exceed fifteen (15) dwelling units per schedule. All such districts must abut upon either an arterial or collector thoroughfare as specified in the County Major Thoroughfare Plan. The predominant housing type will be townhouses and garden apartments.

- A. Permitted Uses
  - 1. All uses listed in Section 8.06 (A)
  - 2. Home Occupations
- B. Conditional Uses
  - 1. All conditional uses as listed in Section 8.06 (B)
- C. Dimensions and Area Regulations for Lots and Structures  
See Zoning Requirements Schedule immediately following this Article
- E. D. Required Minimum Lot Area for R-5 District  
See Table Below

**Units not served by sewer in R-5 District**

<u>Lot Area</u>	<u>Family Units</u>	<u>Minimum Width &amp; Depth</u>
18,000 SF	1	90 X 180
21,000 SF	2	100
24,000 SF	3	110
27,000 SF	4	120
30,000 SF	5	130
33,000 SF	6	140
36,000 SF	7	150

39,000 SF	8	160
41,000 SF	9	170
44,000 SF	10	180
47,000 SF	11	190
50,000 SF	12	200

#### **Units served by sewer in R-5 District**

<u>Lot Area</u>	<u>Family Units</u>	<u>Minimum Width &amp; Depth</u>
12,800 SF	2	80 X 160
15,600 SF	4	85
18,400 SF	6	90
21,200 SF	7	95
24,000 SF	8	100
26,800 SF	9	105
29,600 SF	10	110
32,400 SF	11	115
35,200 SF	12	120
38,000 SF	13	125
40,800 SF	14	130
43,600 SF	15	135

#### **7.08 High Density Residential Single Family District (R-6)**

The purpose of the R-6 District is to permit the establishment of high density single family dwellings with group or Central Sewage treatment, and public water only per 12,800 feet.

##### **A. Uses Permitted**

1. Single Family Dwellings
2. Accessory Buildings
3. Home Occupation

##### **B. Conditional Uses**

1. Telecommunication Tower (See Article 16, Section 1600)

#### **7.09 Mobile Home Park District (T)**

The purpose of the T District is to encourage the development of mobile home parks in a well-planned environment and shall be the only district within the Township wherein mobile homes may be located. Such districts shall abut upon an arterial or collector thoroughfare as identified on the Major Thoroughfare Plan. Mobile Home parks shall comply with regulations of Chapter HE-27 of the Ohio Sanitary Code as well as those general standards specified in Article 13 of this Resolution. Where the standards of the Ohio Sanitary Code and Article 13 conflict, the Ohio Sanitary Code shall apply.

- A. Use Permitted
  - 1. Mobile Home Park

## **7.10 Local Business District (B-1)**

The purpose of the B-1 District is to encourage the establishment of areas for convenience business uses which tend to meet the daily need of the residents of the immediate neighborhood. Also it is to encourage the establishment of small scale retail, including but not limited to executive, administrative, accounting, clerical, stenographic, and similar uses. This district is to preserve the character of "Old Goshen." Research uses shall not be permitted. Such district shall be centrally located within Goshen Township boundaries, with access to a collector thoroughfare. Marginal strip development shall be prohibited.

- A. Permitted Uses
  - 1. Those which conform to the foregoing definitions of purpose
  - 2. Convenience Business
  - 3. Office Type Business
  - 4. Clinic
  - 5. Nursing Home
  - 6. Personal Services
- B. Conditionally Permitted Uses requiring written approval of the Board of Zoning Appeals:
  - 1. Single Family Dwelling
    - a. Minimum lot size of 6,000 square feet
    - b. Minimum frontage of 50'
  - 2. One Mixed Use Structure, with predominant approach to be for small scale retail, mixed with one dwelling unit.

All developments within the B-1 District must submit a Site Plan Review including Conditionally Permitted Uses.

## **7.11 General Business District (B-2)**

The purpose of the B-2 District is to encourage the establishment of areas for general business uses to meet the needs of a regional market area. Activities in this district are often large space users and the customers using such facilities generally do not make frequent purchases. The clustering of Commercial uses will be encouraged. Shopping centers will be the predominant building approach. Strip development shall be prohibited. B-2 Districts shall be located on an arterial thoroughfare as specified in the Major Thoroughfare Plan.

- A. Permitted Uses (effective 4/21/1999)
  - 1. Those which conform to the foregoing definitions of purpose.
  - 2. Automotive and Farm Implement Sales
  - 3. General Business

4. Highway Business
5. Wholesale Business
6. Commercial Entertainment Facilities
7. Service Stations and Garages
8. Hotels and Motels
9. Plant Materials or Clinic
10. Clubs
11. Public Garage

- B. Dimensions and Area Regulations for Lots and Structures  
See Zoning Requirements Schedule immediately following this Article

### **7.12 Light Manufacturing District (M-1)**

The purpose of the M-1 District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged.

- A. Permitted Uses
  1. Those uses permitted in B-2
- B. Dimension and Area Regulations for Lots and Structures.  
See Zoning Requirements Schedule immediately following this Article

### **7.13 Heavy Manufacturing District (M-2)**

The purpose of the M-2 District is to encourage the development of major manufacturing, processing, warehousing and major research and testing operation. These activities require extensive community facilities and reasonable access to arterial thoroughfares; they may have extensive open storage and service areas, general heavy traffic but shall be prohibited if they create nuisances beyond the limitations set up by the Zoning Commission.

- A. Permitted Uses
  1. Those uses permitted in M-1
  2. Salvage or Junk Yard (see Article 10)
- B. Conditionally Permitted Uses requiring written approval from the Board of Zoning Appeals:
  1. Sexually Oriented Business (See Article 15)
- C. Dimension and Area Regulations for Lots and Structures.  
See Zoning Requirements Schedule immediately following this Article

## **7.14 Agricultural District (A)**

The purpose of the (A) District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.

- A. Uses Permitted
  - 1. Agriculture
  - 2. Public and Quasi public owned or operated properties
  - 3. Single family dwellings
  - 4. Roadside stands offering for sale only agriculture products grown on the premises.  
Such stands shall be located at least twenty (20) feet from the edge of the pavement and shall be removed any season or period of time when not in use.
  - 5. Home Occupation
- B. Conditionally Permitted Uses requiring written approval of the Board of Zoning Appeals
  - 1. Cemeteries, Columbarium or Crematories
  - 2. Riding Stables and Private Stables
  - 3. Amusement Parks, Playgrounds, Pay Fishing Lakes, Golf Courses and privately owned recreational centers.
  - 4. Drive in Theaters
  - 5. Sanitariums
  - 6. Private Airports and Landing Fields
  - 7. Farm Vacation Enterprises
  - 8. Kennels and Veterinary Clinics
  - 9. Camps
  - 10. Garbage and Waste Dumps and Disposal Sites and Incinerators, whenever the operation is carried on by a municipality, township or county, subject however, to the approval of the Board of Zoning Appeals and in accordance with the requirements of Article 10 of this Resolution.
- C. Dimension and Area Regulations for Lots and Structures.  
See Zoning Requirements Schedule immediately following this Article

## **Article 8**

### **Supplementary District Regulations**

- 8.01 General**
- 8.02 Conversion of Dwelling to More Units**
- 8.03 Private Swimming Pools**
- 8.04 Community Swimming Pools**
- 8.05 Temporary Buildings**
- 8.06 Parking and Storage of Certain Vehicles**
- 8.07 Required Trash Areas**
- 8.08 Open Trenches, Holes, Cisterns, Wells and Excavations**
- 8.09 Junk, Motor Vehicles, Materials and Items**
- 8.10 Minimum Frontage on Public Roads**
- 8.11 Supplemental Yard and Height Regulations**
- 8.12 Special Provisions for Commercial and Industrial Uses**

#### **8.01 General**

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems are encountered.

#### **8.02 Conversion of Dwelling to More Units**

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

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structures in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
4. The conversion is in compliance with all other relevant codes and resolutions.

#### **8.03 Private Swimming Pools**

No private swimming pool, exclusive of portable pools with a diameter less than twelve (12) feet or with a surface area of less than one hundred (100) square feet shall be allowed 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 of the principal use of the property on which it is located;
2. It may not be located closer than ten (10) feet to any property line;
3. The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in

height and maintained in good condition with a gate and lock. If pool meets the manufacturer's child proof regulation, fencing would not be required.

#### **8.04 Community or Club Swimming Pools**

Community and club swimming pools, when permitted in any commercial or residential district, 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 children from the thoroughfare or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.

#### **8.05 Temporary Buildings**

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

#### **8.06 Parking and Storage of Certain Vehicles**

Motor vehicles, self propelled vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any zoned property other than in an enclosed building, except for permitted salvage or junk yards or retail vehicle sales.

#### **8.07 Required Trash Areas**

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

#### **8.08 Open Trenches, Holes, Cisterns, Wells and Excavations**

No open holes except those found in basement drains, wells or depressions shall be allowed to exist in any open area or construction site except during period of actual construction and unless they do exist for purposes of construction which is going on, should be filled in and contoured to the surface of the immediately surrounding real estate.

## **8.09 Junk, Motor Vehicles, Materials and Items**

No abandoned, wrecked, dismantled or disabled automobile, truck, or other motor vehicle, aircraft, boat, trailer, discarded furniture, appliances or other junk material shall be permitted to remain on any parcel or lot in any district for a period of more than thirty (30) days, except for permitted salvage or junk yards and except when in completely enclosed buildings.

## **8.10 Minimum Frontage on Public Roads**

Any parcel or lot of less than five (5) acres shall have at least twenty (20) feet of frontage on a public road.

## **8.11 Supplemental Yard and Height Regulations**

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the following provisions shall be used for interpretation and clarification.

### Setback Requirements for Corner Buildings

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 in the district in which such structures are located.

### Visibility at Intersections

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2 ½) and ten (10) feet above the centerline grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines twenty (20) feet from the point of intersection.

### Single Family Dwellings Regulated

In any zoning district, only one single family dwelling and its permitted accessory uses or structures shall be erected on any one lot.

### Yard Requirements for Multi-Family Dwellings

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. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

### Architectural Projections



Open structures such as porches, 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.

#### Exceptions to Height Regulations

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take off of aircraft at an established airport.

### **8.12 Special Provisions for Commercial and Industrial Uses**

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements.

#### Fire Hazards

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

#### Radioactivity or Electrical Disturbance

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

#### Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot of property.

#### Air Pollution

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

#### Glare

No distinct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

#### Erosion

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

#### Water Pollution

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

#### Enforcement Provisions

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

#### Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemist's Association, Inc., Washington, D.C., the United States Bureau of Mines, the Ohio Environmental Protection Agency, and the United States Soil Conservation Service.

## **Article 9**

### **Off-Street Parking and Loading Facilities**

- 9.01 General Requirements**
- 9.02 Parking Space Dimensions**
- 9.03 Loading Space Requirements and Dimensions**
- 9.04 Paving**
- 9.05 Drainage**
- 9.06 Maintenance**
- 9.07 Lighting**
- 9.08 Location of Parking Spaces**
- 9.09 Buffer Yards**
- 9.10 Minimum Distance and Setbacks**
- 9.11 Joint Use**
- 9.12 Wheel Blocks**
- 9.13 Width of Driveway Aisle for Areas for Ten (10) or More Vehicles**
- 9.14 Access**
- 9.15 Width of Access Driveway for Ten (10) or More Motor Vehicles**
- 9.16 Striping**
- 9.17 Parking Space Requirements**
- 9.18 Tractor Trailers**
- 9.19 General Interpretations**
- 9.20 Junk Yards**
- 9.21 Garbage and Waster Dumps and Disposal Sites and Incinerators**

#### **9.01 General Requirements**

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this resolution.

2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this resolution.

4. Whenever a building or structure constructed 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 in the number of existing parking spaces additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this resolution is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

## **9.02 Parking Space Dimensions**

A parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and twelve (12) feet in width and nineteen (19) feet in length for forty five (45) degree parking. All dimensions shall be exclusive of driveways, aisles and other circulation areas. The number of required off street parking spaces is established in Section 17 of this Article.

## **9.03 Loading Space Requirements and Dimensions**

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles and other circulation areas and a height of clearance of not less than fifteen (14) feet. One off street loading space shall be provided and maintained on the same lot for every separate occupant requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or portion thereof.

## **9.04 Paving**

The required number of parking and loading spaces as set forth in Section 9.03 and Section 9.17 together with driveways, aisles and other circulation areas, shall be improved by removing top soil and adding a 6" base material to provide a durable and dust free surface which shall be a minimum of tar and chip. This will affect all new commercial parking lots from the effective date of this resolution as well as parking lots that were established prior to this amendment in the event they are expanded. Parking lots shall be completed no later than one year from occupancy permit.

## **9.05 Drainage**

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

## **9.06 Maintenance**

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash and other debris.

## **9.07 Lighting**

Any parking area for multi-family, business, commercial or industrial uses which are intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from any adjoining property.

### **9.08 Location of Parking Spaces**

The following regulations shall govern the location of off street parking space areas:

1. Parking spaces for detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial or institutional uses shall be located not more than seven hundred (700) feet from the principle use;
3. Parking spaces for apartments, or similar residential uses, shall be located not more than three hundred (300) feet from the principle use.

### **9.09 Buffer Yards**

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

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

A buffer screen shall begin at the front property right-of-way and extend a minimum of 25 feet beyond all the developed area which may include the principle structure, parking area, storage areas, driveways and all accessory structures.

### **9.10 Minimum Distance and Setbacks**

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four (4) feet to any established street or alley right-of-way.

### **9.11 Joint Use**

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for a zoning permit.

### **9.12 Wheel Blocks**

Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

### **9.13 Width of Driveway Aisle for Areas for Ten (10) or More Vehicles**

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking; twelve (12) feet wide for parallel parking; seventeen and one-half (17 ½) feet for sixty (60) degree parking; and thirteen (13) feet for forty-five (45) degree parking.

### **9.14 Access**

Any parking area for five (5) or more motor vehicles shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

### **9.15 Width of Access Driveway to Area for Ten (10) or More Motor Vehicles**

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: For one way traffic, the minimum width of fourteen (14) feet except for forty-five (45) degree parking in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

### **9.16 Striping**

All parking area with a capacity over twelve (12) vehicles shall be striped with double lines six (6) inches both sides of center between stalls to facilitate the movement into and out of the parking stalls.

### **9.17 Parking Space Requirements**

For the purpose of this Resolution the following parking space requirements shall apply:

#### Residential

- |                                          |                   |
|------------------------------------------|-------------------|
| 1. Single family or two-family dwelling  | Two for each unit |
| 2. Apartments, or multi-family dwellings | Two for each unit |
| 3. Mobile Homes                          | Two for each unit |

## Commercial

- |                                                         |                                                                                   |
|---------------------------------------------------------|-----------------------------------------------------------------------------------|
| 1. Automobile service garages which also provide repair | One for each two gasoline pumps and two for each Service bay;                     |
| 2. Hotels, motels, boarding houses                      | One per each sleeping room plus one space for each two Employees                  |
| 3. Funeral parlors, mortuaries and similar type uses    | One for each 100 sq. ft. of floor area in slumber rooms, Parlors or service rooms |

## Recreational or Entertainment

- |                                                              |                                                                                                                                                |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. Dining rooms, restaurants, taverns, night clubs, etc.     | One for each 200 sq. ft. of floor area.                                                                                                        |
| 2. Bowling alleys                                            | Four for each alley or lane plus one additional space for Each 100 sq. ft. of the area used for restaurant, cocktail lounge, or similar use.   |
| 3. Dance floors, skating rinks                               | One for each 100 sq. ft. of floor area used for the activity.                                                                                  |
| 4. Outdoor swimming pools, public or community or club       | One for each 5 persons capacity plus one for each 4 seats or one for each 30 sq. ft. floor area used for seating purposes whichever is greater |
| 5. Auditoriums, sport arenas, theaters, and similar use      | One of each 4 seats                                                                                                                            |
| 6. Retail stores                                             | One for each 250 sq. ft. of floor area                                                                                                         |
| 7. Banks, financial institutions and similar uses            | One for each 200 sq. ft. of floor area                                                                                                         |
| 8. Offices, public or professional administration or service | One for each 400 sq. ft. of Buildings                                                                                                          |
| 9. All other types of business or commercial uses permitted  | One for each 300 sq. ft. of floor area                                                                                                         |

## Institutional

- |                                                                                                |                                                                                               |
|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|
| 1. Churches and other places of religious assembly                                             | One for each 5 seats                                                                          |
| 2. Hospitals                                                                                   | One for each bed                                                                              |
| 3. Sanitariums, homes for the aged, nursing homes<br>Children homes, asylums, and similar uses | One for each 2 beds                                                                           |
| 4. Medical and dental clinics                                                                  | One for every 200 sq. ft. floor area of examination, treating room, office, and waiting room. |
| 5. Libraries, museums and art galleries                                                        | One for each 400 sq. ft. floor area.                                                          |

## Schools (Public, Parochial, or Private)

- |                                                                         |                                                                                        |
|-------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 1. Elementary and junior high schools                                   | Two for each classroom and one for every eight seats in auditoriums or assembly halls. |
| 2. High schools                                                         | One for every ten students and one for each teacher and employee.                      |
| 3. Business, technical and trade schools                                | One for each two students                                                              |
| 4. Colleges, Universities                                               | One for each four students                                                             |
| 5. Kindergartens, child care centers, nursery schools, and Similar uses | Two for each classroom but not less than six for the building                          |

## Manufacturing

- |                                                                                                    |                                                                                                                                          |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| 1. All types of manufacturing, storage, and wholesale uses<br>Permitted in any industrial district | One for every 2 employees (on the largest shift for which the building is designed) plus one for each motor vehicle used in the business |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|



- |                                                            |                                                                                                                                                |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. Cartage, express, parcel deliver, and freight terminals | One for every 2 employees (on the largest shift for which the building is designed) and one for each motor vehicle maintained on the premises. |
|------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|

### **9.18 Tractor Trailers**

No tractor (power unit) with trailer may be parked in the open in a residential district. One tractor per residence shall be permitted.

### **9.19 General Interpretations**

In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board upon any appeal from a decision of the Zoning Inspector.

### **9.20 Junk Yards**

1. No junk yard shall be located nearer than five hundred (500) feet to any road, street, residence, school, hospital or institution for human care or any other zoned district.
2. Junk yards shall be enclosed on all sides by an earth mound not less than twelve (12) feet in height and it must be fully landscaped, with no materials inside the earth mound visible from the outside
3. No junk yard shall be permitted in any district other than the M-2 District.
4. No junk yard shall be maintained or operated in such a manner as to pollute the air, land or waters of this township.
5. Nothing shall be kept, stored or placed outside the mound area.

### **9.21 Garbage and Waste Dumps and Disposal Sites and Incinerators**

- A. No use of facilities or real estate as a garbage or waste dump, disposal site, or incinerator shall be allowed unless 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 and the State of Ohio Agencies.
- C. No such use shall be permitted on a tract of land less than 500 acres in size.
- D. The area of operation within the tract of land shall be completely enclosed by a chain link fence, eight (8) feet high and suitably posed as to warn the public of the operation contained therein.
- E. All streets and roadways leading into such use shall be free of dust and mud and adequate to accommodate the traffic which they carry.
- F. No such use shall be within 2,000 feet of any residence, school, sanitarium, hospital, rest home, church or dwelling.
- G. The Board of Zoning Appeals shall be guided not only by this section but also by the general requirement and purposes of the resolution and by Section 522 of said resolution.
- 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.
- J. The purpose of this conditional use is one of promoting public health, safety and morals within Goshen Township, and for the purpose of promoting the general welfare of the people of Goshen Township.

## **Article 10**

### **Mobile Home Park Districts**

#### **10.01 Intent**

#### **10.02 Approval Procedures**

#### **10.03 General Standards for Mobile Home Parks**

#### **10.04 Mobile Home Park Requirements**

#### **10.05 Minimum Floor Area**

#### **10.01 Intent**

It is the intent of this article to regulate the location of and to encourage, stabilize and protect the development of well planned mobile home parks.

#### **10.02 Approval Procedures**

Mobile Homes and Mobile Home Parks shall be located only in the Mobile Home Park District (T) and shall be developed according to the general standards and regulations stated and referenced in this Article. The procedure to amend the Official Zoning Map to establish the T District shall be that procedure for amendments specified in Article 4.

#### **10.03 General Standards for Mobile Home Parks**

The Zoning Commission and the Board of Township Trustees shall review the particular facts and circumstances of each proposed mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile park development:

1. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
2. Will not be hazardous or detrimental to existing or future neighboring uses.
3. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools or that the person or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services.
4. Will be consistent with the intent and purpose of this resolution and the policy plan.
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
6. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance.

#### **10.04 Mobile Home Park Requirements**

Mobile home parks shall meet the requirements of Chapter HE-27 of the Ohio Sanitary Code adopted by the public Health Council under the authority of the Ohio Revised Code Section 3733.02.

#### **10.05 Minimum Floor Area**

Individual mobile homes located within the T District shall have a minimum floor area of six hundred (600) square feet.

## **Article 11**

### **Sexually Oriented Businesses**

- 11.01 Purpose**
- 11.02 Establishment and Classification of Businesses Regulated**
- 11.03 Location, Restrictions and Requirements for Sexually Oriented Businesses**
- 11.04 Measurement of Distance**
- 11.05 Permits Required**
- 11.06 Expiration of Conditional Use Permit Under this Article**
- 11.07 Revocation of Permit**
- 11.08 Appeal or Denial or Revocation**
- 11.09 Advertising and Lighting**
- 11.10 Prohibition of Distribution of Sexual Devices**
- 11.11 Public Indecency Prohibited**
- 11.12 Definitions**

#### **11.01 Purpose**

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

#### **11.02 Establishment and Classification of Businesses Regulated**

The establishment of a sexually oriented business shall be permitted as a Conditional Use only in the M-2 Business Zone and shall be subject to the following restriction.

No person shall cause or permit the establishment of any of the following sexually oriented businesses, as herein defined, within one thousand (1,000) feet of the property line of another such business or within one thousand (1,000) feet of the property line of any religious institution, school, boys club, girls club, dance or gymnastics studio, or similar existing youth organization, or public park or public building, or any establishment selling alcohol, or within one thousand (1,000) feet of the property line of any property zoned for residential use or used for residential purposes. Sexually oriented businesses are classified and include the following:

- a. Adult Arcade
- b. Adult bookstore, adult novelty store or adult video store
- c. Adult cabaret

- d. Adult motel
- e. Adult motion picture theatre
- f. Adult theatre
- g. Massage parlor
- h. Sexual encounter establishment
- i. Escort agency
- j. Nude model studio

### **11.03 Location, Restrictions and Requirements for Sexually Oriented Businesses**

The Goshen Township Zoning Resolution hereby required that sexually oriented businesses shall be permitted only as provided in Section 11.02. Conditional Use permits sexually oriented businesses shall be required to be renewed annually. Any sexually oriented business shall be subject to the following restrictions:

1. No sexually oriented business shall be operated within one thousand (1,000) feet of the property line of: a) any religious institution; b) any school, boys club, girls club, dance, gymnastics studio, or similar existing youth organization; c) a public park or public building; d) any property zoned for or used for residential purposes except as provided in Section 11.02.
2. No sexually oriented business shall be operated within one thousand (1,000) feet of the property line of another such business, which will include; any adult arcade, adult book store, adult video store, adult theatre, massage parlor or any sexual encounter establishment or any business establishment selling alcohol.
3. No more than one sexually oriented business shall be operated in any building or structure.
4. All applicants for a Conditional Use for a Zoning Certificate for a sexually oriented business that falls under the classification for a cabaret shall be required to successfully apply for and receive a cabaret license from Goshen Township prior to submitting an application for a Conditional Use permit. Proof of having obtained a cabaret license shall be required as part of the submission requirements.
5. Nothing in this Article shall prohibit a person appearing in a state of nudity for a modeling class operated;
  - a. By a proprietary school, licensed by the State of Ohio, a college, junior college, or university supported entirely or partly by taxation.
  - b. By a private college or university which maintains and operated educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or
  - c. In a structure which has no sign visible from the exterior of the structure and no other advertising that indicated a nude person is available for viewing;
  - d. Where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class; and

- e. Where no more than one nude model is on the premise at any one time.

#### **11.04 Measurement of Distance**

As regarding Section 11.02 and 11.03, distance between any two sexually oriented businesses shall be measured in a straight line, without regard to intervening structures, from the property line of each business. The distance between any sexually oriented business and any religious institution, public or private elementary or secondary school, boys club, girls club or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes shall also be measured in a straight line, without regard to intervening structures or objects from the property line where the sexually oriented business is conducted, to the nearest property line of the premises of a religious institution, public or private elementary or secondary school, boys club, girls club, or similar existing youth organization, or public park or public building or any properties zoned for residential use or used for residential purposes, or any establishment selling alcohol.

#### **11.05 Permits Required**

1. No sexually oriented business shall be permitted to operate without a valid Zoning Certificate for a Conditional Use for a sexually oriented business permit issued by the Township for the particular type of business.
2. An application for a permit must be made on a form provided by the Township. Any person desiring to operate a sexually oriented business shall file with the Township an original and seven copies of all materials required for submission.
3. An application fee shall also be submitted in accordance with the schedule determined by the Board of Trustees.
4. All applications for sexually oriented businesses must meet the requirements for Site Plan Review in Article 14.
5. All property included in a sexually oriented business must meet all the underlying conditions applicable in M-2 Zoning District.
6. The completed application shall contain the following information and shall be accompanied by the following documents:
  - a. A map, drawn to scale, sufficient and marked to indicate all land uses within one thousand (1,000) feet of the property lines to be certified; the property lines of any established religious institution/synagogue, school, or public park or recreation area within one thousand (1,000) feet of the property to be certified; and the property lines of any residential zoned area or property used for residential purposes within one thousand (1,000) feet of the property to be certified. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
7. The Zoning Administrator or his designee, shall deny the application for any of the following reasons:
  1. An applicant has failed to provide information required by this Section or permit application for the issuance of the permit or has falsely answered a question or request for information on the application form.

2. The application or permit fee required by this Article has not been paid.
3. An applicant of the proposed business is in violation of or is not in compliance with the zoning licensing requirements for a sexually oriented business.
4. If a person applies for a permit for a business or site for which a denial of a previous application for a permit at the location was issued, and there has not been an intervening change in the circumstances which could reasonably be expected to lead to a different decision regarding the former reasons for denial, the application shall be denied.
5. If the Zoning Administrator or his designee, denies the application he shall notify the applicant of the denial and state the reason(s) for the denial.

#### **11.06 Expiration of Conditional Use Permit Under this Article**

1. Each Conditional Use permit for a sexually oriented business shall expire one (1) year from the date of issuance and may be renewed only by making a new application. Application(s) for renewal shall be made at least thirty (30) days before the expiration date. Renewal applications made less than thirty (30) days before the expiration date will result in the permit expiration.
2. When the Zoning Administrator or his/her designee, denies renewal of the permit, the applicant shall not be issued a permit under this Article for one (1) year from the date of denial. If, subsequent to denial, the Township or its designee finds that the basis for denial or the renewal of the permit has been corrected, the applicant shall be granted a permit if at least ninety (90) days have elapsed since the date denial became final.

#### **11.07 Revocation of Permit**

1. The Zoning administrator or his/her designee, shall revoke a permit and issue a Stop Work Order if he/she determines that any of the requirements of a permit are no longer being met, or if a nonconforming use has been altered in any way.
2. When the Zoning Administrator or his/her designee, revokes a permit, the revocations shall continue for one (1) year and the permittee shall not be issued a sexually oriented business permit for one (1) year from the date the revocation became effective.

#### **11.08 Appeal of Permit Denial or Revocation**

After denial of an application, or denial of a renewal of an application or revocation of a permit, the applicant or permittee may seek prompt review of such administrative action through the Board of Zoning Appeals.

#### **11.09 Advertising and Lighting**

1. No sign, advertisement, promotional material, or display of any type shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, public or semi-public areas nor the public right-of-way of any street or roadway except as permitted under paragraph 4 of this section.



2. No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
3. The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
4. Each sexually oriented business shall be permitted both wall and freestanding signs which announce the names of the business. No off premise or portable signs shall be permitted.
5. All off street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under Article 11 of this resolution and shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1.0) foot candle of light on the parking surface and/or walkways. This sufficient illumination of the parking areas and walkways serving the patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.
6. Nothing contained in this Section of the Article shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or any subsequently enacted Resolutions.

#### **11.10 Prohibition of Distribution of Sexual Devices**

1. No sexually oriented business shall distribute, for commercial purposes, sell or offer for sale any device, instrument or paraphernalia designed or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others. Any violation of the Ohio Revised Code 2907.09 which occurs on premises of sexually oriented businesses shall result in the revocation of business permit.
2. Such devices, instruments or paraphernalia include but are not limited to: phallic shaped vibrators, dildos, muzzles, whips, chains, bather restraints, racks, non medical enema kits, body piercing implements (excluding earring or other decorative jewelry) or other tools of sadomasochistic abuse.

#### **11.11 Public Indecency Prohibited**

Public indecency is prohibited within the State of Ohio.

#### **11.12 Definitions**

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

1. Adult Arcade means an establishment where, for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the description or description of specified sexual activities or specified anatomical areas.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store means a commercial establishment which 50% or more of its stock in trade or derives 50% or more of its revenues or 50% or more of its interior business or advertising to the sale, rental, for any form of consideration, of any one or more of the following:
  - 1) books, magazines, periodicals or other printed matter, or photographs, films motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas;
  - 2) instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
  - 3) an establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purpose is offering for sale or rental; for some form of consideration, the specified materials which depict or describe specified anatomical areas or specified sexual activities.
3. Adult Cabaret means a nightclub, bar, restaurant bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.
4. Adult Motel means a motel, hotel or similar commercial establishment which:
  - 1) Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which advertises the availability of this sexually oriented type of materials by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
  - 2) Offers a sleeping room for rent for a period of time less than the (10) hours; or

- 3) Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten (10) hours.
5. Adult Motion Picture Theatre means a commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.
6. Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or live performances which are characterized by exposure of specified anatomical areas or by specified sexual activities.
7. Escort means a person who, for any form of consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one its primary business purposes for a fee, tip, or other consideration.
9. Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, of the human body which occurs as a part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas. The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.
10. Nude Model Studio means any place where a person, who regularly appears in state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Sexual Encounter Establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.
12. Employee means a person who works or performs in and/or for a sexually oriented

business, regardless of whether or not said person is paid a salary, wage or other compensation by the operator of said business.

13. Establishment means and includes any of the following:
  - a) The opening or commencement of any such business as a new business;
  - b) The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in the Article;
  - c) The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
  - d) The relocation of any such sexually oriented business.
14. Nudity or State of Nudity means the showing of either of the following:
  - a)The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering;
  - b)The female breast with less than a fully opaque covering on any part of the nipple.
15. Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any permitted or licensed premises.
16. Permitted or Licensed Premises means any premises that requires a license and/or permit and that is classified as a sexually oriented business.
17. Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.
18. Public Building means any building owned, leased or held by the United States, the state, the county, the township, any special district, school district, or any other agency or political subdivision of the state or the United States, which building is used for governmental purposes.
19. Public Park or Recreation Area means public land which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open spaces, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners, or another public agency or entity.
20. Religious Institution means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
21. Residential District or Use means a single family, duplex, townhouse, multiple family, or mobile park or subdivision and campground as defined in the Goshen Township Zoning Resolution.

22. School means any public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, ballet or gymnastics academies of facilities, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities. School includes the school grounds, but does not include the facilities used primarily for another purpose and only incidentally as a school.
23. Semi-Nude means a state of dress in which clothing covers no more than the genitals, pubic region, and areolae of the female breast, as well as portions of the body covered by supporting straps or devices.
24. Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, massage parlor, sexual encounter establishment, escort agency or nude model studio.
25. Specified Anatomical Areas means and includes any of the following:
- a) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areolae; or
  - b) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.
26. Specified Sexual Activities means and includes any of the following:
- a) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts;
  - b) Sex acts, normal or perverted, actual or simulated, including intercourse, or copulation, or sodomy;
  - c) Masturbation, actual or simulated;
  - d) Human genitals in a state of sexual stimulation, arousal or tumescence;
  - e) Excretory functions as part of or in connection with any of the activities set forth in subdivisions (a) through (d) of this subsection.
27. Transfer of Ownership of Control of a Sexually Oriented Business means and includes any of the following:
- a) The sale, lease of sublease of the business;
  - b) The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange of similar means;
  - c) The establishment of a trust, gift or other similar legal devise which transfers ownership or control of the business, except for the transfer by bequest or other operation of law upon the death of a person possessing the ownership or control.

## **Article 12**

### **Signs**

<b>12.01</b>	<b>Intent</b>
<b>12.02</b>	<b>Procedures and Permits</b>
<b>12.03</b>	<b>Permit Exemptions</b>
<b>12.04</b>	<b>Measurement of an Individual Sign Area</b>
<b>12.05</b>	<b>Prohibited Signs</b>
<b>12.06</b>	<b>General Sign Regulations</b>
<b>12.07</b>	<b>On-premise Signs for Zoning Districts</b>
<b>12.08</b>	<b>On-premise Signs for Parking Areas</b>
<b>12.09</b>	<b>On-premise Signs for Unique Land Uses</b>
<b>12.10</b>	<b>Off-Premise Signs</b>
<b>12.11</b>	<b>Nonconforming Signs</b>
<b>12.12</b>	<b>Abandoned Signs</b>
<b>12.13</b>	<b>Examples of Monument, Pole, Post and Wall Signs</b>

#### **12.01 Intent**

It is the intent of the sign regulations section of this resolution to:

- A. To preserve and improve the scenic natural environment of Goshen Township, particularly along transportation corridors, by allowing signs that are consistent with an attractive environment and are appropriate to the planned character of each zoning district; and,
- B. Protect property values by encouraging visually appealing, non-distracting forms of signs; and,
- C. Prescribe the appropriate size, location, construction, and manner of display of permitted signs; and,
- D. Permit such signs that will not, by reason of their size, location, or manner of display, endanger life or limb, confuse traffic, obstruct vision, or otherwise endanger the public morals, safety, or welfare; and,
- E. Prevent signs from causing an annoyance or disturbance, particularly to residential properties which are adjacent to non-residential properties; and,
- F. Promote a healthy and business-friendly environment where regulated signs contribute to and encourage the economic viability of local business and industry; and,
- G. Bring nonconforming signs into compliance with the resolution, when practical; and,

H. Allow the limited placement of off-premise directional signs.

## **12.02 Procedures and Permits**

- A. It shall be unlawful for any person to erect, structurally alter, or relocate any sign or structure supporting a sign without first obtaining a permit from the Zoning Director, except as provided in section 1200.03, Permit Exemptions.
- B. The application for the approval of a sign shall be made upon forms provided by the Zoning Office. All applications shall be accompanied by accurate sketches and scaled drawings showing the location of the proposed sign.

No application shall be accepted for review unless it is complete, accompanied by the appropriate fee and signed by the applicant. The Zoning Director may require that the location of the proposed sign be based on a survey by a registered land surveyor or engineer, at the expense of the applicant. The Zoning Director shall endeavor to complete a review of the complete application within 5 working days of submittal.

- C. Once a sign is constructed, erected or installed, based on the approved application, the property owner/business owner will provide a letter of certification to the Zoning Director certifying that the sign was designed, sized, constructed, erected and/or installed according to the approved sign application. The letter of certification shall be submitted to the Zoning Department prior to the property owner/business owner receiving a Certificate of Compliance with the Zoning Resolution. An approved Certificate of Compliance with the Zoning Resolution is required before a commercial or industrial land use may open for business.
- D. A sign plan must be submitted as part of a site plan for all new developments and substantial renovations which require the review and approval of the Zoning Department. A sign plan also must be submitted as part of the change of land use application and cannot be submitted separately or at a later date.

## **12.03 Permit Exemptions**

A permit shall not be required for the following signs and activities. Except where noted otherwise, the types of signs listed below are allowed in addition to the maximum number of square footage of regulated signs as permitted in other sections of this article:

- A. Servicing, repainting or cleaning an existing sign, including repair and maintenance of nonconforming signs necessary to keep the sign in sound condition. In no case shall a business be permitted to maintain nonconforming signage and erect new signage which cumulatively exceeds the maximum aggregate sign area permitted in the respective zoning district.

- B. House number or nameplate (apartment or home occupation) identifying the occupant of address of a structure and not exceeding two square feet in area.
- C. Real estate sign advertising the sale, rental, or lease of a structure or parcel of property.
- D. Memorial sign or tablet or name of building and date of erection, when cut into any masonry surface or when constructed of bronze or other noncombustible material, and when mounted on a wall of the building.
- E. Any non-commercial flag.
- F. Traffic or other government sign, such as legal notice, railroad crossing, danger or other emergency sign.
- G. Yard, garage or moving sale signs that are removed within a two-day period after the sale.
- H. Temporary political signs relating to an election or ballot issue.
- I. Traffic control signs on private residential property which contains no commercial message of any sort.
- J. Time and temperature portions of a sign, up to 33 percent of the total sign area allowed.
- K. Public warning signs for trespassing or danger area.
- L. Temporary interior window signs.
- M. Non-commercial seasonal signs.
- N. Drive-thru menu signs.
- O. Up to two on-premise banners advertising products(s) or service(s) sold or available on-site, placed flush against the wall of a principal permitted commercial structure on the lot, and of a size no greater than thirty (30) square feet each.
- P. Grand opening displays such as temporary signs, posters, banners, clusters of flags, balloons or other air or gas filled figures are permitted for a period of seven (7) days only to announce the opening of a completely new commercial enterprise or the opening of a commercial enterprise under new management. All such materials shall be removed immediately upon the expiration of seven (7) days.
- Q. Temporary commercial signs placed by businesses or the Ohio Department of Transportation, Clermont County, or Goshen Township Road Department during the



construction of any road improvement project. To be exempted from the permitting process, a business may either (a) relocate its permanent sign out of the construction zone to a temporary location on-site, or (b) replace the permanent sign with a temporary new sign no larger than the maximum height and size limits permitted in the zoning district. In any case, once the road improvements are completed in front of the business, any sign placed temporarily during the construction period must be removed within sixty (60) days and a permanent sign which fully conforms to the sign regulations must be erected.

- R. Notwithstanding other provisions contained in this ordinance, the message or sign face of a nonconforming sign may be changed as long as this action does not create any new non-conformities with the sign.

#### **12.04 Measurement of an Individual Sign Area**

This section of the article explains how a sign is to be measured in order to determine its size. A summary of maximum permitted sign sizes, length of display time, etc. in the various zoning districts can be found at the end of this article.

- A. The permitted maximum size of a sign shall apply to the entire area enclosing the extreme limits of writing, representation, emblem or figure, together with any form or other material or color forming an integral part of the display or used to differentiate a sign from the background against which it is placed. Necessary supports or uprights on which a sign is placed are excluded from the measurement of sign area. (See section 1200.13, Measurement of Sign Area.)
- B. The permitted actual size of a sign shall apply to each facing of a sign structure; however, where signs are double faced, placed back-to-back, or in a V-type construction, only one side of the sign shall be counted when the V is at a 45 degree angle or less. Back-to-back signs must be enclosed within the same cabinet or affixed to the same pole and not separated by more than eighteen (18) inches to qualify under this section.
- C. If a sign is painted on a wall, and includes background colors and/or graphics, and if the sign is an integral part of the overall graphic scheme, the entire wall shall be considered a sign and its measurement computed as such. If a sign is painted on a wall, and the sign can be logically separated and measured separately from the background graphics, the background graphic scheme shall not be computed in the sign size.
- D. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on

the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public road or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

## **12.05 Prohibited Signs**

- A. A flashing sign or an animated sign which incorporates in any manner flashing or moving lights or any other visible moving or revolving part, except for the time, temperature, or date sign.
- B. Commercial banners (except as permitted in Article 1200.03, Permit Exemptions), pennants, flags, spinners, or streamers.
- C. Signs which obstruct or impair the vision of drivers, or obstruct or detract from the visibility of, or resemble, any traffic sign or traffic control device on a public street or road, by reason of size, shape, location, color, or illumination.
- D. Commercial signs which make use of such words as “STOP”, “LOOK”, “DANGER”, or other similar words, phrases, symbols, or characters in such a manner as to imply the need or requirements of stopping or the existence of danger.
- E. Signs which obstruct free ingress or egress from a door, window, fire escape, or other exit way.
- F. Signs determined by the Zoning Director to contain subject matter defined within this Resolution related to “Specified Sexual Activities” or “Specified Anatomical Areas”.
- G. Signs now or hereafter existing, which no longer advertise a bona fide business, activity, campaign, service or product.
- H. Abandoned signs, as defined by this resolution.
- I. Any sign located in a public right-of-way, except those publicly owned signs, such as traffic control signs and/or directional signs, and all other signage customarily utilized and/or approved by the State of Ohio Department of Transportation, the Clermont County Engineer, and/or Goshen Township.
- J. All off-premise signs, except as permitted in Section 1200.10, Off-Premise Signs.
- K. Signs attached to utility poles and Ohio Department of Transportation, Clermont County, or Goshen Township Road Department sign poles.

## **12.06 General Sign Regulations**

- A. Unless otherwise restricted in this Resolution, a sign shall comply with the height regulations for structures in the zoning district where the sign is located or otherwise specifically regulated in this article.
- B. A sign or its support structure may be permitted in the front setback but in no case shall any part of the sign be placed within two feet of a private or public right-of-way
- C. A projecting sign shall not extend over more than one-half of a public sidewalk nor be lower than nine feet above ground level.
- D. The back of any permitted sign structure must be shielded from public view by a building, other structure, high planting, or another sign of the same size (where permitted), unless such back is painted a neutral color or is enclosed in a solid metal backing that is treated or painted to prevent corrosion.
- E. All signs shall be maintained in good and safe structural condition.
- F. The general area in the vicinity of a sign must be kept clear of weeds, debris, trash, and other refuse by the property owner.
- G. Permanent window signs shall not cover more than 33% of a side of a window.
- H. In no case shall any sign cast light directly upon any part of an adjacent residential or agricultural property at anytime of the day or night.
- I. Lots fronting two or more streets are allowed the permitted sign size for each street frontage, except in the case of lots within commercial parks which shall only be permitted one, sized according to the internal subdivision street frontage. The square footage permitted for each street frontage cannot be combined and used on one frontage. In no case shall the maximum aggregate sign area for the respective zoning district be exceeded unless expressly permitted by this Resolution. Signs must be placed on the frontage side which was used to calculate the size of the sign.
- J. All monument, pole, post and kiosk signs shall be a minimum of twenty (20) feet from any adjoining lot line.

## **12.07 On-premise Signs for Zoning Districts**

- A. **Agricultural “AG” District, Residential Districts “R-1”, “R-2”, “R-3”, “R-4”, “R-5”, and “R-6”, Residential PUD:**  
On-premise signs shall be permitted as follows, except as noted under Section 1200.08, On-Premise Signs for Parking Areas:
  - 1. One non-illuminated nameplate sign and/or non-commercial message is permitted, provided the surface area does not exceed two (2) square feet and the

sign is set back at least two (2) feet from the right-of-way. The maximum height of the sign shall be six (6) feet.

2. One or more wall or monument signs shall be permitted for the following uses where permitted: church, school, museum, other community facility, other conditional use, or nonresidential permitted uses. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such sign shall be solely for the purpose of identifying the use and its services or activities, or identifying the building, and may be illuminated. Such sign shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.

Additionally, one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this ordinance. Such kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.

3. A home occupation may be identified by one non-illuminated wall sign not exceeding a total area of two (2) square feet, affixed to the building, and not projecting more than one (1) foot beyond the building.
4. For major residential subdivisions, planned unit developments, and multi-family residential complexes, a maximum of one single-faced monument sign indicating the name of the subdivision, planned unit development, or multi-family residential complex may be placed on either side of each roadway entry point for a maximum of two (2) signs. These signs may not exceed forty (40) square feet in area or an overall height of ten (10) feet about grade, shall match the monument sign on the opposite side of the roadway entry point and shall be architecturally compatible with other signs and structures on the site. A sign may be double-faced only when only one (1) such sign is used for the development.

Additionally, one information sign is permitted for each entry to a multi-family residential complex. The sign may not exceed two (2) square feet in area. Multi-family residential complexes also shall be permitted one sign identifying a rental office which shall not exceed four (4) square feet if the sign is visible from a public right-of-way; otherwise, there is no size limit.

- B. Local Business District “B-1”, Commercial PUD:** On-premise signs shall be permitted as follows except as noted under Section 1200.08, On-Premise Signs for Parking Areas:

1. The maximum aggregate area for all signs is one hundred (100) square feet per place of business unless expressly permitted otherwise in this ordinance. One (1) square foot per one (1) lineal foot of street frontage shall be permitted. (See also “Maximum Sign Area Computation,” found at the end of this article.)
2. Commercial subdivisions, as defined in this ordinance, shall be permitted signs as described below.

Commercial subdivisions with one common entrance/exit driveway shall be permitted one sign, not to exceed forty (40) square feet in size, to be located at the common entrance/exit.

Commercial subdivisions with more than one entrance/exit driveway shall be permitted one sign, not to exceed forty (40) square feet, at each driveway if the distance between the two driveways is greater than fifteen hundred (1,500) lineal feet.

In addition, each parcel within a commercial subdivision shall be permitted a monument or wall sign to identify the name of the building or occupant. The size of the sign permitted for each individual parcel shall be determined by the length of internal road frontage within the subdivision. For a building located at the end of a driveway or cul-de-sac the size of the sign may be determined by using the average internal road frontage length for all parcels within the commercial subdivision.

Pole signs are prohibited in commercial subdivisions.

3. The following signs are permitted and shall be regulated as follows in regard to number, size, and type of on-premise signs:

- a. Monument Signs

Monument signs shall be limited to a total of one per street frontage. All monument signs shall stand in a bed of natural landscaping. This area shall contain low-growing materials such as vegetative ground cover, perennials and shrubs and shall be bordered by acceptable curbing materials such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least two (2) feet.

- b. Wall Signs

An identification sign on an awning or canopy shall be considered a wall sign. Permitted wall signs shall not cover more than 33% of a side of a

building. A wall sign shall not extend further than 12 inches above or from the building to which the sign is attached.

c. Kiosks

No more than one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this resolution. Such kiosks shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.

d. Pole or Post Signs

No more than one pole or post sign shall be permitted per place of business. In no case shall a business be permitted both a pole or post sign and a monument sign.

e. Community Event Signs

Community event signs are conditional permit uses and must comply with the regulations set forth in the conditional use section of this resolution. Community event signs shall be monument, kiosk or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed (6) feet. The community event sign shall not be included in the maximum aggregate of signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premise or off-premise sign.

f. Changeable Copy Signs

Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty percent (50%) of the total area of the sign. The changeable copy sign area is calculated in the maximum aggregate sign area permitted in the zoning district.

g. Temporary Portable Signs

Temporary portable signs not exceeding fifty (50) square feet in area used for commercial or special events will be allowed for thirty (30) days and a period of ninety (90) days must elapse before another permit is issued for the same business. Messages may appear on the sign for 30 days and the sign must then be removed for a period of 90 days before the message and

sign may be erected for another 30 days. No temporary portable sign shall exceed six (6) feet in height measured from the ground directly beneath the sign to the top of the sign. Such temporary signs shall conform to the general standards deemed necessary to accomplish the intent of the Article as stated in Article 1200.

h. Height Limit

The overall height limit of the entire sign structure shall be ten (10) feet from grade, except for temporary portable signs defined above.

C. **“B-2” General Business District, “M-1” Light Manufacturing District, “M-2” Heavy Manufacturing District:** On-premise signs shall be permitted as follows except as noted under, section- On-Premise Signs for Parking Areas:

1. The maximum aggregate area for all signs is three hundred (300) square feet per place of business in the B-2, M-1, and M-2 Districts unless expressly permitted otherwise by this resolution. One (1) square foot per one (1) lineal foot of street frontage shall be permitted.
2. Commercial subdivision, as defined by this resolution, shall be permitted signage as described below.

Commercial subdivision with one common entrance/exit driveway shall be permitted one sign, not to exceed forty (40) square feet in size, to be located at the common entrance/exit.

In addition, each parcel within a commercial subdivision shall be permitted a monument or wall sign to identify the name of the building or occupant. The size of the sign permitted for each individual parcel shall be determined by the length of internal road frontage within the subdivision. For a building located at the end of a driveway or cul-de-sac, the size of the sign may be determined by using the average internal road frontage length for all parcels within the commercial subdivision.

Pole signs are prohibited in commercial subdivisions.

3. The following signs are permitted and shall be regulated as follows in regard to number, size and type of on-premise signs:

a. Monument Signs

Monument signs shall be limited to a total of one per street frontage.

All monument signs shall stand in a bed of natural landscaping. This area shall contain low-growing materials such as vegetative ground cover, perennials and shrubs and shall be bordered by acceptable curbing

materials such as wood or concrete. Such curbing shall be located in such a manner so as to prevent automobiles from contacting the sign when maneuvering. The perimeter of the landscaped area shall extend outward from the monument sign by at least four (4) feet.

b. Wall Signs

An identification sign on an awning or canopy shall be considered a wall sign. Permitted wall signs shall not cover more than 33% of a side of a building. A wall sign shall not extend further than 12 inches above or from the building to which the sign is attached.

c. Kiosks

No more than one kiosk shall be permitted for the following uses where permitted: church, school, museum, or other community facility, as defined by this ordinance. Such kiosks, shall be permitted for the purpose of announcing activities, and the like, scheduled to occur in such buildings. One (1) square foot per one (1) lineal foot of street frontage shall be permitted with the total aggregate sign area not exceeding forty (40) square feet. Such kiosks shall not be closer than ten (10) feet to the curb nor more than ten (10) feet in overall height above grade.

d. Pole Signs

No more than one pole sign shall be permitted per place of business. In no case shall a business be permitted both a pole sign and a monument sign.

e. Community Event Signs

Community event signs are conditional permit uses and must comply with the regulations set forth in the conditional use section of this resolution. Community event signs shall be monument, kiosk or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed (6) feet. The community event sign shall not be included in the maximum aggregate of signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premise or off-premise sign.

f. Changeable Copy Signs

Signs with changeable copy are permitted provided that the changeable copy area does not exceed fifty percent (50%) of the total area of the sign. The changeable copy sign area is calculated in the maximum aggregate sign area permitted in the zoning district.



g. Temporary Portable Signs

Temporary portable signs not exceeding fifty (50) square feet in area used for commercial or special events will be allowed for thirty (30) days and a period of ninety (90) days must elapse before another permit is issued for the same business. Messages may appear on the sign for 30 days and the sign must then be removed for a period of 90 days before the message and sign may be erected for another 30 days. No temporary portable sign shall exceed six (6) feet in height measured from the ground directly beneath the sign to the top of the sign. Such temporary signs shall conform to the general standards deemed necessary to accomplish the intent of the Article as stated in Article 1200.

h. Height Limit

The overall height limit of the entire sign structure shall be ten (10) feet from grade at curb or edge of pavement, except for temporary portable signs defined above.

**12.08 On-premise Signs for Parking Areas**

On-premise signs for parking areas shall be regulated as follows in all districts, except as permitted in Section 12.09, Unique Land Uses:

- A. Directional signs and pavement markings shall be used to control vehicular movement in a parking area. Signs shall be limited to six (6) square feet each with an overall height limit of four (4) feet.
- B. With regard to parking, no sign of any kind other than those indicating entrances, exits, name of establishment to which such parking is accessory, or conditions of use shall be erected with the exception of the company logo of the actual business occupying the site. No additional advertising on such signs shall be permitted.

**12.09 On-premise Signs for Unique Land Uses**

A. Gasoline Stations/Convenience Stores/Mini-Marts

In addition to other sign regulations contained in this resolution, these establishments which sell gasoline may have the following signs:

- 1. Signs identifying only gasoline prices and/or location of full-service and self-service areas may be located at and secured to each pump island and shall not be calculated in the maximum aggregate sign area. Temporary signs, attached to the pumps and no larger than one (1) square foot each, shall not be computed in the maximum aggregate sign area permitted for the business by this resolution.

2. Each gasoline pump may display only the brand name or emblem of the gasoline, which shall not exceed the limits on the face of the pump.
3. Where the establishment provides inspection services, the inspection sign may be erected on the property, provided that the sign does not exceed a surface area of eight (8) square feet per side.
4. Signs informing the general public of employee certifications and the use of special brand name products used in the conduct of general daily business may be erected if placed flush against the building and shall be exempt from this regulation.
5. Signs which may be required by local, state or federal law in the interest of public health and safety shall be exempted from this regulation. These signs may include, but not be limited to, “no smoking” and “turn off engine while fueling” signs.
6. No other additional signage shall be permitted.

Directional signs and pavements markings shall be used to control vehicular movement in a parking area.

No sign of any kind other than those indicating entrances, exits, name of establishment to which such parking area is accessory, or conditions of use shall be erected with the exception of the company logo of the actual business occupying the site. No additional advertising on such signs shall be permitted.

#### C. Non-Residential Multi-Tenant Development

Non-Residential Multi-Tenant developments shall include shopping centers, multi-tenant complexes and multi-tenant office buildings.

New developments are required to submit a sign plan and any sign regulations for the entire project to the zoning office for review and approval with the proposed site plans.

1. The project is allowed one monument sign. The monument sign shall denote the name of the development. Major anchor tenants for the project also may be listed on the sign.
2. Additionally, the project is allowed a maximum of one wall sign per tenant. The following scale shall be used in determining which formula shall be used to calculate the permitted sign size for each tenant:

Store frontage of < 21 feet . . . ratio of 2 square feet per 1 lineal foot  
 Store frontage of 21-50 feet . . . ratio of 1.75 square feet per 1 lineal foot

Store frontage of > 50 feet . . . ratio of 1.5 square feet per 1 lineal foot

3. Out-parcels are permitted two wall signs, with each sign not to exceed one (1) square foot per lineal foot of width for the wall where the sign is attached.
4. End units shall be permitted a maximum of two (2) wall signs, with each sign not to exceed one and one-half (1 ½) square feet per lineal foot of width for the wall where the sign is attached.

D. Theaters

One sign which carries the name of the theater is permitted.

Additionally, one marquee sign not to exceed twenty-four (24) square feet per movie screen is permitted. Such sign shall project no more than eight (8) feet from the building face to which it is attached and shall have a minimum clearance of eight (8) feet. The total sign area of the marquee sign shall not be included in the maximum aggregate of three hundred (300) square feet.

In addition, attraction boards not exceeding twenty- four (24) square feet each and mounted to the building façade are permitted. The total sign area of the attraction board signage shall not be included in the maximum aggregate of three hundred (300) square feet.

**12.10 Off-premise Signs**

A. Community Event Signs

Community event signs are conditional permit uses and must comply with the regulations set forth in the conditional use section of this resolution.

Community event signs shall be monument, kiosk or pole signs. The maximum size of a community event sign shall not exceed sixty (60) square feet and the maximum height shall not exceed (6) feet. The community event sign shall not be included in the maximum aggregate of signage permitted for the business on the lot on which the community event sign is located. A community event sign may be an on-premise or off-premise sign.

B. Off-premise Directional Signs

Permanent off-premise directional signs stating the name of a business or other land uses are permitted in all non-residential zoning districts in accordance with the following criteria:

1. The business or other land use is able to obtain an approved permit from the roadway department on which the sign lies; and,

2. The business or other land use is located off of a designated public right-of-way; and,
3. The business or other land use must prove an off-premise directional sign is necessary for directions to access the site; and,
4. Sign text shall be limited to the name of the business or other land use, a logo and a directional arrow or may include certain advancing language as “next right”; and,
5. The sign must be located at the nearest roadway intersection, or intersections if the roadway intersects at more than one location; and,
6. The total sign area for each off-premise directional sign is limited to six (6) square feet and the height is limited to six (6) feet above grade; and,
7. Once the business or other land use using an off-premise directional sign ceases activity at its location, the entity must remove the signs within thirty (30) days to eliminate unnecessary sign clutter; and,
8. Not more than one sign for a business or other land uses is permitted in one direction on any roadway; and,
9. Written permission from the property owner of the parcel on which the sign will be located must be obtained and provided to the zoning department; and,
10. All off-premise directional signs must comply with the provisions of the Vision Field requirements.

Any business or other land use desiring to erect an off-premise directional sign is strongly encouraged to co-locate on an existing sign structure in an effort to eliminate unnecessary sign clutter. The sign permit fee will be waived for any off-premise sign which will be co-located on an existing sign structure.

## **12.11 Nonconforming Signs**

- A. A nonconforming sign may be structurally altered provided that such structural alteration does not result in:
  1. An increase in the total sign area or any dimension of the sign, including height; or,
  2. Any increase in the degree of nonconformity of the sign

Structural alteration of a nonconforming sign which results in a decrease in nonconformity is permitted.

- B. Any temporary or portable sign erected or displayed prior to the effective date of amendment of this article, and which is determined to be nonconforming with Article 1400 of this resolution, shall be removed forthwith.
- C. The burden of establishing a sign to be legally nonconforming rests upon the person, firm or corporation claiming legal status for the sign.
- D. The sign permit fee will be waived for sign applications proposing to replace all nonconforming signs with signage which is in full compliance with these regulations.

### **12.13 Abandoned Signs**

If any sign is “abandoned” for a period of at least thirty (30) consecutive days, such sign shall be considered a nuisance affecting or endangering surrounding property values and shall be considered detrimental to the public health, safety, and general welfare of the community and shall be abated. For the purpose of this resolution, the word “abandoned” shall mean that the use of the property has ceased or has discontinued normal daily operations, or the structure is vacant or has been destroyed.

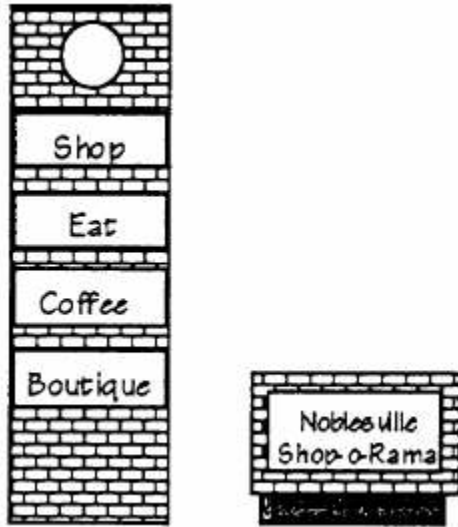
Abandoned signs, as defined by this ordinance shall be regulated as follows:

- A. Abandoned signs and their structures which are both nonconforming: shall be removed within thirty (30) days after being designated as abandoned. Removal includes the total disassembly of the sign structure, including the base, to the grade on which the sign was erected.
- B. Abandoned signs, where the sign face is nonconforming but the structure is conforming: the nonconforming sign shall be removed within thirty (30) days but the conforming structure may remain.
- C. Abandoned signs, where both the sign and its structure are conforming: the sign shall be removed within thirty (30) days but the conforming structure may remain.

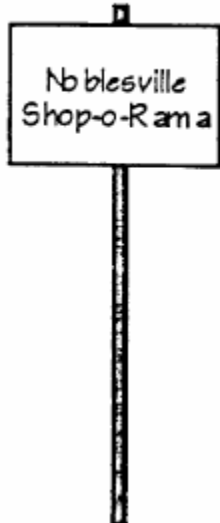
The failure to neglect or the refusal of any property owner to comply with these regulations shall constitute a violation of this Zoning Resolution.

## 12.13 Examples of Monument, Pole, Post and Wall Signs

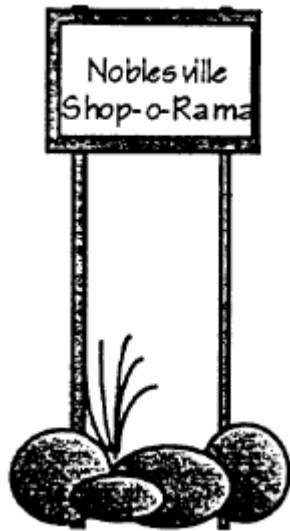
### A. Monument Sign



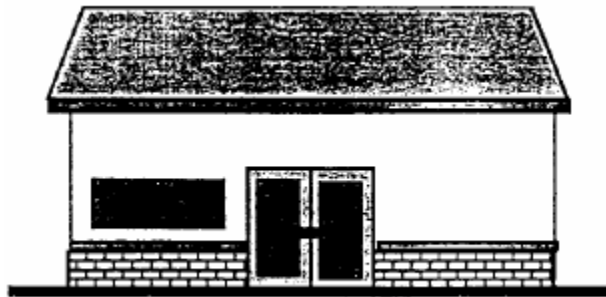
### B. Pole Sign



C. Post Sign



D. Wall Sign



## **Article 13**

### **Telecommunication Towers**

#### **13.01 Definition**

#### **13.02 Requirements**

#### **13.01 Definition**

As used in this division, “Telecommunication Towers”, means any free standing structure, or any other structure to be attached to a building or other structure, that meets all the following criteria:

- A) The free standing or attached structure is proposed to be constructed on or after the effective date of this amendment.
- B) The free standing or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunication services.
- C) The free standing or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.
- D)
  - (i) The free standing structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a free standing structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
  - (ii) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to the effective date of this amendment or as those regulations subsequently are amended.
- E) The free standing or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

#### **13.02 Requirements**

1. Section 519.02 to 519.25 of the Ohio Revised Code confer power on a Board of Township Trustees or Board of Zoning Appeals with respect to the location, erection, construction, reconstruction, change, alteration, removal or enlargement of a telecommunications tower, but not with respect to the maintenance or use of such a tower or any change or alteration that would not substantially increase the tower’s height. However, the power so conferred shall apply to a particular telecommunications tower only upon the provision of a notice, in accordance with division (B)(4)(a) of this section, to the person proposing to construct the tower.
2. Any person who plans to construct a telecommunications tower to which township zoning regulations apply under section 303.22 of the revised code shall provide both of the following by certified mail;



- a) Written notice to each owner of property as shown on the county auditor's current tax list, whose land is contiguous to or directly across the street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language;
- b) The person's intent to construct the tower;
- c) A description of the property sufficient to identify the proposed location;
- d) That, no later than 15 days after the date of mailing of the notice, any such property owner may give written notice to the Board of Township Trustees requesting that Sections 519.02 to 519.25 of the Revised Code apply to the proposed location of the tower as provided under Division (B)(4)(a) of this section. If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.
- e) Written notice to the Board of Township Trustees of the information specified in Divisions (B)(3)(a)(i) and (ii) of this section. The notice to the Board also shall include verification that the person has complied with Division (B)(3)(a) of this section.

3.

- a) If the Board of Township Trustees receives notice from a property owner under Division (B)(3)(a)(iii) of this section within the time specified in that division 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 Division (B)(3)(b) of this section, the Board shall request that the clerk of the township send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and accordance with Division (B)(2) of this section. The notice shall be sent no later than 5 days after the earlier of the date the Board 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 Revised Code shall apply to the tower.
- b) If the Board of Township Trustees receives no notice under Division (B)(3)(a)(iii) of this section within the time prescribed by that division or no Board member has an objection as provided under Division (B)(4)(a) of this section within the time prescribed by that division, Division (A) of this section shall apply to the tower without exception.

## **Article 14**

### **Planned Development “PD” District**

- 14.01 Purpose**
- 14.02 Authority to Vary Regulations**
- 14.03 Regulation Conflict**
- 14.04 Types of Planned Development Districts**
- 14.05 Underlying Zone District Standards**
- 14.06 Permitted Uses**
- 14.07 Objectives**
- 14.08 Development Standards for Planned Developments**
- 14.09 Criteria for Approval**
- 14.10 Application Requirements**
- 14.11 Establishment of a Planned Development**

#### **14.01 Purpose**

The Planned Development provisions of this Article are intended to further the purpose of promoting the general public welfare, encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Furthermore, the Planned Development seeks to promote development types and patterns which are in compliance with the Goshen Township Growth Management Plan. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519 (2001), as amended, for townships to adopt Planned Development zoning.

#### **14.02 Authority to Vary Regulations**

In connection with approving a Planned Development, the Zoning Commission and the Township Trustees shall have the authority to approve a Planned Development that varies from the provisions of this Zoning Resolution provided, however, that such variation:

- A. Will achieve the purposes for which Planned Developments may be approved pursuant to the requirements of this Article;
- B. Will not violate the general purposes, goals, and objectives of the Zoning Resolution and the Township’s Growth Management Plan;
- C. Will not unduly burden adjacent roadways; and
- D. Will result in a development providing compensating amenities to the development and the Township.

### 14.03 Regulation Conflict

- A. If a conflict arises between these “PD” regulations or an approved “PD” plan and other sections of this resolution, the “PD” regulations and approved plan shall prevail for land zoned Planned Development District.
- B. Land use for any property in the “PD” shall be consistent with the use, design, and details contained in the approved “PD” plan for that property and any conditions of approval. Other applicable regulations from this resolution, such as nuisance regulations, also apply to “PD” property.

### 14.04 Types of Planned Development Districts

The following types of Planned Developments may be proposed in the Township:

- A. “PD-R”           Planned Development – Residential.

Residential Planned Development Districts are established to encourage the creation of residential neighborhoods including but not limited to single family detached, condominium, landominium, neo-traditional, etc., that retain natural areas and open spaces that benefit the neighborhood and the Township and which is approved by the Goshen Township Trustees. Non-residential land uses that are traditionally compatible with residential uses may be considered if properly planned (e.g. religious place of worship, educational institution, etc.).

- B. “PD-MU”       Planned Development – Mixed Use.

Mixed Use Planned Development Districts are established to encourage the creation of a mixed use environment emphasizing coordinated and compatible development, cohesive and uniform in design. Non-residential and residential uses may be permitted if sited appropriately.

### 14.05 Underlying Zone District Standards

A PD zone change is required. However, a rezoning of the underlying zoning district of the property is **NOT** required to occur during this process. Instead, the applicant shall designate a zoning district, or districts, from which the basic lot development standards of this Planned Development will be based. For example, if the applicant property is currently zoned R-2 and they identify the R-4 Residential District as a regulation base, all density bonuses and lot development standards will be based on the dimension and area regulations for that district if approved by the Township Trustees.

#### **14.06 Permitted Uses**

The approval of a Planned Development shall be subject to the following requirements:

- A. Principal Permitted Uses in the current district(s), as identified in 17.4 above, shall be permitted as of right. Conditionally Permitted Uses shall be considered in a Planned Development as a part of this process. Applicants do not need to go through the Conditional Use approval process for approval of Conditional Uses. They may be approved as a part of the Planned Development process.
- B. Uses within the project shall be planned, developed and operated in accordance with an approved development plan, in order that specific use, uses, structures and developments will be properly integrated with the surrounding area. The proposed uses shall be integrated in such a way as to promote the health, safety, morals, general welfare both in and surrounding the Planned Development.
- C. The density calculation of a Planned Development shall be based upon the existing or designated zoning district(s) that is requested at time of application as provided by lot development standards of the zoning district(s). Density bonuses shall be permitted pursuant to Section 17.7D, Density Bonus, of this Article.

#### **14.07 Objectives**

Through proper planning and design, each Planned Development shall include features which further, and are in compliance with, the following objectives, where applicable:

- A. To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of conventional zoning and subdivision controls.
- B. To encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affective flooding, soil, drainage, and other natural ecologic conditions.
- C. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different land uses in an innovative and functionally efficient manner.
- D. To provide for abundant, accessible, and properly located public open and recreation space, private open and recreation space, schools, and other public and private facilities.

- E. To promote an efficient use of land that provides for a network of utilities, streets and other infrastructure features that maximize the allocation of fiscal and natural resources.
- F. To enable land development that is compatible and congruous with adjacent and nearby land developments.
- G. To ensure that development occurs at proper locations, away from environmentally sensitive areas, and on land physically suited to construction. The beginning of construction is considered as the installation of streets for subdivision developments or the installation of a foundation for single site development PD's.
- H. To allow unique and unusual land uses to be planned for and located in a manner that ensures harmony with the surrounding community.
- I. To create a method for the permanent preservation of historic buildings and/or landmarks.

#### **14.08 Development Standards for Planned Developments**

The Planned Development shall meet the following standards:

- A. Comprehensive Plan – The Planned Development shall conform to the Goshen Township Growth Management Plan.
- B. Site and Ownership – The site of the proposed Planned Development shall be under single ownership and/or unified control. If the ownership is different than the applicant then a “Consent to Rezone” form shall be submitted along with the application for the rezone.
- C. Minimum Development Size – Planned Development shall be a minimum of ten (10) acres in size.
- D. Density Bonus – The density of a Planned Development shall correspond to the gross density as imposed by the existing or designated underlying zoning district, at time of application. The “gross density” shall be considered the area in the entire development inclusive of roads and open spaces.
  - 1. A residential density increase, as identified in the table below in Subsection 6, Residential Amenity Density Bonus Points List, may be considered based on the inclusion and Zoning Commission approval of specific amenities in the Planned Development. In lieu of a residential density increase, a reduction in the amount of common open space may be requested.

2. To obtain a density increase (a reduction in lot size) **or** a reduction in common open space, a development shall achieve a specific amount of “density bonus points”. The total amount of total points will establish the density increase, **or** common space reduction, of a project. If a development is built in phases and identified as such on the Preliminary and Final Development Plans, the developer may establish different densities for each phase, based on the number of density bonus points accrued for each phase.
3. Density Bonus Points accrued under each amenity heading shall not be cumulative (e.g. if 100% of the dwellings in the PD are brick, the project is awarded 10 points only, not the cumulative 23 points under that specific heading).
4. Density Bonus Points are totaled from each section to identify the number of Density Bonus Points for the density increase or common open space reduction (Section 17.7 D 7).
5. In no case shall the density increase exceed twenty (20) percent of the underlying district density.
6. Residential Amenity Density Bonus Points List

Type of Residential Amenity	Density Bonus Points
<b>Use of brick or natural stone façade<sup>1</sup> on ALL proposed dwellings</b>	
100% Brick or natural stone façade dwelling	10
75% - 99% Brick or natural stone façade on dwelling	7
50% - 74% Brick or natural stone façade on dwelling	5
Less than 50% Brick or natural stone façade on dwelling	1
<b>Use of wood façade on ALL proposed dwellings</b>	
100% wood façade dwelling	7
75%-99% wood façade dwelling	5
50%-74% wood façade dwelling	3
Less than 50% wood façade dwelling	1
<b>Combination of façade finishes (brick, natural stone, wood, vinyl, dryvit, wood composite) on proposed dwellings in development. At least 50% of the façade of each dwelling, where used, shall be brick, natural stone or wood</b>	
Greater than 75% brick or natural stone façades in	5

development	
50%-74% brick or natural stone façades in development	3
Less than 50% brick or natural stone in development	1
<b>Single Family Dwelling square footage 1,800 square feet (exclusive of basements and garages)</b>	
50% of dwellings exceeding 2,000 square feet	4
50% of dwelling exceeding 2,500 square feet	8
<b>Side or rear entry garages</b>	5
<b>Common open space</b>	
50% or more open space	10
40% - 49% open space	5
Community recreational facility/Club house	3
<b>Streetscape enhancement in treelawn</b>	
Street trees – Minimum one (1) per lot with a minimum caliper of two (2) inches.	3
<b>Decorative street lighting on all streets of the development</b>	3
<b>Roadway design</b>	
Boulevard entrance at each entry location	1
<b>Trails and pathways</b>	
Hard surface connecting to internal and external destinations	3
Soft surfaces (wood chips, pea gravel, etc.) connecting to internal and external destinations	1

<sup>1</sup> Façade means all exterior sides of a dwelling.

7. Densities achieved with Density Bonus Points shall be as follows:

<b>Number of Density Bonus Points</b>	<b>Density Increase<sup>1</sup></b>	<b>Open Space Reduction</b>
20 points or more	20% Density Bonus	20% Open Space Reduction
15 – 19 points	15% Density Bonus	15% Open Space Reduction
10 – 14 points	10% Density Bonus	10% Open Space Reduction
Less than 10 points	No Density Increase	No Open Space Reduction

<sup>1</sup> Density increase is based on the underlying zoning district designated by the applicant, subject to approval by the Zoning Commission and Township Trustees.

8. Calculating Density with Straight Zoning

D = Density  
A = Acres in Total Site  
R = Acres in Right-of-way  
Dt = Acres in Detention  
N = Max. Number of Lots  
L = Minimum Lot Size Allowed in Underlying Zoning District

$$N = (A - R - Dt) * 43,560 / L$$

$$D = N/A$$

9. Calculating Density with Minimum Open Space Required for “PD” and No Density Bonus

D = Density  
A = Acres in Total Site  
R = Acres in Right-of-way  
Dt = Acres in Detention  
N = Max. Number of Lots  
L = Minimum Lot Size Allowed in Underlying Zoning District  
O = Minimum Acres of Open Space Required (minimum of 35%)

$$O = A * .35$$

$$N = (A - R - Dt - O) * 43,560 / L$$

$$D = N/A$$

10. Calculating Density with Minimum Open Space Required for “PD” with Density Bonus

D = Density in Underlying Zoning District  
A = Acres in Total Site  
R = Acres in Right-of-way  
Dt = Acres in Detention  
N = Max. Number of Lots  
L = Minimum Lot Size Allowed in Underlying Zoning District  
b = Density Bonus, Percentage Increase Earned (max = 0.2)

$$N = [(A - R - Dt - O) * 43,560 / L] * (1 + b)$$

$$D = N/A$$



E. Minimum Space Between Buildings – The minimum spacing between buildings in a Planned Development shall be as follows:

1. For single family residential dwellings:
  - a. Twenty (20) feet between single family detached dwellings unless otherwise approved by the Township Trustees.
2. For all other dwellings or non-residential structures:
  - a. Thirty (30) feet between buildings of one (1), two (2), or two and one-half (2½) stories in elevation unless otherwise approved by the Township Trustees.
  - b. If taller than two and one-half (2½) stories the minimum space shall be equal to the height of the taller building unless otherwise approved by the Township Trustees.

F. Required Yards– Individual yard and lot width requirements shall be as follows:

1. The required yards along the perimeter of the Planned Development shall be 20 feet.
2. Buildings of more than twenty-four (24) feet in height shall provide a setback from any property line of not less than equal to the height of such buildings.
3. The Township Trustees may permit the reduction of the yard requirements of the zoning district designated by the applicant upon the recommendation of the Goshen Township Zoning Commission, in reviewing a particular Preliminary Development Plan upon ample evidence of exceptional design or construction.
4. The minimum front setback for residential uses shall be 25 feet from the right-of-way line or sidewalk line. The side and rear setbacks shall be designated by recommendation of the Zoning Commission and approval of the Township Trustees.

G. Minimum Common and/or Open Space Requirements - The minimum common and/or open space requirements shall be as follows:

1. Minimum Amount Required - The Planned Development shall provide for the reservation, within the tract to be developed, of at least thirty-five (35) percent of gross land area of the plan for use as common or public open space.

2. Type Required - Common or public open space may include such areas as pedestrian walkways, nature walks, park land (exclusive of publicly maintained parks), land used for agricultural activities (see Subsection N, Agricultural Uses, below) and usable open areas including retention basins. Land donated for any public purpose may be credited towards the open space requirement at the discretion of the Township Trustees.

The following shall **not** be considered as open space in any Planned Development: required private yards, street rights-of-way, open parking areas and driveways, land covered by buildings or structures that are not a functional part of the open space, retention ponds or open space that includes steep slopes that cannot be used by occupants of the developed community, Portions of the open space development shall be fully accessible to seniors and those who are physically challenged.

3. Location of Site Drainage - Drainage areas, including detention and retention areas, are discouraged from being located on buildable land.
4. Phasing Required - Not more than thirty (30) percent of the homes in the total development may be constructed before the amenities are completed, or as mutually agreed between the Township Trustees and the developer.
5. Maintenance Required - Maintenance of the common and/or open space shall be provided for in the development's restrictive covenants recorded as part of the project. If common open space is not properly maintained, maintenance may be assumed by the Township Trustees.
6. Conveyance Required - Common or public open space shall be conveyed to a legally established Homeowners Association unless the Goshen Township Trustees decide that this requirement is not necessary for the proper execution of the development and the proper legal documents necessary for open space shall be for the exclusive use of the occupants of the development. Buffering shall be provided where necessary to protect adjacent property and may be included as part of the required open space. The documents to establish the Homeowners Association must provide at least the following:
  - a. A provision for the selection of Open Space Trustees from among the owners of the development and a definition of their duties. This document shall be updated, in writing, with the Township Zoning Office by January 15 of each year. For the purposes of these regulations, a Homeowners Association may also serve as the Open Space Trustees.
  - b. Authority for the Open Space Trustees to levy assessments on real property contained in the development.

- c. Authority for the Open Space Trustees to spend their funds for the benefit of the common or public open space.
- d. The application of a restrictive covenant, running with the land, incorporated in a deed of Conveyance to preserve the approved open space in perpetuity. This restrictive covenant may be altered with the consent of the property owner. This restrictive covenant shall run with the land indefinitely.
- e. A copy of this document shall be filed with the Goshen Township Board of Trustees prior to the issuance of any zoning permit from Goshen Township Zoning.
- f. Any trees that are diseased or dead shall be replaced with the same species. This provision shall not be applicable to approved open spaces that preserve woodland or forested areas.

H. Subdivision of Common and/or Open Space Prohibited - Further subdivision of approved common areas or open spaces, or its use for other than approved conservation, agricultural, or active or passive recreation shall be prohibited. Structures and buildings accessory to the conservation, agricultural or passive recreation may be erected on the open space; alteration of the PD is subject to Section 17.10 K.

I. Parking Requirements - Off-street parking shall be provided and shall be in general conformance with Article 11, Off-Street Parking and Loading Facilities. In a Planned Development, the parking requirements shall meet the aforementioned requirements in sections of the development that the particular use is proposed.

J. Traffic – Traffic in a proposed Planned Development shall be planned for as follows:

- 1. Adequate provisions shall be made to provide ingress and egress to the development from a public street so as to minimize both internal and external traffic hazards and congestion.
- 2. Streets within the Planned Development shall conform to the County design and construction standards for streets as well as any recommendations as identified by the County Engineer in a traffic impact study.
- 3. There shall be no direct access from any lot in a Planned Development to any thoroughfare outside of the development unless otherwise approved by the Goshen Township Trustees.

4. Major streets within the Planned Development shall be required to provide connections to future developments.
  5. No cul-de-sac streets shall be permitted in the Planned Development unless an exemption to this requirement is granted by the Goshen Township Trustees due to the presence of challenging topography, natural features, or some other exceptional characteristic that is unique to the project site.
  6. In every instance, the developer shall comply with the requirements established in the Clermont County Subdivision Regulations, as well as all federal, state and local rules, regulations and technical standards governing development and the construction of public and/or private infrastructure. Compliance with these rules, regulations and technical standards shall occur in addition to the compliance with the requirements enumerated within this Article.
- K. Performance Standards Compliance - The performance standards for the existing or designated underlying zoning district, at time of application of the Planned Development shall, in all instances, be complied with.
- L. Departure from Minimum Standards - The Planned Development may depart from strict conformance with the required density, dimension, area, height, bulk, use and specific content of this Article to the extent specified in the Preliminary Development Plan and associated documents authorizing the Planned Development if recommended by the Zoning Commission and approved by the Township Trustees. The modification or waiver of any requirement shall be the direct cause of accrual of positive benefits to the residents of the development as well as to the general community (e.g., waiver of yard requirements might result in more usable open space). Departure from any requirement specified in this zoning regulation or other zoning regulations is a privilege, and shall be granted only upon recommendation of the Zoning Commission and approval by the Township Trustees.
- M. Model Homes within Residential Areas of Planned Development- Model Homes used as sales offices by builder/developers and displaying the builder's/developer's product shall have the same construction as the homes within the development and subject to the following restrictions:
1. Home – No model home shall be a temporary structure. In every instance, the model home shall be constructed in the same manner as those homes being built for residential purposes within the development. One (1) temporary trailer used for marketing the PD and model home(s) shall be permitted on site until the first model home is complete.

2. Off-Street Parking - A minimum of six off-street parking spaces shall be available for the model home whether provided for in the driveway or on an adjacent lot. Such spaces shall be hard surfaced (concrete or asphalt) and shall be removed upon the dwelling terminating its use as a model home.

N. Agricultural Uses - Agricultural uses are permitted within the Planned Development and shall comply with the following regulations; except as limited by Ohio Revised Code Section 519.21.

1. Active farming of cropland is permitted.
2. No more than (2) two animals or livestock permitted.
3. Maximum weight of animals not to exceed (20) twenty pounds each upon full growth.
4. Shall be located a minimum of (10) ten feet from principal structure.
5. Shall be located a minimum of (25) twenty-five feet from all property lines.
6. Animals shall be in completely enclosed caging.

O. Commercial Vehicle Use - Commercial Vehicle use/parking shall be regulated under the following requirements:

1. No commercial vehicle over (2) axles for use or parking shall be permitted within the development. This shall include trailers used for commercial use and equipment used for construction and landscaping activities unless parked or stored in a completely enclosed structure after original construction.
2. Exempt commercial vehicles shall include: Vehicles being used for construction of new homes, remodeling of existing homes, regular deliveries, and maintenance of existing properties.
3. All commercial vehicles that are exempt from this section shall park off-street and shall not accumulate mud, debris, etc. from any construction area that will be transferred to the public streets.

P. Water and Sewer Availability - Attachment to suitable public, semi-public, or private water facilities and sanitary sewer shall be mandatory for any Planned Development developed pursuant to this Article, unless a waiver is approved by the Township Trustees for an alternative water or sanitary sewer system which

has received approval from the Clermont County Health District and the Clermont County Water and Sewer District.

- Q. Utilities - Underground utilities, including telephone, cable and electrical systems, are required within the limits of the Planned Development District. Appurtenances to these systems that can be screened may be excepted from these requirements if the Zoning Commission finds that such exemption will not violate the intent or character of the Planned Development District.
- R. Screening and Buffering – Screening and buffering of the Planned Development shall be as follows:
1. A buffer-yard at least twenty (20) feet in width, shall be placed along all of the Planned Development property boundaries if the perimeter lots in the Planned Development are not the same size as the minimum lot required in the underlying district or if the perimeter lots are not dedicated as open space lots.
  2. Existing vegetation may serve as the buffer-yard if, as determined by the Goshen Township Zoning Commission, it adequately screens surrounding land uses from the proposed development. If approved by the Zoning Commission, this buffer shall be retained as screening and shall not be removed unless approved by the Zoning Commission. Pictures of existing vegetation shall be provided to the Zoning Commission as part of the application process if the developer intends to use existing vegetation as the buffer-yard.
  3. A continuous grass, earthen mound shall be utilized around the perimeter of the development having a 3:1 slope, minimum of three (3) feet tall, two (2) feet wide as a minimum at the top portion of the mound and shall have evergreen or fir species of trees planted on top of the mound at a minimum of six (6) feet high at planting.
  4. Vinyl decorative fencing may be installed in the buffer yard only if it is an addition to the required continuous planting, hedge, fence, wall or earth mound.
  5. Any installed buffer mound shall have an irrigation system installed to maintain greenery on the mound. The irrigation system will be required at a rate required to keep vegetation green and flourishing.
- S. Lighting - All roadway, street, parking, and walkway lights shall be shielded so that all directly emitted light falls within the perimeter of the development.

- T. Development Entrances - Any Planned Development within this Article shall have street lighting at any entrances off of a County, Township or State Thoroughfare.
1. State Routes – Any structure or mounding at an entrance on a State Route shall be erected outside of the right-of-way or at least sixty (60) feet from centerline of the State Route, whichever is greater per Ohio Department of Transportation.
  2. County and Township Roads – Any structure or mounding at an entrance on a County Road or Township Roadway, shall be erected outside of the right-of-way or at least thirty (30) feet from centerline of the Township Road. Entrance islands and/or mounding must be approved by the Clermont County Engineer's Office during subdivision review.
- U. Environmental Considerations - Water, soils, and other environmental considerations will be addressed and resolved by applicable Federal, State, County, and Township regulations, whichever is more stringent.
- V. Pedestrian Circulation - In the final subdivision plan, sidewalks shall be established according to the Clermont County Subdivision Regulations.
- W. Compliance with Clermont County Subdivision Regulation - Any applicant proposing a Planned Development shall have an informal meeting with the Clermont County Planning Staff to ensure the concept plan is meeting the requirements as set forth in the Clermont County Subdivision Regulations. Applicant shall mitigate all County requests pertaining to the Clermont County Subdivision Regulations prior to the submittal of concept plan to the Township.
- X. Compliance with Ohio Department of Transportation - Any applicant proposing a Planned Development shall have an informal meeting with the Ohio Department of Transportation, if the proposal is abutting a State Route. The applicant shall mitigate all requests of the Ohio Department of Transportation prior to the submittal of concept plan to the Township.
- Y. Compliance with Clermont County Engineer- Any applicant proposing a Planned Development shall have an informal meeting with the Clermont County Engineer's Office, if the proposal is abutting a County Route. The applicant shall mitigate all requests of the County Engineer prior to the submittal of concept plan to the Township.
- Z. A construction road will be required for each phase after Phase I in the Planned Development.

#### **14.09 Criteria for Approval**

In approving an application for a Planned Development, the reviewing authority shall determine:

- A. If the proposed development is consistent in all respects with the purpose, intent, and general standards of this Zoning Resolution.
- B. If the proposed development is in conformity with the Goshen Township Growth Management Plan or any portion thereof as it may apply.
- C. If the proposed development advances the general welfare of the Township and the immediate vicinity.

#### **14.10 Application Requirements**

Any owner or owners, or designees of owners, seeking approval for a Planned Development shall consult with the Goshen Township Zoning Administrator before submitting an application to the Goshen Township Zoning Commission. Applications shall include the following as a minimum:

- A. For Conceptual Plans
  - 1. A location map;
  - 2. A topographic sketch;
  - 3. Sketch plans and ideas regarding land use, general locations of uses, dwelling types and density, street and lot arrangement and tentative lot sizes;
  - 4. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

- B. For Preliminary Development Plans

The Preliminary Development Plan shall be drawn at a 1" = 100' scale (or appropriate scale for larger sites that can be accurately identified on a 24 x 36 inch sheet of paper) and include the following: (One 11"X17" copy of the plans shall also be submitted.)

- 1. Name of the Development.
- 2. Vicinity map (location by military survey, with reference to identifiable street intersections).



3. Legal description of the meets and bounds of the parcel, property identification number of parcel, and acreage.
4. Name, addresses, and phone numbers of the owner, developer, engineer and surveyor, north arrow and scale.
5. Graphic identification of the perimeter of the property.
6. Adjacent property owners names and addresses within 200 feet of parcel identified on the map.
7. Current zoning and parcel numbers within 200 feet of development.
8. Location of existing and proposed buildings with number of floors, gross floor area and number of dwellings per building.
9. Existing significant locations of vegetation and types of soils.
10. Flood zones, floodplains and floodways.
11. Contours at five (5) foot intervals.
12. General location of interior and existing and proposed streets, showing points of access onto existing streets and any future street connections.
13. All public and private rights-of-way and easement lines on or adjacent to the proposed development.
14. Existing water and sewer lines, culverts, and power lines.
15. Location and exact calculation of open space area in acres to be used for active or passive recreation, including pedestrian circulation, and open space percent of total development.
16. General location of storm water control improvements.
17. Buffering, landscaping, and natural features to be preserved.
18. Layout and dimensions of lots, and building setback lines.
19. Density calculations and total area of property.
20. Narrative describing how the property will be phased.
21. Description of how open space will be preserved.

22. Description of amenities offered within the development.
23. Narrative describing how submitted concept plan meets and/or exceeds the Objectives in this Article.
24. Narrative describing how submitted concept plan complies with the Criteria for Approval in this Article.
25. Narrative describing compliance with Clermont County Subdivision Regulations.
26. Narrative describing compliance with Ohio Department of Transportation, District 8.
27. A copy of the restrictive covenants that will be placed on the property.

C. For Final Development Plans:

The Final Development Plan shall be drawn at a 1"=50' scale or a 1"=100' scale and shall include the elements identified below. One 11"X17" copy of the plans shall also be submitted.

1. An area map showing adjacent property owners and existing land uses within two hundred (200') feet of the parcel;
2. The boundaries of the project including a legal description of the metes and bounds of the parcel and the acreage therein for the each phase;
3. Existing contours at two (2) feet intervals or less, accompanied by outline of proposed grading plans;
4. The proposed street system for the project, including designation of collector thoroughfares agreeable to the Zoning Commission, where such thoroughfares are indicated on the County Land Use and Thoroughfare plan, or where otherwise necessary for efficient vehicular circulation;
5. Drainage control including a plan showing provisions for control of erosion and sedimentation during and after construction; such plan shall be accompanied by documentation indicating the review and recommendation of said plan by the Clermont County Soil and Water Conservation District or other competent agency or soil scientists;
6. Location of all principal and accessory structures accompanied by an outline explaining intended heights, coverage and treatment of yards within the project;

7. Location, size and landscaping proposed within the project and around parking areas;
8. Pedestrian circulation features, walks and paved areas within the project;
9. Existing landscaping and forestry features;
10. Principal ties to the community at large with respect to transportation, water supply, and sewerage collection and treatment;
11. General nature and location of public and private utilities and community facilities and services, including maintenance facilities within the project;
12. Recreational and non-building areas designated within the project;
13. Soil interpretive map indicating degree of limitation;
14. Description of common open space and how it will be maintained.
15. Building Information including elevations and construction materials.
16. Density analysis
17. Parking requirements
18. Open Space requirements

#### **14.11 Establishment of a Planned Development**

- A. Pre-application Meeting – The developer shall meet with the Goshen Township Zoning Administrator prior to review the submission of the concept plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with zoning and incentives that the developer can offer the community. The developer may request an informal meeting with the Zoning Commission at a regularly scheduled meeting or at a scheduled work meeting to discuss the plan prior to submittal of application. No statement or representation by the Zoning Administrator during the pre-application meeting shall be binding on either the Zoning Commission or the Township Trustees.
- B. Application – A complete Planned Development zoning application shall be filed in the name or names of the recorded owner/owners of property included in the development as shown in the Clermont County Recorder's Office. However, the application may be filed by holder(s) of an equitable interest in such party. If record of title is changed for all or any portions of such property prior to issuing final approval, the records of the Zoning Commission and related documents shall

be amended to reflect such changes before maps and documents are filed in the County Records, as provided herein.

- C. Submission of Application and Preliminary Development Plan – The developer shall submit an application and Preliminary Development Plan as identified in Section 17.9 B, Application Requirements, with the Township Zoning Administrator, and shall include any indications, on the plan, of any changes pertaining to the informal meeting with the Zoning Administrator. An application fee, as established by the Township Trustees, shall be submitted at time of application submittal. Incomplete applications and submissions shall not be accepted by the Township Zoning Administrator. The application shall contain twelve (12) copies of the completed forms, attachments and development plan.
- D. Acceptance of Application and Preliminary Development Plan
  - 1. Upon submission of the Preliminary Development Plan to the Township Zoning Commission, the Zoning Commission shall schedule a public hearing for recommendation of approval, denial, or approval with modification not less than twenty (20) or no more than forty (40) days from the date of acceptance of the application.
  - 2. The application and Preliminary Development Plan shall also be submitted by the Township to the Clermont County Planning Commission for review, comment and recommendation at its next scheduled meeting.
  - 3. The Township Zoning Commission will hold its public hearing and render a written recommendation to the Township Trustees, along with the Clermont County Planning Commission's recommendation, to the Township Trustees and the applicant within thirty (30) days after the public hearing. The recommendation shall include one of the following:
    - a. The Zoning Commission approves the plan.
    - b. The Zoning Commission denies the plan.
    - c. The Zoning Commission approves the plan with modification.
  - 4. Upon receipt of the Zoning Commission's recommendation, the Township Trustees shall approve, deny, or approve with modification the recommendation of the Zoning Commission and the request for a zone change after a Public Hearing. The Public Hearing shall be conducted by the Trustees within thirty (30) days of receipt of the Zoning Commission's recommendation and the Trustees shall render a decision within twenty (20) days of that hearing. If the application includes ten (10) parcels or more, such legal notice shall be advertised by the Trustees in one (1) or more newspapers of general circulation in the Township at least ten (10)

days before the date of such hearing. If the application includes less than ten (10) parcels, written notice of the hearing shall be mailed by the Trustees by first class mail at least twenty (20) days before the date of the hearing to all owners of the property within the subject site in addition to those owners within two hundred (200) feet in all directions from said site.

5. Upon approval of the Preliminary Development Plan and zone change to Planned Development by the Township Trustees, the Zoning Administrator shall:
  - a. Furnish the developer with a written notice approval of the Preliminary Development Plan; and
  - b. Record the zone change in the same manner as any other zoning change including a legal description of the land; and specific reference to the approved preliminary plan.
6. If the Preliminary Development Plan establishes development standards in detailed terms and meets the requirements for a Final Development Plan, the Petitioner may also request a secondary review and approval of a Final Development Plan by the Zoning Commission. However, approval of a Final Development Plan by the Zoning Commission shall be conditioned upon the Township Trustees approving the zone change for the Planned Development. The requirements for a Final Development Plan approval are set forth in Section 17.10 E, below.

E. Final Development Plan Approval

1. The applicant shall prepare detailed plans in accordance with the “PD” zone change approval from the Preliminary Development Plan. The Final Development Plan shall conform to the approved Preliminary Development Plan.
2. If subdivision of land is proposed in this Final Development Plan, the subdivisions shall comply with the Clermont County Planning Commission’s requirements and shall be reviewed for recommendation prior to review by the Township Zoning Commission.
3. The review and approval of a Final Development Plan shall be conducted at a regular or special meeting of the Zoning Commission.
4. The Zoning Commission shall review the Final Development Plan and recommend approval, denial, or approval with modifications, the application for the final approval of the plan in writing, to the Township Trustees within thirty (30) days after the submission of a Final Development Plan and only upon finding that the following requirements are met:

- a. No applicable, general, or specific requirements of the Township Zoning Resolution as existing at the time of Preliminary Development Plan approval, is violated by the Final Development Plan.
  - b. The Final Development Plan accurately sets forth the area to be developed and the area to be set aside as open space with appropriate boundaries established by course and distances, and the acreage within the area to be approved is set forth as well as the acreage of the area to be set aside as open space for the use of all residents of the area.
  - c. The Final Development Plan is in accordance with the Preliminary Development Plan which had been previously filed with and approved by the Township Trustees, and for which the zone change had been issued.
  - d. The density of dwelling units in an area does not exceed that shown on the Preliminary Development Plan.
  - e. The common areas and open space and recreational facilities in previous phases have been constructed in compliance with the approved Preliminary Development Plan.
  - f. The Final Development Plan accurately sets forth a schedule demonstrating proportionate development of the common areas, open space and recreational facilities in conjunction with the total project.
  - g. Areas for construction and/or service roads are identified on the Final Development Plan for subsequent phases of the development to prevent construction traffic from utilizing the streets of previously completed phases where practical.
5. Upon receipt of the Zoning Commission's recommendation on the Final Development Plan, the Township Trustees shall approve, deny, or approve with modification the recommendation of the Zoning Commission. Upon approval of the Final Development Plan by the Township Trustees, the Trustees shall direct the Zoning Administrator to:
  - a. Furnish the developer with written notice of approval;
  - b. Authorize the issuance of a zoning certificate for each structure indicated in the approved Final Development Plan, and;

- c. Record the Final Development Plan with specific reference to the recorded Preliminary Development Plan.

F. Failure to begin Planned Development

If construction has not begun within one (1) year from the date of approval of a Final Development Plan, final approval of the Final Development Plan shall expire and be of no further effect. The Zoning Commission, for good cause, may extend, for period of up to one (1) year, the time for beginning construction for good cause shown by the applicant. For the purposes of this Article, the beginning of construction is considered as the installation of streets for subdivision developments or the installation of a foundation for single site development PD's.

If an approved Final Development Plan expires as provided herein, notice of such expiration shall be recorded by the Zoning Administrator, and thereafter such approval shall be considered as having been revoked. No further zoning certificates for any structure shall be issued. Once approval has expired, a new PD must be resubmitted for approval or the property may be rezoned to another zoning district.

G. Revision of Approved Planned Development

All development within the Planned Development shall conform to the approved Final Development Plan and the approved Subdivision Plan. The applicant, his/her successors and assignees shall make no alterations, additions, or deletions to the Final Development Plan, the related documents, or to the site, except as provided herein. Upon approval of the Final Development Plan, changes may be made only pursuant to a new submission of a Planned Development Application which shall be processed and approved in accordance with this Article. The Zoning Commission may authorize minor changes, provided that the overall density is not increased, substantial changes to the street layout are not made, or the types of uses are not changed, without a new Final Development Plan application.

H. Phasing

1. The establishment or construction of common and open spaces and the construction of public, residential or other non-residential structures shall proceed substantially in accordance with the phasing program referred to in 17.9 B 20, Application Requirements for Preliminary Development Plans, herein.
2. If the PD is to be developed in phases, the first phase shall be ninety (90) percent complete before beginning any subsequent phases unless approval is granted by the Township Trustees.

3. After general construction commences (the installation of streets for subdivision developments or the installation of a foundation for single site development PD's), the developer shall submit progress reports every six (6) months to the Zoning Commission which shall review all building permits issued and compare them to the overall development Phasing Program. If it is determined that the rate of construction of residential units or non-residential structures substantially differs from the Phasing Program, they shall so notify the developer in writing. Thereafter, the Zoning Administrator may issue such orders to the developer as he/she sees fit, and upon continued violation of this Article may suspend the developer from further construction of dwelling units or non-residential structures until compliance is achieved.

I. Violation

Whenever the Zoning Administrator shall find, in the case of any approved Final Development Plan, that any of the terms, conditions, or restrictions are not being complied with, the Zoning Administrator may rescind and revoke such approval. Violation of the Final Approval of Uses for a Planned Development, as approved, shall constitute violation of this Zoning Resolution.

J. Zoning Permits

1. Plans showing the percentage of all materials used and the square footage of the structures are to be submitted to the Zoning Administrator at the time of application for each individual structure. This will ensure that all facades and structures are built to the Township Trustees approval.
2. The Final Development Plan shall contain on the cover the following signature lines to be signed by the property owner and the Planning and Zoning Director before a zoning certificate is issued:

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

\_\_\_\_\_  
*Director of Planning & Zoning, Goshen Township* (date)

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

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

2. No Township zoning certificate or Clermont County building permit shall be issued unless the following criteria has been fully satisfied with regard to an approved landscaping plan:



- a. Such plan has been fully implemented on 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 Goshen Township Board of Trustees.

K. Changes to the PD

A PD shall be developed only according to the approved and recorded Final Development Plan and all supporting data. The recorded Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assigns and shall limit and control the use of the premises and location of structures in the PD, as set forth therein.

- 1. Major changes. Changes proposed by the applicant that alters the concept or intent of the PD, including:
  - a. Increases in the density;
  - b. Increases in the height of building(s);
  - c. Reductions of proposed open space;
  - d. Modification in proportion of housing types;
  - e. Changes in standards of infrastructure or alignment of streets, including alterations in the placement of utilities, water mains, sewer mains, electricity, drainage or changes in the final governing agreements, provisions or covenants.

Major changes may be approved only by submission of a new Preliminary Development Plan and supporting data, and following the development plan approval steps, holding of a new public hearing and subsequent amendment and recordation of the Final Development Plan document.

- 2. Minor changes. The Zoning Administrator may approve minor changes in the PD which do not change the concept or intent of the development, without going through the development plan approval steps. Minor changes are defined as any change not defined above as a major change. Any minor changes approved shall be properly filed with the Zoning Administrator or it shall be automatically deemed to be a major change.

## **Article 15**

### **Planned Business Development District “PBDD”**

- 15.01 Purpose**
- 15.02 Objectives**
- 15.03 Regulation Conflict**
- 15.04 Uses Permitted**
- 15.05 Development Standards**
- 15.06 Establishment of Planned Business District**
- 15.07 Adjustments to Development Plans**

#### **15.01 Purpose**

The Planned Business Development District provisions of this Article are intended to provide for business development within the Township in a planned cohesive manner. Such business development can include office, neighborhood and regional retail, service oriented uses or a mixture thereof. The development is to be in an integrated design that provides for adequate open space, landscaping and parking areas while providing a circulation system that furthers the traffic network in the Township. These regulations are established pursuant to authorization under Ohio Revised Code Chapter 519 (2001), as amended, for townships to adopt Planned Development Zoning.

#### **15.02 Objectives**

- A. To allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of conventional zoning and subdivision controls.
- B. To encourage land development that refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
- C. To combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows for an innovative and functionally efficient development.
- D. To promote an efficient utilization of land that provides for a network of utilities, streets and other infrastructure features.
- E. To enable land development that is compatible and congruous with adjacent and nearby land developments and provides residents with convenient access to goods and services.
- F. To ensure that development occurs at proper locations.
- G. To develop a land use pattern that is in harmony with the objectives of the Goshen Township Growth Management Plan.

### 15.03 Regulation Conflict

- A. If a conflict arises between these “PBDD” regulations or an approved “PBDD” plan and other sections of this resolution, the “PBDD” regulations and approved plan shall prevail for land zoned Planned Business Development District.
- B. Land use for any property in the “PBDD” shall be consistent with the use, design, and details contained in the approved “PBDD” plan for that property and any conditions of approval. Other applicable regulations from this resolution, such as nuisance regulations, also apply to “PBDD” property.

### 15.04 Uses Permitted

The following Principle Permitted Uses shall be permitted in the Planned Business Development District as of right:

- A. Office and Related Uses:** Areas designated for Professional Office, Research, Education and other related uses which may include the following uses:
  - a. Corporate headquarters, regional and administrative offices
  - b. Professional, medical, and dental offices
  - c. Regional and metropolitan offices
  - d. Sales and marketing offices
  - e. Data and communication centers, including information processing facilities
  - f. Sales and service offices related to electronic equipment, computers, and similar office equipment
  - g. Research and development facilities
  - h. Hotels and meeting facilities
  - i. Training, educational and conference facilities
  - j. Printing and publishing facilities
  - k. Athletic and recreational facilities
  - l. Financial institutions and services including drive-thru facilities and ATM’s
  - m. Retail and retail services in conjunction with and located within an office building, hotel, conference center, or athletic facility
  - n. Care centers for children and/or adults
  - o. Colleges, technical, and business schools
  - p. Libraries and museums
  - q. Other similar uses as determined by the Board of Trustees
- B. Commercial Uses:** Areas designated for commercial and service uses may include the following uses:
  - a. Antique stores
  - b. Apparel stores

- c. Art gallery and framing services
- d. Art supplies
- e. Bakery and bakery goods store, provided the products are sold exclusively on the premises
- f. Barber and beauty shops
- g. Bicycle shop
- h. Book, stationery, or gift store
- i. Butcher shops
- j. Camera and photographic supplies
- k. Candy store, soda fountain, ice cream or yogurt store
- l. Card and gift shop
- m. Carpet and flooring store
- n. Collectables stores
- o. Communications and postal service center
- p. Computer store
- q. Convenience stores
- r. Dance studio
- s. Delicatessen and coffee shops
- t. Department store
- u. Drug store including drive-thru facilities
- v. Dry cleaning store
- w. Eating and drinking places including those with drive-thru facilities
- x. Electronics and appliance stores
- y. Fabric store
- z. Florist shop
- aa. Fuel dispensing and facilities
- bb. Glass or pottery shop
- cc. Grocery or food stores
- dd. Health and fitness facility
- ee. Hobby and craft store
- ff. Home merchandise or furniture store
- gg. Home improvement and garden stores, including outdoor sales and service
- hh. Interior decorator services
- ii. Jewelry store
- jj. Leather goods and luggage store
- kk. Locksmith shop
- ll. Music store, including sale of instruments and recorded material
- mm. Office supply store
- nn. Opticians and optical goods
- oo. Paint and wallpaper store
- pp. Party supply and paper goods store
- qq. Pet store and grooming, excluding boarding of animals
- rr. Photocopy establishment
- ss. Radio, television and similar or related electronics and appliance sales and service
- tt. Shoe store and shoe repair

- uu. Sporting goods store
- vv. Tailor shop
- ww. Tanning salon
- xx. Toy store
- yy. Travel agency
- zz. Video tape and audio products sales and rental
- aaa. Wine and liquor store
- bbb. Other similar uses as determined by the Board of Trustees

**C. Accessory Uses:** The following uses shall be permitted when accessory to and in conjunction with a Principally Permitted Use:

- a. Signage
- b. Parking
- c. Fencing

## **15.05 Development Standards**

### **A. Area and Height Requirements**

1. Minimum Area of a Planned Business Development District: None
2. Minimum Lot Area within a Planned Business Development District: 20,000 square feet
3. Minimum Lot Width at the Building Line: 100 feet
4. Minimum Lot Frontage: 20 feet
5. Minimum Building Setbacks:
  - a. Front Yard: 50 feet from a public right-of-way  
20 feet from a private roadway
  - b. Side Yard: 10 feet
  - c. Rear Yard: 10 feet

The Board of Trustees may approve a further reduction of the required front setback provided that:

- a. Parking for the building is in the rear
- b. Building's front façade is oriented towards the street w/openings to business(s), sidewalks & street trees
- c. Driveway sight distances are maintained
- d. Proposed development does not adversely affect adjacent property owners

6. Minimum Parking Area Setbacks:
  - a. Front Yard: 20 feet from State Route 28  
10 feet from a public roadway

- b. Side Yard: 5 feet
- c. Rear Yard: 5 feet

- 7. Maximum Building Coverage: 40% of the gross acreage
- 8. Minimum Open Space: 20% of the gross acreage. Open space may include landscaped areas within parking areas, streetscape areas, areas used for stormwater management and other open areas left in a natural or landscaped state.
- 9. Maximum Building Height: No building shall exceed 60 feet in height.

## B. Design Regulations:

### 1. Building Design

- a. At least eighty percent (80%) of a building elevation which faces a public or private street will be constructed of brick, stone veneer, split face block (tinted or painted), formed concrete or exterior insulated finish systems (EFIS). Side and rear elevations of buildings which do not front on public and private streets may be constructed of brick, exterior insulated finish systems (EFIS), stone veneer, split face block (tinted or painted) or formed concrete system (tinted or painted). No unpainted/un-tinted block shall be used on buildings.
- b. The service elevation of a building shall not be located directly adjacent to a major thoroughfare.
- c. All mechanical equipment (roof or ground mounted) shall be screened.
- d. All waste enclosures shall be enclosed on three (3) sides by a six (6) foot solid wall. The waste enclosures shall be constructed with and/or veneered with the same high quality exterior building materials utilized in the construction and/or decoration of the primary building façade. In no instance shall unpainted/un-tinted block be used. The fourth side shall be screened by solid gates which are to remain closed except when servicing.

### 2. Parking

- a. Parking shall be provided in accordance with the requirements of Section 1130 of this ordinance unless modified as a part of the Final Development Plan approval.
- b. The number of parking spaces shall be no greater than a ten (10) percent increase in the minimum number of parking spaces required in Section 1130

of this ordinance.

- c. Commercial Vehicles with or without signage which are over nine (9) feet in width or nineteen (19) feet in length shall not be parked in a parking area. Such vehicles shall be parked or stored in required off-street loading space(s).
- d. Joint Parking: A group of non-residential uses may provide for Two (2) or more owners or operators of adjacent parcels requiring off-street parking facilities may make collective provision for such facilities if the joint parking complies with the all of following standards:
  - i. Where the uses to be served by joint parking have overlapping hours of operation, the property owner or owners shall provide spaces equal to the total of the individual parking requirements for the uses served, reduced by ten percent (10%) of that total number. The Board of Trustees may approve a further reduction of that number if the property owner(s) demonstrate to the satisfaction of the Board of Trustees that the resulting provision of parking will be adequate for the proposed uses.
  - ii. Where the uses to be served by the joint parking do not overlap their hours of operation, the property owner or owners may provide parking stalls equal to the greater of the applicable individual parking requirements.
  - iii. Prior to establishing joint use of parking, the property owner(s) shall file with the Zoning Administrator a written agreement providing for the joint parking use.

### 3. Landscaping

- a. Developments with frontage on a major thoroughfare shall create a corridor streetscape along the entire frontage on the major thoroughfare. Such corridor streetscape shall have a minimum width of twenty (20) feet and contain a minimum of one (1) 2" caliper deciduous tree for every forty (40) feet of frontage on the major thoroughfare. Trees may be clustered for effect.
- b. Developments which contain public or private streets within their boundaries shall provide internal streetscape. Such streetscape shall have a minimum one (1) 1½" caliper deciduous tree for every forty (40) feet of street (public or private) frontage. Trees may be clustered for effect.

- c. Developments adjacent to residential districts or residential uses shall provide a minimum buffer yard of 25 feet. Such area shall contain an earthen berm, landscaping, fencing or other screening material as approved on the Final Development Plan.
- d. Off Street Parking areas that are adjacent to major thoroughfares shall be planted with one (1) two (2) gallon non-deciduous shrub for every eight (8) feet of frontage on the major thoroughfare. Shrubs may be clustered for effect.
- e. Each development that has a central or major access point on a major thoroughfare shall create an entryway feature for the major or central access point. Such feature shall consist of a mixture of design elements, which may include landscaping, architectural elements, lighting and other focal materials.
- f. All landscape material approved as a part of a Final Development Plan shall be maintained in good condition. Any plant material that fails to survive shall be replaced in a timely fashion.

#### 4. Lighting

- a. Lighting within the development shall be limited to a maximum mounting height of 32 feet.
- b. All lighting shall be down directional metal halide fixtures.
- c. The maximum light level at the external boundary of the Planned Business Development shall be 0.5 foot-candles and demonstrated on the Photometric Lighting Plan as a part of the Final Development Plan.

#### 5. Signage

- a. Signage should be designed to protect and enhance the visual amenities of the site.
- b. A master sign plan shall be developed for the entire development that forms an integral part of the total design of the site. Signs will be of a complimentary scale and proportion in design and in visual relationship to the sites.
- c. All signage supports shall be metal, brick or stone. Signs may be internally illuminated or externally illuminated. External illumination will consist of concealed cut-off fixtures with a maximum 0.5 footcandle surface illumination to avoid unnecessary glare.



- d. All signs shall be appropriately integrated within the overall site landscaping and the use of foundation plantings around ground signs shall be required.

6. Additional Items

- a. The Development shall comply with the dedication of right-of-way per the requirements of the Clermont County Engineer.
- b. Where permitted by local providers and where feasible, all utilities in the development, including electric, cable and telephone, shall be installed underground. All service equipment shall be screened.
- c. Sidewalks shall be provided along all new and/or existing public and/or private streets with the PBDD as approved by the Board of Trustees so as to facilitate convenient pedestrian access while minimizing pedestrian-vehicle conflicts.

**15.06 Establishment of a Planned Business District**

- A. Pre-application Meeting – The developer shall meet with the Goshen Township Zoning Administrator prior to making formal application to review the submission of a concept plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Resolution and the criteria and standards contained herein, and to familiarize the developer with zoning and incentives that the developer can offer the community. The developer may request an informal meeting with the Zoning Commission at a regularly scheduled meeting or at a scheduled work meeting to discuss the plan prior to the submittal of an application. No statement or representation by the Zoning Administrator during the pre-application meeting shall be binding on either the Zoning Commission or the Township Trustees.
- B. Submission of Application and Preliminary Development Plan – An application and Preliminary Development Plan as required by the Township, shall be submitted by the property owner to the Township Zoning Administrator, and shall include any indications, on the plan, of any changes pertaining to the informal meeting with the Zoning Administrator. An application fee, as established by the Township Trustees, shall be submitted at the time of application submittal. Incomplete applications and submissions shall not be accepted by the Township Zoning Administrator. The application shall contain twelve (12) copies of the completed form, attachments, and the site plan.
- C. Acceptance of Application and Preliminary Development Plan
  - 1. Upon submission of the Preliminary Development Plan to the Township Zoning Administration, the application will be referred to the Zoning Commission who shall schedule a Public Hearing for recommendation of approval, denial, or approval with modification not less than twenty (20) or no more than forty (40)

days from the date of acceptance of the application.

2. The application and Preliminary Development Plan shall be submitted by the Township to the Clermont County Planning Commission for review, comment and recommendation at their next scheduled meeting.
3. The Township Zoning Commission shall hold a Public Hearing and render a written recommendation to the Township Trustees, either recommending approval, denial or approval with modifications of the request within thirty (30) days after the conclusion of the Public Hearing.
4. Upon receipt of the Zoning Commission's recommendation, the Township Trustees shall hold a Public Hearing on the request following which they shall approve, deny or approve with modification the recommendation of the Zoning Commission and the request for a zone change. The Public Hearing shall be conducted by the Trustees within thirty (30) days of receipt of the Zoning Commission's recommendation and the Trustees shall render a decision within twenty (20) days of that hearing.
5. Upon approval of the Preliminary Development Plan and zone change to Planned Business Development District by the Township Trustees, the Zoning Administrator shall:
  - a. Furnish the developer with a written notice of approval of the Preliminary Development Plan; and
  - b. Record the zone change in the same manner as any other zoning change including a legal description of the land; and specific reference to the approved Preliminary Development Plan.

#### D. Final Development Plan Approval

1. The applicant shall prepare detailed plans in accordance with the "PBDD" zone change approval from the Preliminary Development Plan. The Final Development Plan shall conform to the approved Preliminary Development Plan, pursuant to the provisions of Section 18.6.
2. If subdivision of land is proposed in this Final Development Plan, the subdivisions shall comply with the Clermont County Planning Commission's requirements and shall be reviewed for recommendation prior to review of the Final Development Plan by the Township Zoning Commission.
3. The Zoning Commission shall at a regular or special meeting of the Commission review the Final Development Plan and recommend approval, denial, or approval with modifications of the application in writing, to the Township Trustees within thirty (30) days after the submission of a Final Development Plan.

4. Upon receipt of the Zoning Commission's recommendation on the Final Development Plan, the Township Trustees shall approve, deny, or approve with modification the recommendation of the Zoning Commission. The Board of Trustees' decision on a Final Development Plan shall be considered an administrative act and their review of these plans shall be conducted as such. Upon approval of the Final Development Plan by the Township Trustees, the Trustees shall direct the Zoning Administrator to:
  - a. Furnish the developer with written notice of approval;
  - b. Record the Final Development Plan with specific reference to the recorded Preliminary Development Plan.
  - c. The Final Development Plan shall contain on the cover the following signature lines to be signed by the property owner and the Planning and Zoning Director before a zoning certificate is issued:

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

\_\_\_\_\_  
*Director of Planning & Zoning, Goshen Township* (date)

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

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

#### E. Failure to begin Planned Development

If construction has not begun on any portion of the development within two (2) years from the date of approval of a Final Development Plan, final approval of the Final Development Plan shall expire and be of no further effect. Construction for the purposes of vesting approval of the Final Development Plan shall be considered as the initiation of site work on the property. The Zoning Commission, for good cause, may extend, for a period of up to one (1) year, the time for beginning construction for good cause shown by the applicant. For the purposes of this Article, the beginning of construction is considered as the installation of streets for subdivision developments or the installation of a foundation for single site development PD's.

If an approved Final Development Plan expires as provided herein, notice of such expiration shall be recorded by the Zoning Administrator, and thereafter such

approval shall be considered as having been revoked. Final Development Plan must be reviewed and approved by the Township as specified in Section 18.5 (D) prior to any further development occurring.

## **15.07 Adjustments to Development Plans**

Adjustments to an approved Final Development Plan may be considered minor or major. Such adjustments may be considered provided there is no modification of written conditions of approval or of recorded easements. Further, any modifications must be in substantial conformity with the intent of the Planned Business Development District approval. For any adjustments of a technical or engineering nature, the applicant shall submit a report from the appropriate public agency assuring compliance with agency regulations.

### **A. Minor Adjustments.**

The Township Zoning Administrator has the authority to consider minor adjustments. Minor adjustments shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was initially anticipated. No adjustment shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance. Minor adjustments shall be limited to altering the location of structures, circulation elements, open space or grading where such alterations will comply with the intent of all perimeter setbacks and buffer yards that are required by any regulation or by the approved Development Plan.

### **B. Major Adjustments.**

Any adjustment to the Development Plan not within the criteria of Section 18.6 (A), shall be considered a major adjustment. The Board of Trustees, following notice to all property owners whose properties are located within two hundred (200) feet of the Development, shall hold a Public Hearing within ten (10) to forty five (45) days of receipt of the completed Adjustment application. At the conclusion of the Public Hearing, the Board may approve an application for a major adjustment to the Development Plan not requiring a modification of written conditions of approval or recorded easements. Such action by the Board of Trustees shall be considered an administrative act and their review of these plans shall be conducted as such. Findings shall be made that any changes in the plan as approved will be in substantial conformity with the intent of such Development Plan. If the Board determines that a major adjustment is not in substantial conformity with the intent of such Development Plan as approved, then the Board shall review the request in accordance with the procedures set forth in Section 18.5 (C).

## **Article 16**

### **Nonconformities**

- 16.01 Intent**
- 16.02 Incompatibility of Non-conformities**
- 16.03 Avoidance of Undue Hardship**
- 16.04 Regulation of Non-conforming Lots**
- 16.05 Non-conforming Uses of Land**
- 16.06 Non-conforming Structures**
- 16.07 Non-conforming Uses of Structures or of Structures and Land in Combination**
- 16.08 Repairs and Maintenance**
- 16.09 Uses Under Conditional Use Provisions not Non-conforming Uses**

#### **16.01 Intent**

Within the districts established by this Resolution or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination 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 Resolution 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 non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

#### **16.02 Incompatibility of Non-conformities**

Non-conformities are declared by this Resolution to be incompatible with permitted uses in the district in which such use is located. A non-conforming uses 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 the addition of other uses of a nature which would be generally prohibited in the district in which such use is located or enlargement of the physical structure in which such said non-conforming use is being conducted. (Revised, effective 10-2-1992)

#### **16.03 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 carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal of an existing building shall be actual construction, provided that the work shall be carried out diligently.

#### **16.04 Regulation of Non-conforming Lots**

Any non-conforming lot shall be permitted to continue and shall be regulation as follows:

1. A non-conforming lot shall not be further subdivide or consolidated, in whole or in part with another parcel, in a manner which increases its non-conformity. It may; however, be altered so as to decrease its non-conformity. However, the subdivision of a lot which has two or more legally constructed principal residences into separate parcels for the purpose of sale or transfer of the individual residences may be permitted by the Township, if the properties have been used in a separate and distinct manner with separate utilities and other facilities so that the resulting re-subdivision will not constitute a material change in the use of property.
2. A single non-conforming lot may be used for construction of any structures (including accessory structures) permitted in the zoning district in which the lot is located, provided such non-conforming lot is in separate ownership and not in continuous frontage with other lots in the same ownership.
3. If two or more lots with continuous frontage are in single ownership and if any of the lots are non-conforming, the land involved shall be considered to be an undivided parcel. No subdivision or consolidation in whole or in part with another lot shall be made of such parcels which reduce the parcel below the requirement for a permitted lot in a zone in which the parcel is located. However, the Township may permit the sale or transfer of lots where each lot has a legally constructed principal residence (Revised, effective 8-11-1990, Case 107).

#### **16.05 Non-conforming Uses of Land**

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

1. Non-conforming uses may be enlarged up to 20% of the original area devoted to the use (Revised, effective 8-3-1991);
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Resolution;
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Resolution shall be erected in connection with such non-conforming uses of land.

## **16.06 Non-conforming Structures**

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

1. No such non-conforming structure may be enlarged, altered or moved in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of the structure be destroyed by any means, it shall not be reconstructed in any form or way that would increase its original non-conformity;
3. This paragraph is not intended to prohibit the enlargement of a structure to the same extent as the existing non-conforming measure. A structure may be enlarged along any dimension to the extent that would equal but not exceed any established measure of non-conformity (Revised, effective 6-10-1993).

## **16.07 Non-conforming Uses of Structures and Land in Combination**

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

1. No existing structure devoted to a use not permitted by this Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution, but no such use shall be extended to occupy any land outside such building;
3. If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution;

4. 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;
5. 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 structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

#### **16.08 Repairs and Maintenance**

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

#### **16.09 Uses Under Conditional Use Provisions not Non-conforming Uses**

Any use which 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.