

# **Pierce Township Zoning Resolution**

**The Full Text of the Pierce Township Zoning Resolution  
Adopted January 1, 1961, Amended on May 8, 2013,  
Effective on June 7, 2013**

<b>Article 1: General Provisions .....</b>	<b>6</b>
1.01: Purpose .....	6
1.02: Title .....	6
1.03: Applicability .....	6
1.04: Jurisdiction .....	6
1.05: Interpretation and Conflicts .....	6
1.06: Relationship with Private-Party Agreements .....	6
1.07: Compliance with Regulations .....	6
1.08: Zoning Permit Required .....	6
1.09: Severability .....	7
1.10: Transitional Rules .....	7
1.11: Restoration of Unsafe Buildings .....	8
1.12: Repeal .....	8
1.13: Establishment of Zoning Districts .....	8
1.14: Use of Graphics, Illustrations, Figures, and Cross-References .....	10
1.15: Burden of Proof .....	10
<b>Article 2: Administrative Roles and Authority .....</b>	<b>11</b>
2.01: Purpose .....	11
2.02: Summary Table of Review Bodies .....	11
2.03: Pierce Township Board of Trustees .....	11
2.04: Zoning Commission .....	12
2.05: Board of Zoning Appeals .....	13
2.06: Zoning Inspector .....	15
<b>Article 3: Development Review Procedures .....</b>	<b>16</b>
3.01: Purpose .....	16
3.02: Agricultural Exemption .....	16
3.03: Exemptions for Public Utilities and Railroads .....	16
3.04: Common Review Requirements .....	16
3.05: Zoning Permit .....	18
3.06: Zoning Text and Map Amendments .....	19
3.07: Appeals .....	21
3.08: Variances .....	22
<b>Article 4: Residential Zoning Districts and Use Regulations .....</b>	<b>26</b>
4.01: General Purpose and Intent .....	26
4.02: Specific Purpose Statements .....	26
4.03: Special Applicability Standards for the TR District .....	27
4.04: Permitted Uses .....	27
4.05: Use-Specific Regulations .....	29
4.06: Accessory Uses and Structures in Residential Districts .....	33
<b>Article 5: Nonresidential Zoning Districts .....</b>	<b>41</b>
5.01: General Purpose and Intent .....	41
5.02: Specific Purpose Statements .....	41
5.03: Permitted Uses .....	41

5.04: Use-Specific Regulations .....	43
5.05: Accessory Uses and Structures in Nonresidential Districts .....	48
<b>Article 6: Measurements and Site Development Standards .....</b>	<b>50</b>
6.01: Lot Measurements and Requirements .....	50
6.02: Yard/Setback Measurement and Requirements .....	53
6.03: Height Measurement and Requirements .....	54
6.04: Site Development Standards for PUD and MH Districts .....	55
6.05: Site Development Standards for Residential Districts .....	55
6.06: Site Development Standards for Nonresidential Districts .....	57
<b>Article 7: Planned Unit Development (PUD) .....</b>	<b>58</b>
7.01: Establishment of Planned Unit Development Types .....	58
7.02: Purpose Statements .....	58
7.03: Procedure .....	59
7.04: PUD Development Standards .....	70
7.05: Special Submittal Requirements for PUDs .....	75
<b>Article 8: Conservation Subdivisions .....</b>	<b>80</b>
8.01: Purpose .....	80
8.02: Property Requirements .....	80
8.03: Permitted Density .....	80
8.04: Allowable Uses and Access .....	80
8.05: Modifications to Area and Height Regulations .....	81
8.06: Sewage Disposal .....	81
8.07: Mandatory Open Space Requirements .....	81
8.08: Use of Required Open Space .....	82
8.09: Reclamation of Disturbed Open Space .....	82
8.10: Future Subdivision and Development of Open Space .....	82
8.11: Review of Conservation Subdivisions .....	83
8.12: Approval Criteria .....	84
8.13: Time Limits .....	84
8.14: Amendments .....	84
<b>Article 9: General Development Standards .....</b>	<b>85</b>
9.01: Prohibition on Outdoor Storage .....	85
9.02: Temporary Uses and Structures .....	85
9.03: Architectural Design Standards for Nonresidential Buildings .....	88
9.04: Performance Standards for the Business and Industrial Districts .....	93
<b>Article 10: Landscaping and Buffering .....</b>	<b>95</b>
10.01: Purpose .....	95
10.02: Applicability .....	95
10.03: Landscaping and Buffer Plan .....	96
10.04: Landscaping Materials and Standards .....	96
10.05: Required Buffers .....	98
10.06: Parking Area Landscaping .....	100

10.07: Maintenance.....	101
-------------------------	-----

**Article 11: Vehicle Parking, Stacking, and Loading..... 103**

11.01: Purpose.....	103
11.02: Applicability.....	103
11.03: Required Parking Spaces.....	104
11.04: Design of Parking Spaces and Aisles.....	107
11.05: Stacking Space Requirements.....	113
11.06: Off-Street Loading Requirements.....	114
11.07: Parking and Storage of Recreational Vehicles and Equipment.....	115
11.08: Vehicles Permitted in a Residential District.....	116
11.09: Location of Camping Trailer and/or Boat:.....	116
11.10: Parking of Junk Vehicles.....	116
11.11: Off-Street Loading Requirements.....	117

**Article 12: Sign Regulations..... 118**

12.01: Purpose.....	118
12.02: Applicability.....	118
12.03: Compliance Required.....	118
12.04: Computations.....	118
12.05: General Sign Standards.....	119
12.06: Prohibited Signs.....	121
12.07: Signs Partially Exempt from this Article.....	122
12.08: Signs or Changes Not Requiring a Zoning Permit.....	122
12.09: Permanent Signs Permitted in Residential Districts.....	123
12.10: Permanent Signs Permitted in Business and Industrial Districts.....	124
12.11: Off-Premise Signs (Billboards).....	125
12.12: Temporary Signs.....	126
12.13: Maintenance.....	127
12.14: Nonconforming Signs.....	127

**Article 13: Nonconformities..... 129**

13.01: Purpose.....	129
13.02: General Provisions.....	129
13.03: Nonconformities and Changes in Use or Variances.....	129
13.04: Nonconforming Uses.....	129
13.05: Nonconforming Structures.....	131
13.06: Nonconforming Lots.....	131
13.07: New Construction on Single Nonconforming Lots of Record.....	131
13.08: Repair and Maintenance.....	131
13.09: Burden of Proof.....	131

**Article 14: Enforcement and Penalties..... 132**

14.01: Enforcing Officer.....	132
14.02: Remedies.....	132
14.03: Penalties.....	132
14.04: Affected Parties.....	132

14.05: Other Actions .....	132
<b>Article 15: Definitions and Rules for Interpretation .....</b>	<b>133</b>
15.01: Rules of Construction and Interpretation .....	133
15.02: Definitions .....	135
<b>Article 16: MH District Standards.....</b>	<b>157</b>
16.01: Principal Use Permitted .....	157
16.02: Construction, Sanitation and Operation.....	157
16.03: Parking or Storage of House Trailers in Residential Districts .....	157

# Article I: General Provisions

## I.01: Purpose

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

## I.02: Title

This resolution shall be known, and may be cited and referred to as, the “Pierce Township Zoning Resolution,” this “zoning resolution,” or this “resolution,” and shall include the resolution as originally adopted on January 1, 1961 and all subsequent amendments and updates thereto.

## I.03: Applicability

This resolution was adopted under the authority granted to Pierce Township under Section 519.01 et seq. of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

## I.04: Jurisdiction

The provisions of this resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Pierce Township, Clermont County, Ohio.

## I.05: Interpretation and Conflicts

- A) For purposes of interpretation and application, the provisions of this zoning resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare as allowable by law.**
- B)** When the provisions of this zoning resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.
- C)** Where this zoning resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations or resolutions, the provisions of this zoning resolution shall control provided it complies with the ORC and federal law.

## I.06: Relationship with Private-Party Agreements

- A)** This zoning resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this zoning resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this zoning resolution shall govern.
- B)** In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

## I.07: Compliance with Regulations

No land may be used except for a purpose permitted in the district in which it is located.

## I.08: Zoning Permit Required

- A)** It shall be unlawful for an owner to use or to permit the use of any structure, building, land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning permit is issued by the Zoning Inspector in accordance with Section 3.05 (Zoning Permit).

- B) Such zoning permit shall state that such structure, building, land, or a part thereof, and the proposed use thereof, are in conformity with the provisions of this zoning resolution.

**I.09: Severability**

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

**I.10: Transitional Rules**

**A) Effective Date**

- 1) This resolution became effective on January 1, 1961.
- 2) Any amendments to this zoning resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

**B) Violations Continue**

Any violation under previous zoning resolutions, or amendments thereto, that applied to the Township prior to the adoption of this zoning resolution shall continue to be a violation under this zoning resolution and is subject to penalties and enforcement under Article 14 (Enforcement and Penalties), unless the use, development, construction, or other activity complies with the provisions of this zoning resolution.

**C) Nonconformities Continue**

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

**D) Approved Projects**

- 1) Any building, structure, use, or development for which a zoning permit was issued prior to the effective date of this zoning resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, use, or development does not comply with provisions of this zoning resolution. Such building, structure, use, or development shall be considered a legal nonconforming use upon the issuance of a Certificate of Occupancy from the Clermont County Building Department.

- 2) If the building or structure is not completed within the time allowed under the original zoning permit or any extension granted thereof, then the building, structure, use, or development may be constructed, completed, or occupied only in compliance with this zoning resolution.
- 3) Any application for a project where the zoning permit has expired shall meet the standards in effect at the time of application.
- 4) Any preliminary development plan approved as part of a Planned Unit Development (PUD) prior to the effective date of this zoning resolution shall continue to be valid for two years. If a final development plan is not submitted within two years of the effective date of this zoning resolution, the preliminary development plan shall be deemed null and void and a new preliminary development plan will need to be reviewed and approved pursuant to Article 7 (Planned Unit Development) unless the Board of Trustees grants an extension of the approval of the original preliminary development plan.

**1.11: Restoration of Unsafe Buildings**

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Clermont County Building Department or from complying with the department’s lawful requirements.

**1.12: Repeal**

This zoning resolution may be repealed by the Pierce Township Board of Trustees in a manner as prescribed in Section 519.25 of the ORC.

**1.13: Establishment of Zoning Districts**

**A) Zoning Districts**

The zoning districts listed in Table 1.13-1 are hereby established for Pierce Township, Ohio:

<b>TABLE 1.13-1: ZONING DISTRICTS</b>	
District Designation	District Name
<b>Residential Districts</b>	
SFR	Single-Family Residential District
TFR	Two-Family Residential District
MFR	Multi-Family Residential District
TR	Transitional Residential District
P	Palestine District
MH	Manufactured Housing District (Obsolete) [1]
<b>Nonresidential Districts</b>	
NB	Neighborhood Business District
GB	General Business District
I	Industrial District
RR	Resort and Recreational District
<b>Planned Unit Development District</b>	
PUD	Planned Unit Development District

**TABLE I.13-1: ZONING DISTRICTS**

District Designation	District Name
NOTE: [1] Obsolete districts are maintained in the zoning resolution to minimize the creation of nonconforming uses. However, no land may be rezoned to obsolete districts after the effective date of this resolution.	

**B) Official District Map**

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

**C) Interpretation of District Boundaries**

- 1) The district boundary lines of the Official District Map are intended to follow either streets, alleys, or lot lines; and where the districts designated in the map are bounded approximately by such street, alley or lot lines, the street, alley or lot shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map.
- 2) Where a zoning line does not follow a street, alley, or lot line, the district boundary lines shall be determined by the use of the scale appearing on the Official District Map or by noted dimensions.

**D) Vacation of Public Ways**

Whenever any street, alley, or other public way is vacated by official action of the Clermont County Board of County Commissioners, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included shall be required to conform with the regulations of the extended districts.

**E) References to Previous Zoning Districts**

The district classification and names established within this resolution differs from previous versions of this resolution. In instances where there may be references to the previous zoning district nomenclature, Table I.13-2 identifies how each of the previous district classifications was renamed for this resolution. This section shall be used for comparison purposes only.

<b>TABLE I.13-2: DISTRICT TRANSITION TABLE</b>	
<b>District Name and Designation Prior to 11/29/10 (Effective Date of the Amendment Eliminating these Names)</b>	<b>District Name and Designation in this Resolution as of 11/29/10 (Effective Date of the Amendment including these Names)</b>
<b>Residential Districts</b>	
RA – Residence A District	SFR – Single-Family Residential District
RB – Residence B District	TFR – Two-Family Residential District
RC – Residence C District	MFR – Multi-Family Residential District
RD – Residence D District	TR – Transitional Residential District
Palestine District	P – Palestine District
HT – House Trailer Park District	MH – Manufactured Housing District
<b>Nonresidential Districts</b>	
B – Business District	N-B – Neighborhood Business District
	GB – General Business District
IND – Industrial District	I – Industrial District
RR – Resort Recreation District	RR – Resort and Recreational District
<b>Planned Unit Development District</b>	
PGC – Planned Golf Community District	PUD – Planned Unit Development District
PUD-R Planned Unit Development District	PUD-R Planned Residential Use District

**I.14: Use of Graphics, Illustrations, Figures, and Cross-References**

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

**I.15: Burden of Proof**

The burden of establishing that an application or any development subject to this Resolution complies with applicable standards of review and approval rests solely with the applicant. Such burden encompasses both the burden of production and the burden of persuasion. Neither the Township nor any other party or parties, including any opponent of such application or development, has any obligation or responsibility to demonstrate or establish that the applicable standards have or have not been met by the applicant or person responsible for the development.

# Article 2: Administrative Roles and Authority

## 2.01: Purpose

The purpose of this article is to identify the roles and responsibilities of various elected and appointed boards, as well as the duties of Township staff, in the administration of this zoning resolution.

## 2.02: Summary Table of Review Bodies

- A)** Table 2.02-I (Summary Table of Review Bodies) summarizes the review and decision-making responsibilities of the entities that have roles in the procedures set forth in Article 3 (Development Review Procedures). Other duties and responsibilities of the entities are set forth in subsequent sections of this article.
- B)** Even though not referenced in this article, other boards, commissions, government agencies, and non-government agencies may be asked by the Zoning Inspector, the Pierce Township Zoning Commission, or the Pierce Township Board of Trustees, to review some applications, including, but not limited to, map amendments (rezoning), text amendments, and planned unit developments.

**TABLE 2.02-I: SUMMARY TABLE OF REVIEW BODIES**

Procedure	Section	Zoning Inspector	Zoning Commission	Board of Trustees	Board of Zoning Appeals
Zoning Permit	3.05	D			A
Zoning Resolution Text or Map Amendment	3.06	R	H-R	H-D	
Appeals	3.07				H-D
Variance	3.08	R			H-D
Conservation Subdivision	4.06	D			A
Planned Unit Development – Concept Plan	7.03	R	M		
Planned Unit Development – Preliminary Development Plan	7.03	R	H-R	H-D	
Planned Unit Development – Final Development Plan	7.03	R	M-R	M-D	
H = Hearing (Public Hearing Required)		D = Decision (Responsible for Final Decision)			
M = Meeting (Public Meeting Required)		A = Appeal (Authority to Hear/Decide Appeals)			
R = Review and/or Recommendation					

## 2.03: Pierce Township Board of Trustees

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

- A)** Initiate proposed amendments to this zoning resolution;

- B)** Review and decide on all proposed zoning text and map amendments to this zoning resolution;
- C)** Review and decide on preliminary and final development plans as they relate to a proposed PUD; and
- D)** Perform all other duties as specified in Chapter 519 of the ORC and as specified in this zoning resolution.

**2.04: Zoning Commission**

The Board of Trustees, for the purpose and intent of this zoning resolution, hereby creates and establishes the Pierce Township Zoning Commission, hereafter referred to as the Zoning Commission.

**A) Appointment and Organization**

- 1)** The Zoning Commission shall be composed of five members who reside in the unincorporated area of Pierce Township, to be appointed by the Board of Trustees.
- 2)** Members shall serve five-year terms with the term of one member expiring each year.
- 3)** Each member shall serve until his or her successor is appointed.
- 4)** Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- 5)** Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

**B) Roles and Powers**

The Zoning Commission shall have the following roles and powers:

- 1)** Initiate proposed amendments to this zoning resolution;
- 2)** Review all proposed zoning text and map amendments to this zoning resolution and make recommendations to the Board of Trustees;
- 3)** Meet with applicants to review a proposed concept plan as part of a PUD;
- 4)** Review and make recommendations to the Board of Trustees regarding preliminary and final development plans as they relate to a proposed PUD; and
- 5)** Perform all other duties as specified for township zoning commissions in Chapter 519 of the ORC and as specified in this zoning resolution.

**C) Alternates**

- 1)** The Board of Trustees may appoint two alternate members to the Zoning Commission for a term of two years each.
- 2)** An alternate member may take the place of an absent regular member at any meeting of the Zoning Commission.
- 3)** An alternate member shall meet the same appointment criteria as a regular member.
- 4)** When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- 5)** When a vacancy occurs, alternate members do not automatically become full members of the Zoning Commission.

**D) Rules**

The Zoning Commission may organize and adopt rules for its own governance provided they are consistent with law or with any other resolution of the Township.

**E) Meetings**

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

**F) Quorum**

Any combination of three regular members or two regular members and one alternate member of the Zoning Commission shall constitute a quorum.

**G) Decisions**

The Zoning Commission shall act when a majority of those members present concur and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.

**2.05: Board of Zoning Appeals**

The Board of Trustees, for the purpose and intent of this zoning resolution, hereby creates and establishes the Pierce Township Board of Zoning Appeals, hereafter referred to as the BZA.

**A) Appointment and Organization**

- 1) The BZA shall consist of five members, to be appointed by the Board of Trustees.
- 2) Members shall be residents of the unincorporated area of Pierce Township, Clermont County, Ohio.
- 3) Members shall serve five-year terms with the term of one member expiring each year.
- 4) Each member shall serve until their successor is appointed.
- 5) Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees, upon written charges having been filed with the Board of Trustees, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- 6) Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

**B) Roles and Powers**

The BZA shall have the following roles and powers:

- 1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Inspector, other Township official, or board in the interpretation or enforcement of the provisions of this zoning resolution.

- 2) To hear and decide, in accordance with the provisions of this zoning resolution, applications filed for interpretation of the zoning map, or for decisions upon other special questions on which the BZA is authorized by this zoning resolution or ORC to pass.
- 3) The BZA shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this zoning resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.
- 4) To permit the expansions or substitution of nonconformities existing at the time of enactment of this resolution in compliance with Article 13 (Nonconformities).
- 5) All other powers conferred upon township boards of zoning appeals in Section 519.14 of the Ohio Revised Code, or as authorized by the Board of Trustees in compliance with State law.

**C) Alternates**

- 1) The Board of Trustees may appoint two alternate members to the BZA for a term of two years each.
- 2) An alternate member may take the place of an absent regular member at any meeting of the BZA.
- 3) An alternate member shall meet the same appointment criteria as a regular member.
- 4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- 5) When a vacancy occurs, alternate members do not automatically become full members of the BZA.

**D) Rules**

The BZA may organize and adopt rules for its own governance provided they are consistent with law or with any other resolution of the Township.

**E) Meetings**

- 1) Meetings of the BZA shall be held at the call of the chair and at such other times as the BZA may determine.
- 2) The chair, or in his/her absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the ORC.
- 3) All meetings of the BZA shall be open to the public, except as exempted by law.
- 4) The BZA shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be filed in the Township offices and shall be a public record, unless exempted by law.

**F) Quorum**

Any combination of three regular members or two regular members and one alternate member of the BZA shall constitute a quorum.

**G) Decisions**

BZA shall act by resolution when a majority of those members present concur. Every decision shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

**2.06: Zoning Inspector**

**A) Roles and Powers**

The Board of Trustees shall appoint a Zoning Inspector who shall have the following roles and powers for the purposes of this resolution:

- 1) Serve as the Zoning Inspector for Pierce Township as allowed for in Section 519.16 of the Ohio Revised Code.
- 2) Enforce this zoning resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting new construction, reconstruction, land uses, or upon seeing violations.
- 3) Review applications for zoning permits and to ensure compliance with this zoning resolution in accordance with Section 3.05 (Zoning Permit).
- 4) Upon written request from the owner or authorized agent, the Zoning Inspector shall issue a zoning permit for any building or premises existing at the time of effective date of this zoning resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this zoning resolution.
- 5) Serve as the architectural review authority as authorized by Section 519.171 of the Ohio Revised Code.
- 6) Keep adequate records of all applications and decisions on said applications.
- 7) Issue citations of zoning violations and keep adequate records of all violations.
- 8) The Board of Trustees may also appoint additional Zoning Inspector personnel to assist the Zoning Inspector in such roles and powers.

**B) Decisions**

- 1) A decision of the Zoning Inspector may be appealed to the BZA.
- 2) The Zoning Inspector shall have appropriate appeal forms available at the time of a denial.

## Article 3: Development Review Procedures

### 3.01: Purpose

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

### 3.02: Agricultural Exemption

- A) Agricultural uses, and buildings or structures that are incident to an agricultural use, located on lots with a lot area of five acres or more shall be exempt from the requirements of this zoning resolution and property owners shall not be required to obtain a zoning permit for such uses in accordance with Section 519.21 of the ORC.
- B) For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 of the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall require a zoning permit for:
  - 1) Agriculture uses on lots of one acre or less, with the exception of gardens or the raising of crops;
  - 2) Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres.
  - 3) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five acres when at least 35 percent of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under section 4503.06 of the ORC. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to section 519.19 of the ORC.
- C) Structures that are exempt from the provisions of the zoning resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Clermont County.

### 3.03: Exemptions for Public Utilities and Railroads

- A) The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business shall be exempt from the regulations of this resolution.
- B) As used in this section, "public utility" does not include a person that owns or operates a solid waste facility or a solid waste transfer facility, other than a publicly owned solid waste facility or a publicly owned solid waste transfer facility, that has been issued a permit under Chapter 3734 of the ORC or a construction and demolition debris facility that has been issued a permit under Chapter 3714 of the ORC.

### 3.04: Common Review Requirements

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

**A) Authority to File Applications**

- 1) The person(s) having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this zoning resolution.
- 2) The person(s) having legal authority shall be required to provide proof of such authority at the time of application. Proof shall include demonstration that the applicant is the owner of the subject property or has written authorization from the owner to proceed as the applicant.
- 3) The Zoning Commission or Board of Trustees may initiate zoning text and map amendments under this zoning resolution with or without an application from the property owner(s) who may be affected.

**B) Application Contents**

1) Submittal Requirements

Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the Zoning Commission and made available to the public.

2) Submission of Fees

- (a) Applications shall be accompanied by a fee as established by the Board of Trustees.
- (b) The Township shall charge appropriate fees for the review or issuance of zoning permits, appeals, variances, zoning amendments, nonconforming use certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this zoning resolution. Such fees shall be paid to Pierce Township, or its designee, and shall be paid in accordance with the Official Zoning Fee Schedule as established by the Board of Trustees.
- (c) Application or review fees are not refundable except where the Zoning Inspector determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

3) Location of Available Information

- (a) Applications, lists of submittal requirements, and the schedule of fees shall be available at the Township offices and may also be found online at the Township's website.

**C) Constructive Notice**

Where notice is required in this article, the following shall apply to all notice requirements established in each development review procedure:

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

- 2) When the records of the Township document the publication, mailing, and/or posting of notices as required by this article, it shall be presumed that notice of a public hearing was given as required by this section.

**D) Continuation of Public Hearings**

A public hearing for which proper notice was given may be continued to a later date without again complying with the written notice requirements of this zoning resolution, provided that the continuance is set for a date within 60 days and the date and time of the continued hearing are announced at the time of the continuance.

**E) Computation of Time**

- 1) In computing any period of time prescribed or allowed by this zoning resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday.
- 2) When the period of time prescribed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- 3) When the Township offices are closed to the public for the entire day which constitutes the last day of the period of time or when the offices close before its usual closing time on such day, then such application, act, decision, or event may be performed on the next succeeding days which is not a Saturday, a Sunday, or a legal holiday.

**3.05: Zoning Permit**

**A) Applicability**

A zoning permit shall be required for any of the following:

- 1) New construction or reconstruction;
- 2) Alterations and expansions that change the exterior dimensions of any building or structure, including accessory buildings;
- 3) Change in use of an existing building, accessory building, lot, or portion thereof, excluding changing to any agricultural use;
- 4) Occupancy and use of vacant land, excluding agricultural land; or
- 5) Change in the use of land to a use of a different classification.
- 6) Any change in the use of a nonconforming use.

**B) Review Procedure**

**1) Step 1 – Application**

The applicant shall submit one copy of the following to the Zoning Inspector prior to submitting for a Clermont County Building Permit:

- (a)** A completed zoning permit application along with a copy of the site plan, construction drawings, and any other requirements specified in Section 3.04 (Common Review Requirements).
- (b)** All required fees as established in the Pierce Township fee schedule.

**2) Step 2 – Review**

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

- 3) Step 3 – Decision
  - (a) Within five business days after the application (Step 1), the Zoning Inspector shall issue the zoning permit or deny the application and state the reasons for doing so.
  - (b) Upon approval, the Zoning Inspector shall return one signed copy of the permit and maintain the second copy of the permit for Township records.
  - (c) The construction drawings will be returned to the applicant after a review of the plan is completed.

**C) Review Criteria**

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

**D) Expiration**

- 1) Construction shall begin within 12 months of issuance of a zoning permit.
- 2) Failure to begin construction within 12 months shall result in the expiration of the zoning permit unless the applicant requests and receives an extension from the Zoning Inspector for good cause.
- 3) Upon expiration of a zoning permit, a new zoning permit application, including all applicable fees, shall be required before construction.

**3.06: Zoning Text and Map Amendments**

**A) Amendment Initiation**

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

**B) Review Procedure**

- 1) Step 1 – Pre-application Conference
  - (a) The applicant is encouraged to meet with the Pierce Township Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
  - (b) During this time, an applicant may also request a preliminary informal meeting with the Zoning Commission to discuss the initial concepts.
  - (c) Discussions that occur during a pre-application conference or a preliminary meeting with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Pierce Township or its officials regarding any aspects of the plan or application discussed.
- 2) Step 2 – Application
  - (a) Applications for any change of district boundaries, classifications of property as shown on the zoning map, or changes to the zoning resolution text shall be submitted to the Zoning Inspector.

- (b) The completed application shall include a copy of maps, data, and any other requirements specified in Section 3.04 (Common Review Requirements) and shall be submitted to the Zoning Inspector.
  - (c) Each application shall be signed by all of the owners, or the authorized agent for the owners of the properties within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
  - (d) Applications for amendments initiated by the Zoning Commission or the Board of Trustees shall be accompanied by the initiating board's motion or resolution pertaining to such proposed amendment.
  - (e) Applications required under this zoning resolution shall be submitted in a form and in such numbers as established by the Zoning Commission and made available to the public.
- 3) Step 3 – Referral to the Clermont County Planning Commission
  - (a) Upon receipt, the Township shall submit a copy of the application to the Clermont County Planning Commission for review.
  - (b) The Clermont County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.
  - (c) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed amendment.
- 4) Step 4 – Public Hearing with the Zoning Commission
  - (a) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
  - (b) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
  - (c) Notification shall be given in accordance with Section 519.12 of the ORC.
- 5) Step 5 – Recommendation by the Zoning Commission

Within 30 days after the Zoning Commission's public hearing (Step 4), the Zoning Commission shall recommend the approval or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Clermont County Planning Commission to the Board of Trustees.
- 6) Step 6 – Public Hearing with the Board of Trustees
  - (a) Upon receipt of the recommendation from the Zoning Commission (Step 5), the Board of Trustees shall set a time for a public hearing on such proposed amendment.
  - (b) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
  - (c) Notification shall be given in accordance with Section 519.12 of the ORC.

**7) Step 7 – Decision**

Within 20 days after its public hearing (Step 6), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

**C) Effective Date and Referendum**

Any amendment adopted by the Board of Trustees shall become effective 30 days after the date of such adoption, unless, within 30 days after the adoption of the amendment, a referendum petition is filed with the Township in accordance with Section 519.12 of the ORC.

**D) Review Criteria**

The following criteria shall be considered in decisions regarding zoning amendments:

- 1) The amendment is in accordance with the Pierce Township Land Use Plan, other adopted plans or policies of the Township, and this zoning resolution, as adopted by the Board of Trustees;
- 2) Where more than one zoning classification is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the Township.

**3.07: Appeals**

**A) Review Procedure**

The review procedure for appeals shall be as follows:

**1) Step 1 – Application**

- (a) An appeal to the BZA may be taken by any person contesting a decision made in accordance with this resolution including the property owner, an authorized agent, or by a governmental officer, department, board or bureau.
- (b) Such appeal shall be taken within 20 days of the decision in question, by filing with the Zoning Inspector and with the BZA, a notice of appeal specifying the grounds thereof.
- (c) The Zoning Inspector shall transmit to the BZA all the papers constituting the record upon which the action appealed was taken.
- (d) The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the BZA, after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted by the BZA or by a court of record. Such applications shall be filed with the Zoning Inspector on any applicable forms available at the Township offices.
- (e) All applications shall be submitted with the required fees as established in the Pierce Township fee schedule.

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

- (a) The BZA shall fix a reasonable time for the public hearing on the appeal, give at least 10 days of notice in writing to the owner and owners of adjoining properties, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least 10 days before the date of such hearing.

- (b) Any party may appear in person or by representation by an attorney at a hearing.
- (c) At the hearing, the BZA may continue the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said appeal. In the case of a continued hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

**3) Step 3 – Decision**

- (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the appeal.
- (b) A certified copy of the BZA’s decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector who shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a zoning permit.
- (c) The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (d) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (e) Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.

**B) Review Criteria**

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

**3.08: Variances**

**A) Review Procedure**

The review procedure for variances shall be as follows:

**1) Step 1 – Application**

- (a) An application for variance may be made by the person having legal authority, including an authorized agent, or by a governmental officer, department, board or bureau.
- (b) The completed application shall include a copy of maps, data, and any other requirements specified in Section 3.04 (Common Review Requirements) and shall be submitted to the Zoning Inspector.
- (c) Each application shall be signed by the owners, or the authorized agent for the owner, attesting to the truth and correctness of all facts and information presented with the applications.
- (d) The Zoning Inspector shall transmit a copy of the application to the BZA.

- 2) Step 2 – Public Hearing with the Board of Zoning Appeals
  - (a) The BZA shall fix a reasonable time for the public hearing on the variance application, give at least 10 days of notice in writing to the owner and owners of adjoining properties, and give notice of such public hearing by one publication in one or more newspapers of general circulation in the County at least 10 days before the date of such hearing.
  - (b) At the hearing, the BZA may continue the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said variance application. In the case of a continued hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.
- 3) Step 3 – Decision
  - (a) Within 30 days after the hearing concludes (Step 2), the BZA shall make a decision on the variance application.
  - (b) A certified copy of the BZA’s decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector who shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the BZA authorizes a zoning permit.
  - (c) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
  - (d) Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.

**B) Review Criteria**

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

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

  - (a) Whether special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures in the same zoning district; examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness or steepness of the lot, or adjacency to nonconforming and inharmonious uses, structures or conditions;
  - (b) Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
  - (c) Whether the variance is substantial and is the minimum necessary to make possible the reasonable use of the land or structures;

- (d) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer substantial detriment as a result of the variance;
- (e) Whether the variance would adversely affect the delivery of governmental services including, but not limited to water, sewer, police and fire protection, trash pickup;
- (f) Whether special conditions or circumstances exist as a result of actions of the owner;
- (g) Whether the property owner's predicament can feasibly be obviated through some method other than a variance;
- (h) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting a variance; and
- (i) Whether the granting of the variance requested will confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

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

**3) Use Variance**

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

- (a) The property cannot be put to any economically viable use under any of the permitted uses in the zoning district in which the property is located;
  - (b) The variance requested stems from a condition which is unique to the property at issue and not ordinarily found in the same zone or district;
  - (c) The variance requested cannot otherwise be resolved by a zoning map amendment;
  - (d) The hardship condition is not created by actions of the applicant;
  - (e) The granting of the variance will not adversely affect the rights of adjacent property owners or residents;
  - (f) The granting of the variance will not adversely affect the public health, safety or general welfare;
  - (g) The variance will be consistent with the general spirit and intent of this Resolution; and
  - (h) The variance sought is the minimum that will afford relief to the applicant.
- 4)** The BZA shall not be authorized to grant a variance for a use that is otherwise prohibited in the zoning district in which the property is located.
- 5)** The BZA may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done.

- 6) The BZA may impose such conditions and restrictions upon the property benefited by a variance as the BZA may deem necessary to comply with the standards set forth in this section, to reduce or minimize the impact of such variance upon other property in the neighborhood and to further the purpose and intent of this zoning resolution.
- 7) No granting of a variance shall be authorized unless the BZA finds that such variance from the provisions or requirements of this zoning resolution will not be contrary to the public interest, and owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this zoning resolution would cause unnecessary hardship. The BZA may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the zoning resolution and in the public interest.
- 8) No variance shall be considered or granted by the BZA, which would allow a change in use of a parcel, building or structure where such change of use could be accomplished by a redistricting of the subject property.

# Article 4: Residential Zoning Districts and Use Regulations

## 4.01: General Purpose and Intent

The districts contained in this article are created to:

- A) Realize the general purpose set forth in Section 1.01 (Purpose) of this zoning resolution;
- B) Provide appropriately located areas for residential development that are consistent with Township policy and with standards of public health and safety established by this resolution and any other appropriate governmental body;
- C) Ensure adequate light, air, privacy and open space for each dwelling;
- D) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;
- E) Develop new housing where adequate public services can be provided economically; and
- F) Provide high-quality residential neighborhood environments.

## 4.02: Specific Purpose Statements

### A) Single-Family Residential District (SFR)

The Single-Family Residential District (SFR) is intended to serve as the primary single-family residential housing district in Pierce Township. This district provides for suburban density developments when developments have access to sewer while also providing for reasonable, low-density development in the rural areas of the Township.

### B) Two-Family Residential District (TFR)

The Two-Family Residential District (TFR) is intended to provide for a mixture of single-family and two-family residential housing options at a suburban density consistent with the character of Pierce Township.

### C) Multi-Family Residential District (MFR)

The Multi-Family Residential District (MFR) is intended to provide for multi-family dwelling residential housing types at a moderate density. Housing units in this district may include all types of attached housing including apartment buildings or complexes.

### D) Transitional Residential District (TR)

The Transitional Residential District (TR) is intended to provide for a diversity of housing and lot types within Pierce Township and to create a transitional land use between adjacent municipalities and the surrounding rural character areas of Pierce Township.

### E) Palestine District (P)

The Palestine District (P) is intended to protect the Palestine Street neighborhood and allow for reasonable development of residential, resort, and recreational uses.

**F) Manufactured Housing District (MH)**

The Manufactured Housing District (MH) is intended to provide for the placement of house mobile homes and other forms of manufactured housing as provided for over the history of Pierce Township Zoning. As of the effective date of this resolution, the “MH” District is hereby established as an obsolete zoning district which is maintained only for the protection of properties zoned as “MH” as of the effective date of the Resolution. No additional properties may be rezoned to “MH” after the effective date of this resolution.

**4.03: Special Applicability Standards for the TR District**

- A)** The TR District may only be applied to lots or parcels that lie partially or fully within 500 feet of a municipal corporation boundary.
- B)** If a municipal boundary changes, the boundary of the TR District shall not automatically change. The expansion of the TR District shall only occur through a zoning map amendment initiated by a property owner, the Zoning Commission, or the Board of Trustees, in accordance with Section 3.06 (Zoning Text and Map Amendments).

**4.04: Permitted Uses**

Table 4.04-I sets forth the uses allowed within the residential zoning districts. The abbreviations used in the table are described as follows:

**A) Permitted Uses**

A “P” in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution, including, but not limited to provisions in Articles 6 (Measurements and Site Development Standards) through Article 12 (Sign Regulations).

**B) Permitted Uses with Conditions**

- 1)** A “PC” in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically referenced sections. Permitted uses with conditions are subject to all other applicable regulations of this resolution, including, but not limited to provisions in Articles 6 (Measurements and Site Development Standards) through Article 12 (Sign Regulations).
- 2)** Uses permitted with conditions under this category are approved administratively by the Zoning Inspector with the exception of conservations subdivisions which are reviewed by the Zoning Commission pursuant to 4.06 (Conservation Subdivisions).

**C) Prohibited Uses**

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

**D) Numerical References**

The numbers contained in the “Additional Regulations” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the “Additional Regulations” column apply in all zoning districts unless otherwise expressly stated.

**E) Unlisted Uses**

- 1)** Where there is a proposed use that is not currently listed in Table 4.04-I or Table 5.04-I of this resolution, the BZA may review the use to determine the appropriate classification of the use based on those list of uses that exist in the applicable tables.
- 2)** The BZA should consider the nature, operation, and function of the use in its determination of an appropriate district.

- 3) The BZA may find that the use is not compatible with any existing zoning district and not a permitted use under the current resolution or, as an alternative the BZA may transmit a recommendation to the Board of Trustees requesting that a new district or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 3.06 (Zoning Text and Map Amendments).

**TABLE 4.04-I: RESIDENTIAL USE TABLE**

Use  P = Permitted Use PC = Permitted with Conditions	Zoning Districts						Additional Regulations
	SFR	TFR	MFR	TR	P	MH	
Active Park and Recreational Facilities	PC	PC	PC	PC	PC	PC	4.05 (A)
Adult Family Homes or Small Residential Facilities	P	P	P	P	P	P	
Adult Group Homes or Large Residential Facilities			P	P			
Agricultural Uses	PC	PC	PC	PC	PC	PC	4.05 (B)
Bed and Breakfast Establishments	PC						4.05 (C)
Cemeteries	PC	PC	PC	PC	PC	PC	4.05 (D)
Conservation Subdivisions	PC	PC	PC	PC	PC		Article 8
Day Care Homes (Type-B Family)	P	P	P	P	P	P	
Educational Facilities	PC	PC	PC	PC			4.05 (E)
Essential Services and Utilities	P	P	P	P	P	P	
Government and Public Uses	P	P	P	P	P	P	
Institutional Housing			PC	PC			4.05 (F)
Multi-Family Dwellings			P	PC			4.05 (G)
Passive Park and Recreational Facilities and Conservation Areas	P	P	P	P	P	P	
Permanently Sited Manufactured Homes	PC	PC	PC	PC	PC	PC	4.05 (H)
Private Clubs and Lodges	PC	PC	PC	PC	PC	PC	4.05 (I)
Private Recreational Facilities	PC	PC	PC	PC			4.05 (J)
Religious Places of Worship	PC	PC	PC	PC			4.05 (K)
Riding Stables	PC						4.05 (B)
Single-Family Dwellings	P	P	P	P	P		
Telecommunication Towers	PC	PC	PC	PC	PC	PC	4.05 (L)
Two-Family Dwellings		P	P	P			

#### **4.05: Use-Specific Regulations**

**A) Active Parks and Recreational Areas**

All structures or buildings, except fences, shall be located a minimum of 50 feet from all lot lines.

**B) Agricultural Uses and Riding Stables**

The following regulations shall apply to those agricultural uses and riding stables that are not exempt from review pursuant to Section 3.02 (Agricultural Exemption) of this resolution, are on lots of less than five acres in area, and meet the definition of an agricultural use or riding stable:

- 1) All buildings, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines.
- 2) All uses shall meet the minimum site development standards of the applicable district.

**C) Bed and Breakfast Establishments**

- 1) The minimum lot area shall be 20,000 square feet.
- 2) Bed and breakfast operations shall only take place in single-family dwellings.
- 3) Bed and breakfast establishments shall only be permitted in a dwelling that is owned by the operator of the bed and breakfast establishment and where such operator resides.
- 4) The maximum occupancy for boarders shall be for five persons, excluding any residents or family members of the residence.
- 5) There shall be a minimum of two parking spaces for the owners of the property and an additional parking space for each guest room.
- 6) One ground-mounted sign may be permitted with a maximum sign area of four square feet and a maximum height of four feet. Signs may be illuminated from an external light source.

**D) Cemeteries**

- 1) Cemeteries shall have a minimum lot area of 20 acres.
- 2) All chapels, mausoleums, accessory buildings, or other buildings shall be located a minimum of 200 feet from all street rights-of-way and all lot lines in a residential zoning district.
- 3) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.

**E) Educational Facilities**

- 1) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.
- 2) Educational facilities shall meet the buffer requirements of uses within the appropriate zoning district.
- 3) No part of a parking area shall be closer than five feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.
- 4) Education facilities that include boarding facilities, dormitories, or other facilities for the housing of students shall be prohibited in residential districts.

**F) Institutional Housing**

- 1) No part of a parking area shall be closer than five feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.
- 2) The minimum lot size shall be two acres;
- 3) The total area of the footprint of all buildings shall not occupy more than 20 percent of the total area of the lot;
- 4) The maximum density shall be 10 patient rooms to an acre; and
- 5) All buildings shall be set back from all required yard lines an additional distance of two feet for each foot of building height.
- 6) All units shall be rented or sold to the elderly, the handicapped, or the disabled in order to qualify as institutional housing. Mixed development, such as a retirement village with some independent living, shall be built under the multi-family dwelling regulations or as part of a planned development.

**G) Multi-Family Dwellings**

Multi-family dwellings may be permitted in the TR District provided they meet the following regulations:

- 1) The dwelling units are attached by a common wall.
- 2) Each unit shall have a separate exterior entrance.
- 3) There shall be a maximum of four units per structure.
- 4) No part of a parking area shall be closer than five feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district.

**H) Permanently Sited Manufactured Homes**

Permanently sited manufactured homes shall be permitted where they meet the following provisions:

- 1) They meet the definition of a permanently sited manufactured home; and
- 2) They comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- 3) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, and that do not qualify as a permanently sited manufactured home shall be prohibited.

**I) Private Clubs and Lodges**

Private clubs and lodges may only be permitted when part of an overall residential subdivision or development and where the use is related to, and available to the residents of the subdivision or development.

**J) Private Recreational Facilities**

Private recreational facilities may only be permitted when part of an overall residential subdivision or development and where the use is related to, and available to the residents of the subdivision or development.

**K) Religious Places of Worship**

- 1) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.

- 2) Religious places of worship shall meet the buffer requirements of uses within the appropriate zoning district.
- 3) No part of a parking area shall be closer than five feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district.

**L) Telecommunications Towers**

- 1) Any person who plans to construct a telecommunications tower in a residential zoning district 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 a 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:
    - (i) The person's intent to construct the tower;
    - (ii) A description of the property sufficient to identify the proposed location; and
    - (iii) The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Trustees requesting that the Board of Zoning Appeals review the telecommunications tower pursuant to the authority granted by Sections 519.02 to 519.25 of the Ohio Revised Code as they apply to the proposed location of the tower.
  - (b) 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.
  - (c) Written notice to the Board of Trustees of the information specified in Paragraph (a) above. The notice to the Board of Trustees also shall include verification that the person has complied with the notification requirements of this section.
- 2) Responses to Notification
  - (a) If the Board of Trustees receives notice from a property owner in response to Subsection (1) above, within the time specified in that division, or if a member of the Board of Trustees makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under Subsection (1) above, the Board of Trustees shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with Ohio Revised Code. The notice shall be sent no later than five days after the earlier of the date the Board first receives such a notice from a property owner or the date upon which a member of the Board of Trustees 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 Trustees receives no notice under Subsection (1) above, within the time prescribed by that division or no Board member has an objection as provided under Subsection (1) above, within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this resolution.
- 3) The Zoning Inspector shall review the application for a telecommunications tower pursuant to Subsection (4) below if it is requested by a notified property owner or the Board of Trustees in accordance with the above subsections.

- 4) The Zoning Inspector shall approve a telecommunications tower if they find that the applicant has satisfied all of the following standards:
- (a) The applicant shall provide proof, in a form satisfactory to the Township, that the proposal has been reviewed and/or approved by all agencies and governmental entities with jurisdiction, if required, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration (FAA), the Federal Communication Commission (FCC), or the successors to their respective functions.
  - (b) The applicant shall demonstrate by clear and convincing evidence that the tower antenna cannot be located on any other communication tower, building, or structure, in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the clustering of towers within an area, and the antenna must be placed where it is proposed in order to satisfy its necessary function in the company's grid system. The evidence shall include the relationship of the proposed telecommunication tower to the applicant's overall grid, and should include the following:
    - (i) Structural engineering evidence that an existing telecommunication tower lacks the structural capability to support an additional antenna array;
    - (ii) Engineering evidence that the frequency of the existing antenna array will interfere with the applicant's frequency; and
    - (iii) Engineering evidence that the addition of an antenna to an existing tower will exceed FCC RF emissions criteria.
  - (c) Monopole installations are required. It is required that any building construction to service a telecommunications tower be designed in an architecturally compatible manner to adjacent buildings. It is further required that the tower itself and any support equipment located on the ground shall be painted or have a finish in earth tones to reduce visual impact.
  - (d) In the case of the construction of new facilities by the applicant and/or owner, the applicant and/or owner shall agree to construct the telecommunication tower to accommodate additional antenna arrays and shall make the tower available to other cellular and/or wireless communication companies; telephone, radio and television companies; and the local police, fire, and emergency medical services departments.
  - (e) The applicant and/or owner agrees that if they is required by the federal authorities to light the proposed tower that they will do so in the least obtrusive manner. Least obtrusive manner of lighting means that the tower will be painted with an alternating orange and white paint scheme and lighted with a red light. No strobe light will be permitted.
  - (f) For reasons of aesthetics and public safety, such facilities shall be effectively screened on each side. A security barrier six feet in height shall enclose the facility. The use of razor or barbed wire shall be prohibited. In addition to the security barrier, a tight screen of hardy evergreen shrubbery, with a minimum height of six feet, shall be provided outside the perimeter of the barrier. Spaces between any screening device and adjacent property lines shall include, but not be limited to grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

- (g) The applicant and/or owner shall post a performance bond in an amount set by the Zoning Inspector to provide for the removal of the facilities after ceasing of operations.
- (h) The applicant and/or owner shall, within thirty 30 days of ceasing operation at the site of the telecommunication tower, notify the Zoning Inspector of such cessation of use. Facilities shall be removed within 12 months of ceasing operations.
- (i) Resale or renting of facilities is permissible only to other telecommunication systems subject to obtaining a zoning permit from the Zoning Inspector.
- (j) The applicant and/or property owner shall annually file, on or before January 1 of each year, a declaration with the Pierce Township Zoning Inspector as to the current ownership and operation of every facility located within the Township.

**4.06: Accessory Uses and Structures in Residential Districts**

**A) Purpose**

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses in the residential districts.

**B) General Accessory Use and Structure Standards**

Accessory uses or structures shall be permitted provided:

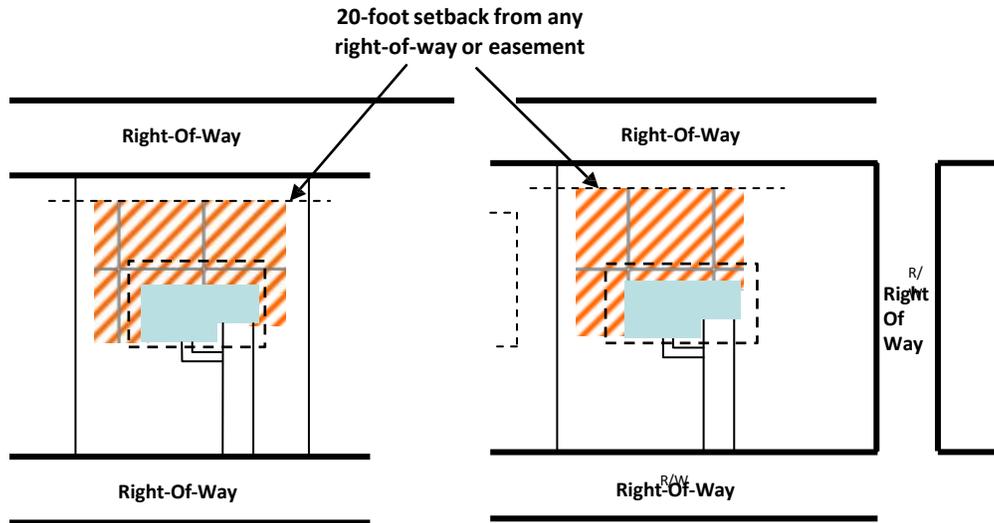
- 1) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located;
- 2) It is subordinate to and serves the principal building or use;
- 3) It is subordinate in size, area, extent, and purpose to the principal building or use;
- 4) It is located on the same lot as the principal use for which it serves;
- 5) An owner applies for and receives a zoning permit.
- 6) Unless permitted by the Zoning Commission and/or Trustees in a PUD or conservation subdivision approval, accessory uses and structures shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned unit development or conservation subdivision;
- 7) Accessory uses and structures shall be set back a minimum of five feet from all lot lines unless otherwise stated in this section.

**C) Yard Locations for Accessory Uses**

Table 4.06-1 establishes the yards within which a specific type of accessory use or structure may be located as it relates to a panhandle lot, corner lot, or a standard interior lot (See Section 6.01 (Lot Measurements and Requirements) for illustrations of rear yards on panhandle and corner lots.). The following establishes where accessory uses or structures that are permitted in the rear yard may be located in double frontage or triple frontage lots.

- 1) For double frontage lots, accessory uses that are restricted to the rear yard may be located in the front yard setback (See Section 6.01 (F)) located on the rear side of the principal building. However, accessory uses in this yard shall be set back a minimum of 20 feet from any right-of-way or public easement along the street. See Figure 4-1.

- 2) For triple frontage lots, accessory uses that are restricted to the rear yard may be located in the side yard or in the in front yard (See Section 6.01 (F)) located on the rear side of the principal building. If the building or structure is oriented in such a way that the rear of the structure is parallel with a lot line rather than a street, the accessory uses may be located in the front yard located on one side of the building or structure. However, accessory uses in this yard shall be set back a minimum of 20 feet from any right-of-way or public easement along the road. See Figure 4-1.



*Figure 4-1: Illustration of where accessory uses or structures that are only permitted in the rear yard may be located on double frontage or triple frontage lots.*

**D) Table of Allowed Accessory Uses**

Table 4.06-I lists the accessory uses and structures allowed within the residential zoning districts. The following is an explanation of the abbreviations and columns used in Table 4.06-I and Table 5.05-I.

**1) Permitted Uses**

A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted accessory uses and structures are subject to all other applicable regulations of this resolution, including the use-specific standards set forth in this section.

**2) Permitted with Conditions**

A “PC” in a cell indicates that, in the respective zoning district, an accessory use or structure is permitted if it meets the required conditions as established in the “Additional Regulations” column. Accessory uses or structures that are permitted with conditions are also subject to all other applicable regulations of this resolution, including the use-specific standards set forth in this section.

**3) Prohibited Uses**

A blank or shaded cell indicates that the listed accessory building or use is prohibited in the respective zoning district.

- 4) **Zoning Permit Required**  
The “Zoning Permit Required” column identifies if a zoning permit is required for the applicable accessory use or structure.
- 5) **Yard Permitted**  
The “Yards Permitted” column identifies what yards the applicable accessory use or structure is permitted in unless otherwise exempted. See also Section 4.06 (D) regarding yard locations for accessory uses.
- 6) **Additional Regulations**  
Regardless of whether an accessory use or structure is permitted by-right or permitted with conditions, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 4.06-1.
- 7) **Unlisted Uses**  
Where a proposed accessory use or structure is not listed, the Zoning Commission may review the proposed accessory use or structure in accordance with Section 4.04 (E) (Unlisted Uses).

**TABLE 4.06-1: ACCESSORY USES AND STRUCTURE PERMITTED IN RESIDENTIAL DISTRICTS**

Uses P = Permitted PC = Permitted with Conditions	SFR, TFR, TR	P	MFR	Zoning Permit Required	Yards Permitted F= Front S = Side R = Rear	Additional Regulations
Amateur Radio Towers	PC	PC		Yes	S or R	4.06 (F)(1)
Basketball Hoops	PC	PC	PC	No	S, or R	4.06 (F)(2)
Detached Accessory Garages or Other Buildings	P	P	P	Yes	R	
Detached Carports	PC	PC		Yes	R	4.06 (F)(3)
Fences and Walls	PC	PC	PC	Yes	F, S, or R	4.06 (F)(4)
Home Occupations	PC	PC		No	See Section 4.06 (F)(5)	
Keeping of Chickens or Rabbits	PC			Yes	R	4.06 (F)(6)
Outdoor Wood Boilers	PC			Yes	S or R	4.06 (F)(7)
Porches or Decks	PC	PC	PC	Yes	F, S, or R	4.06 (F)(8)
Ramps (disabled access)	P	P	P	No	F, S, or R	
Roadside Stands	PC			Yes	F, S, or R	4.06 (F)(9)
Satellite Dishes	PC	PC	PC	No	S or R	4.06 (F)(10)
Small Wind Energy Systems	PC			Yes	R	4.06 (F)(11)
Solar Panels	PC	PC	PC	No	See Section 4.06 (F)(12)	
Swimming Pools	PC	PC		Yes	R	4.06 (F)(13)
Swing or Gym Sets, Tree Houses	P	P		No	R	

**TABLE 4.06-1: ACCESSORY USES AND STRUCTURE PERMITTED IN RESIDENTIAL DISTRICTS**

Uses P = Permitted PC = Permitted with Conditions	SFR, TFR, TR	P	MFR	Zoning Permit Required	Yards Permitted F= Front S = Side R = Rear	Additional Regulations
Unenclosed Patios	P	P	P	No	R	

**E) Maximum Lot Coverage, Number, and Height**

- 1) Unless otherwise stated in the use-specific standards, Table 4.06-2 establishes the maximum lot coverage (footprint) and height of accessory structures.
- 2) In no case shall an accessory structure exceed the height of the principal structure.

**TABLE 4.06-2: MAXIMUM SIZE AND HEIGHT OF ACCESSORY STRUCTURES**

Lot Area	Maximum Lot Coverage by Detached Accessory Garages	Maximum Lot Coverage by Other Detached Accessory Structures	Maximum Height of all Accessory Structures
20,000 sq ft or less	528 square feet	200 square feet	18 feet
20,001 to one acre	864 square feet	200 square feet	18 feet
Greater than one acre but less than two acres	1,000 square feet	300 square feet	35 feet
Greater than two acres but less than five acres	1,200 square feet	500 square feet	35 feet
Greater than five acres	1,500 square feet	500 square feet	35 feet

- 3) There shall be no more than two of the following accessory structures on any single lot.
  - (a) Detached accessory garages;
  - (b) Other detached accessory buildings other than garages;
  - (c) Carports;
  - (d) Outdoor wood boilers.

**F) Use-Specific Standards**

- 1) Amateur Radio Towers

All amateur radio towers that do not fall under the definition of a wireless telecommunication tower and which exceeds the allowable height of structures in a residential zoning district shall be limited to a maximum height equal to 10 feet more than the maximum height for permitted residential structures in the applicable district.

- 2) **Basketball Hoops**  
Basketball hoops shall be set back 15 feet from any street right-of-way.
- 3) **Detached Carports**
  - (a) Detached carports shall be located over a paved surface.
  - (b) Detach carports require a permit from the Clermont County Building Department.
  - (c) Detached carports shall be set back a minimum of 15 feet from all lot lines.
  - (d) Detached carports shall not exceed 15 feet in height.
- 4) **Fences and Walls**
  - (a) Fences and walls shall not exceed six feet in height in any rear or side yard.
  - (b) Fences may be permitted in the front yard under the following provisions:
    - (i) Walls are prohibited with the exception of retaining walls that do not extend past grade level.
    - (ii) Fences and walls shall not exceed four feet in height.
    - (iii) Fences shall have sufficient transparency to provide visibility into and out of the yard.
  - (c) No fence or wall shall be erected on that portion of a lot within 30 feet of the intersection of two or more streets.
  - (d) If a fence or wall is finished on only one side, the finished side shall face out toward the adjacent properties. This shall mean that all structural and support components of the fence or wall shall be facing the interior of the lot where the fence or lot is located.
- 5) **Home Occupations**

The purpose of the home occupation provisions is to allow for home occupations that are compatible with the neighborhood in which they are located. In all residential and agricultural zones, home occupations, in compliance with the following regulations, are permitted as accessory uses, and no special use permit shall be required in order to establish and maintain such uses:

  - (a) A home occupation shall be conducted within a dwelling and shall be clearly incidental to the use of the structure as a dwelling.
  - (b) A home occupation shall be compatible with the neighborhood in which it is located.
  - (c) There shall be no storage of equipment, vehicles, or supplies associated with the home occupation outside the dwelling.
  - (d) There shall be no display of products visible in any manner from outside of the dwelling.
  - (e) No other than residents of the dwelling shall be employed in the conduct of a home occupation.
  - (f) There shall be no change in the outside appearance of the dwelling or premises or any visible evidence of the conduct of a home occupation.
  - (g) The use shall not generate excessive additional pedestrian or vehicular traffic.

- (h) The use shall not require additional off-street parking spaces for clients or customers of the home occupation.
  - (i) No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity, and trash collection) so that the combined total use for dwelling and home occupation purposes exceeds the average for residences in the neighborhood.
  - (j) The home occupation shall not involve the use of commercial vehicles for delivery of materials to or from the premises, other than one vehicle not to exceed three-quarter (3/4) ton.
  - (k) No motor power other than electrically operated motors shall be used in connection with a home occupation. Home occupations shall not involve the use of electric motors of more than one horsepower.
  - (l) No equipment or process shall be used in a home occupation which creates noise, vibration, glare, fumes, or odor detectable to the normal senses of all adjacent property owners.
  - (m) No equipment or process shall be used which creates visual or audible electrical interference in any radio or television received off the premises or causes fluctuations in line voltage off the premises.
  - (n) Not display any external evidence of an occupation outside the structure except as permitted in the residential district.
  - (o) Not involve the use or storage of tractor trailers, semi-trucks, or heavy equipment such as construction equipment used in a business.
- 6) Keeping of Chickens or Rabbits**
- The keeping of up to four chickens or rabbits is permitted on any size lot provided that:
- (a) The principal use is a single-family dwelling;
  - (b) No person shall keep any rooster;
  - (c) No person shall slaughter any chickens for commercial sales;
  - (d) The chickens shall be provided with a covered enclosure for protection from the elements;
  - (e) Chickens must always be confined within a fenced area of the yard at all times; and
  - (f) No covered enclosure or fenced area shall be located closer than 25 feet to any residential structure on an adjacent lot or shall comply with the setbacks of the applicable zoning district, whichever is greater.
- 7) Outdoor Wood Boilers**
- (a) Outdoor wood boilers shall only be permitted as an accessory use on lots with a minimum lot area of five acres.
  - (b) Outdoor wood boilers shall be set back:
    - (i) A minimum of 100 feet from all lot lines,
    - (ii) A minimum of 500 feet from the boundaries of all recorded subdivisions with lots less than five acres in size, and
    - (iii) A minimum of 500 feet from all residential dwellings not located on the property where the outdoor wood boiler will be situated.

- (c) Fuel burned in any new or existing outdoor wood boiler shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup.
  - (d) The following fuels are strictly prohibited in new or existing outdoor wood boilers:
    - (i) Wood that has been painted, varnished or coated with similar material and/or has been pressure-treated with preservatives and contains resins or glues as in plywood or other composite wood products.
    - (ii) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
    - (iii) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
    - (iv) Rubber, including tires or other synthetic rubber-like products.
    - (v) Any other items not specifically allowed by the manufacturer or this section.
  - (e) Outdoor wood boilers that were installed prior to the effective date of this resolution shall be permitted to continue. However, if the existing outdoor wood boiler does not meet the standards of this section, the outdoor wood boiler shall be considered a nonconforming use subject to the nonconforming use provisions of the Pierce Township Zoning Resolution.
- 8) Porches or Decks**
- Porches or decks shall meet the minimum yard setback requirements as established in the applicable zoning district unless otherwise allowed below:
- (a) Porches or decks that do not have roofs and are less than 30 inches in height above grade may be constructed within the established setback requirements provided it maintains a minimum setback of seven feet from all lot lines.
  - (b) Porches or decks that do not have roofs and are 30 inches or more in height above grade shall meet the minimum side yard setbacks in the applicable zoning district and shall be set back a minimum of 15 feet from the rear lot line.
- 9) Roadside Stands**
- Roadside stands where 50 percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Such stands shall meet the following regulations:
- (a) Stands shall be set back 10 feet from the right-of-way;
  - (b) The maximum floor area of such stands shall be 500 square feet; and
  - (c) The stand may include a temporary sign with a commercial message that has a maximum sign area of 12 square feet, a maximum height of six feet. The sign shall be removed on days when the market is not in operation.
- 10) Satellite Dishes**
- Satellite dishes that are smaller than one meter in any dimension shall be permitted in any yard.

**11) Small Wind Energy Systems**

- (a)** Small wind energy systems (turbines) shall require a lot with a minimum lot area of five acres. The use shall be set back a minimum of 100 feet from any adjacent property line.
- (b)** The maximum height shall be 35 feet to the highest point on the blade.

**12) Solar Panels**

Solar panels are permitted when attached to the roof of a principal or accessory building.

**13) Swimming Pools**

The following regulations apply to privately owned swimming pools that are either above ground or in-ground and that are capable of holding water with a depth of 18 inches or more.

- (a)** Swimming pools shall be set back a minimum of 15 feet from lot lines and all road rights-of-way.
- (b)** Setback requirements shall be measured to the outside wall of an above ground pool or to the water for in-ground pools.
- (c)** Any swimming pool, or any permitted area of the property on which it is located, shall be surrounded by a wall or fence with a minimum height of four feet to prevent uncontrolled access from the street or adjacent properties.
- (d)** The fence shall be maintained in good condition with a latching gate and lock.
- (e)** For above ground pools, the sidewall of the pool may serve as the safety wall provided the sidewall of the pool is at least four feet high, the access to the pool is lockable or as otherwise approved by the Clermont County Building Department, as measured from the grade at the base of the wall.
- (f)** Farm ponds shall be exempt from these regulations.
- (g)** A permit from the Clermont County General Health District shall be required.

**14) Tennis Courts or Other Ball Courts**

- (a)** Tennis courts or other ball court shall not be illuminated unless the lighting is directed at the court and is turned off by 10:00 PM.
- (b)** All tennis courts and other ball courts shall be set back a minimum of 15 feet from all lot lines.

## Article 5: Nonresidential Zoning Districts

### 5.01: General Purpose and Intent

The districts contained in this section are created to:

- A) Realize the general purpose set forth in Section 1.01 (Purpose) of this zoning resolution;
- B) Provide appropriately located areas within Pierce Township for a full range and scale of business, office, and industrial uses in accordance with Township policy;
- C) Promote a safe and compatible environment for businesses;
- D) Strengthen the Township's economic base, and provide employment opportunities close to home for residents of the Township and surrounding communities;
- E) Encourage a business-friendly climate which will foster growth in the commercial sector, while protecting the character of the neighborhoods;
- F) Minimize the impact of business development on abutting residential districts; and
- G) Maintain and enhance the attractiveness and vitality of the Township's neighborhood business areas.

### 5.02: Specific Purpose Statements

#### A) Neighborhood Business District (NB)

The Neighborhood Business District (NB) is intended primarily for small-scale commercial and office uses that dispense convenience goods and services directly to consumers on the premises. This district is designed for the local hamlets and crossroad centers of Pierce Township that have historically been zoned commercial but are not of a size or in a location designed for the larger scale businesses envisioned for the GB District.

#### B) General Business District (GB)

The General Business District (GB) is intended to provide for a wide range of retail sales and services that would relate to the varied needs of the Township, the business community, and the visitor. The general uses in this district rely heavily on vehicular traffic and thus are located appropriately on arterial roadways and highways.

#### C) Industrial District (I)

The Industrial District (I) is intended to provide for areas of land where the principal uses are industrial uses that require special buffering and setback regulations to mitigate adverse impacts including noise, odors, and related impacts.

#### D) Resort and Recreational District (RR)

The Resort and Recreational District (RR) is designed for areas of the Township that are primarily used for resort or recreational uses that are more commercial in nature than those uses that might be compatible with residential neighborhoods.

### 5.03: Permitted Uses

- A) Table 5.04-I below sets forth the uses allowed within the nonresidential zoning districts. The abbreviations used in the table are described in Section 4.04.

**B) Drive –Through Access**

Drive-through access to any of the goods and/or services offered within the principal building is considered part of the principal permitted use. Compliance with the stacking requirements set forth at Section 11.05 is required.

**TABLE 5.04-I: NONRESIDENTIAL USE TABLE**

Use P = Permitted Use PC = Permitted with Conditions	Zoning Districts				Additional Regulations
	NB	GB	I	RR	
Active Park and Recreational Facilities		PC	PC	PC	4.05 (A)
Agricultural Uses	PC	PC	PC	PC	4.05 (B)
Automotive Body Repair		PC	PC		5.04 (A)
Automotive Fuel Services		PC	PC		5.04 (B)
Automotive Sales and Rental		P	P		
Automotive Service and Repair		PC	PC		5.04 (C)
Automotive Washing Facility		PC	PC		5.04 (D)
Automotive Wrecking, Salvage, or Junk Facilities			PC		5.04 (E)
Banquet Halls	P	P	P	PC	5.04 (F)
Bars and Taverns	PC	PC	PC	PC	5.04 (F)
Bathing Beaches and Bath Houses				PC	5.04 (G)
Bed and Breakfast Establishments	PC	PC	PC		4.05 (C)
Cemeteries		PC	PC		4.05(D)
Commercial Kennels			PC		5.04 (H)
Contractor or Construction Sales and Rental			P		
Country Clubs and Golf Courses				PC	5.04 (I)
Day Care Centers	P	P	P		
Distribution Facilities			P		
Educational Facilities	PC	PC	PC	PC	4.05 (E)
Essential Services and Utilities	P	P	P	P	
Financial Institutions	P	P	P		
Funeral Homes	PC	P	P		5.04 (J)
Government and Public Uses	P	P	P	P	
Heavy Industrial Uses			P		
Hospitals		P	P		
Hotels and Motels		PC	PC		5.04 (K)
Indoor Commercial Recreation		PC	PC		5.04 (L)
Institutional Housing			PC	PC	4.05 (F)
Light Industrial Uses			P		

<b>TABLE 5.04-1: NONRESIDENTIAL USE TABLE</b>					
Use  P = Permitted Use PC = Permitted with Conditions	Zoning Districts				Additional Regulations
	NB	GB	I	RR	
Nurseries		P	P		
Passive Park and Recreational Facilities and Conservation Areas	P	P	P	P	
Personal Services Establishment	P	P	P		
Private Clubs and Lodges	P	P	P	P	
Private Recreational Facilities	P	P	P	P	
Professional or Business Offices	P	P	P		
Religious Places of Worship	PC	PC	PC	PC	4.05 (K)
Restaurants	PC	PC	P	P	5.04 (M)
Retail Commercial Uses	P	P	P		
Service Commercial Uses	P	P	P		
Sexually Oriented Businesses			PC		5.04 (N)
Storage Facilities			P		
Telecommunication Towers	P	P	P	P	
Veterinary Facilities (No Kennels)	P	P	P		
Warehouses			P		
Wholesale Commercial Uses			P		

**5.04: Use-Specific Regulations**

**A) Automotive Body Repair**

Automotive body repair facilities shall only be permitted when operated in conjunction with an automotive sales or rental establishment.

**B) Automotive Fuel Sales**

Canopies may be erected over fuel pump islands provided that the edge of a canopy shall be set back a minimum of 35 feet from the right-of-way. Such canopy shall not exceed 20 feet in height and shall provide a minimum clearance of 14 feet ground level to the bottom of the canopy ceiling.

**C) Automotive Service and Repair**

No automotive service or automotive repair use shall be permitted where any oil drainage pit or visible appliance for any under car service, other than filling caps, is located within 12 feet of the proposed right-of-way line as shown on the Clermont County Thoroughfare Plan or within 25 feet of any residential zoning district, except where such appliance or pit is completely enclosed within a building.

**D) Automotive Washing Facility**

All portions of the operation shall be set back a minimum of 200 feet from any residential dwelling.

**E) Automotive Wrecking, Salvage, or Junk Facilities**

- 1) There shall be a minimum lot area of five acres.
- 2) All aspects of a wrecking, salvage, or junk facility shall comply with applicable State and Federal laws.
- 3) The facility shall be set back a minimum of 250 from any adjacent residential district.
- 4) Junk and salvaged materials shall be stored in piles that may not exceed six feet in height and must be arranged in a manner (with drives for accessibility) for fire protection purposes.
- 5) No burning of junk or other materials shall be permitted in the facility.
- 6) The area of the premises where junk is stored must be enclosed by a fence with a minimum height of eight feet and a maximum height of 10 feet with the exception of entrances or exits into the area. Such fence shall be designed to completely screen the facility.

**F) Bars and Taverns**

Bars and taverns shall be set back a minimum of 300 feet from educational facilities, public parks, religious places of worship, and residential zoning district.

**G) Bathing Beaches and Bath Houses**

- 1) Bathing beaches and bath houses shall require an approval of the location and treatment of the uses from the Clermont County General Health District before a zoning permit can be issued.
- 2) Every building or structure, bathing beach, and bath house shall be set back a minimum of 200 feet from every abutting residential property line.

**H) Commercial Kennels**

The following regulations shall apply to those commercial kennels that are not exempt from review pursuant to Section 3.02 (Agricultural Exemption) of this resolution, are on lots of less than five acres in area, and meet the definition of a commercial kennel:

- 1) All structures and activities related to the subject kennel use shall be located a minimum distance of 100 feet from side and rear property lines, except that when located adjacent to a residential district, the following additional restrictions shall apply:
  - (a) All non-soundproofed structures or area where animals are confined shall be located a minimum distance of 500 feet from any residential district.
  - (b) Soundproofed, air-conditioned buildings shall be located a minimum distance of 100 feet from any residential district.
  - (c) All non-soundproofed structures for the confinement of animals shall be screened by a solid fence or wall a minimum of six feet in height located within 50 feet of the structure.
- 2) Animals shall be confined in an enclosed building between the hours of 10:00 p.m. and 6:00 a.m. of the following day.
- 3) There shall be no burial or incineration of animals on the premises.

**I) Country Clubs and Golf Course**

Every edge of green, every edge of fairway, and every edge of tee, shall be set back a minimum of 200 feet from any residential zoning district.

**J) Funeral Homes**

No crematoriums shall be permitted in the NB District.

**K) Hotels and Motels**

- 1) Hotels and motels may be operated in the applicable zoning district provided the property line is set back a minimum of 300 feet from educational facilities, public parks, religious places of worship, and residential zoning district.
- 2) Hotels and motels shall comply with the following:
  - (a) The sanitary regulations of the Clermont County General Health District, the regulations of the building code, and any other regulation required by law.
  - (b) The lot shall have a minimum lot area of 40,000 square feet and the buildings and structures shall not occupy, in aggregate, more than 25 percent of the lot area.
  - (c) Each sleeping unit shall have a minimum floor area of 150 square feet.
  - (d) All areas used for automotive access and parking shall comply with the applicable provisions of this resolution.
  - (e) All areas not used for access, parking, circulation, buildings, and service, shall be completely and permanently landscaped.
  - (f) The entire site shall be maintained in a neat and orderly condition.
- 3) Any enlargement or extension of an existing hotel or motel shall require application for a zoning permit as if it were a new establishment. No enlargement or extension to any hotel or motel shall be permitted unless the existing one is brought into substantial conformance with all the requirements for hotels and motels as established in this section.

**L) Indoor Commercial Recreation**

- 1) There shall be no outdoor activities (e.g., events, recreational activities, etc.) related to an indoor commercial recreational use with the exception of parking and loading.
- 2) All principal uses and structures shall be set back a minimum of 50 feet from all residential lot lines or zoning districts.

**M) Restaurants**

Restaurants that have a bar or tavern use that occupied more than 35 percent of the structure shall meet the setback requirements for bars and taverns established in Section 5.04 (F).

**N) Sexually Oriented Businesses**

- 1) Location Restrictions and Requirements for Sexually Oriented Businesses
  - (a) No person shall cause or permit the establishment of any sexually oriented business within 1,000 feet of another sexually oriented business or within 1,000 feet of any religious place of worship, educational facility, day care center, park, or residence.
  - (b) Nothing in this article shall prohibit a person from appearing in a state of nudity for a modeling class operated:
    - (i) By a proprietary school, licensed by the State of Ohio; a college, junior college or university supported entirely or partly by taxation;
    - (ii) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation; or

- (iii) In a structure which (1) Has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; (2) Where in order to participate in a class a student must enroll at least three days in advance of the class; and (3) where no more than one nude model is on the premises at any one time.

**2) Measurement of Distance**

- (a) Distances shall be measured in a straight line, without regard to intervening structures or topography (i.e., as measured on a map).
- (b) The distances shall be measured from the exterior faces (including architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business.
- (c) The distances shall be measured to the exterior faces (including architectural projections) of the exterior walls of any principal building containing another sexually oriented business or any religious institution.
- (d) If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space, and not from that of the entire multi-tenant building.
- (e) If another sexually oriented business or any religious institution or school is located within a tenant space, then the distances shall be measured to the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space and not from that of the entire multi-tenant building.
- (f) Regarding distance measurements to a residence, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the residential structure. If the proposed sexually oriented business is to be located within a tenant space, then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space and not from that of the entire multi-tenant building.
- (g) Regarding distance measurements to a public park or school not within a tenant space, the distances shall be measured from the exterior faces (including any architectural projections) of the exterior walls of the principal building containing the proposed sexually oriented business to the closest point of the parcel line (as established by the Clermont County Auditor) of the parcel containing the public park or school. If the proposed sexually oriented business is to be located within a tenant space then the distances shall be measured from the exterior faces (including architectural projections) of the walls creating the boundaries of the tenant space and not from that of the entire multi-tenant building.

**3) Advertising and Lighting**

- (a) 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 by Article 12 (Sign Regulations).



- (c) The Zoning Inspector shall issue the zoning permit or provide notice and reasons of denial with 10 days of the submission of the application. Any sexually oriented business lawfully operating on the effective date of this article that is in violation of the article shall be deemed a nonconforming use. Such nonconforming uses shall not be increased, enlarged, extended or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,000 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at the particular location is the conforming use and the later established business(es) is nonconforming.

## **5.05: Accessory Uses and Structures in Nonresidential Districts**

### **A) Purpose**

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses in the nonresidential districts.

### **B) General Accessory Use and Structure Standards**

Accessory uses or structures shall be permitted provided:

- 1) The building or use is incidental to and customarily found in connection with a principal building or use permitted in the district in which is located;
- 2) It is subordinate to and serves the principal building or use;
- 3) It is subordinate in size, area, extent, and purpose to the principal building or use;
- 4) It is located on the same lot as the principal use for which it serves;
- 5) An owner applies for and receives a zoning permit unless exempted by this section;
- 6) Unless permitted by the Zoning Commission and/or Trustees in a PUD, accessory uses and structures shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned unit development or conservation subdivision;
- 7) Accessory uses and structures shall be set back a minimum of five feet from all lot lines unless otherwise stated in this section.

### **C) Maximum Height**

- 1) The maximum height of accessory uses in nonresidential districts shall be 18 feet.
- 2) In no case shall an accessory structure exceed the height of the principal structure.

### **D) Yard Locations for Accessory Uses**

- 1) Table 5.05-1 establishes the yards within which a specific type of accessory use or structure may be located as it relates to a panhandle lot, corner lot, or a standard interior lot (See Section 6.01 (Lot Measurements and Requirements) for illustrations of rear yards on panhandle and corner lots).
- 2) Section 4.06 (C) establishes where accessory uses or structures that are permitted in the rear yard may be located in double frontage or triple frontage lots.
- 3) Accessory structures in any nonresidential district shall be set back a minimum of 50 feet from any lot line that abuts a residential district.

### **E) Table of Allowed Accessory Uses**

Table 5.05.1 lists the accessory uses and structures allowed within the nonresidential zoning districts. The explanation of the abbreviations and columns used in Table 5.05.1 are found in Section 4.06 (D).

**TABLE 5.05-I: ACCESSORY USES AND STRUCTURE PERMITTED IN NONRESIDENTIAL DISTRICTS**

<b>Uses</b> P = Permitted PC = Permitted with Conditions	<b>RR</b>	<b>NB, GB, I</b>	<b>Zoning Permit Required</b>	<b>Yards Permitted</b> F= Front S = Side R = Rear	<b>Additional Regulations</b>
Amateur Radio Towers	PC	PC	Yes	S or R	4.06 (F)(1)
Automated Teller Machines (ATMS) – Stand Alone		P	Yes	S or R	
Basketball Hoops	PC		No	S, or R	4.06 (F)(2)
Detached Accessory Garages or Other Buildings	P	P	Yes	R	
Fences and Walls	PC	PC	Yes	F, S, or R	4.06 (F)(4)
Outdoor Wood Boilers	PC	PC	Yes	S or R	4.06 (F)(7)
Porches or Decks	PC	PC	Yes	F, S, or R	4.06 (F)(8)
Ramps (disabled access)	P	P	No	F, S, or R	
Satellite Dishes	PC	PC	No	S or R	4.06 (F)(10)
Solar Panels	PC	PC	No	See Section 4.06 (F)(12)	
Swimming Pools	PC	PC	Yes	R	4.06 (F)(13)
Swing or Gym Sets, Tree Houses	P		No	R	
Tennis Courts or Other Ball Courts	PC	PC	No	R	4.06 (F)(14)
Unenclosed Patios	P	P	No	R	

# Article 6: Measurements and Site Development Standards

## Development Standards

### 6.01: Lot Measurements and Requirements

#### A) Distance Measurements

Unless otherwise expressly stated, all distances specified in this resolution are to be measured as the length of an imaginary straight line joining those points.

#### B) Measurement of Lot Area

- 1) For the purposes of determining the minimum lot area of a lot, the lot area shall be the total area within the lot lines of a lot.
- 2) Irregular shapes of land, panhandles, and other narrow appendages to lots with less than 50 feet of width at any point shall not be included in the measurement of a lot area or contribute to the minimum lot area requirement of the applicable zoning district. See Figure 6-1.

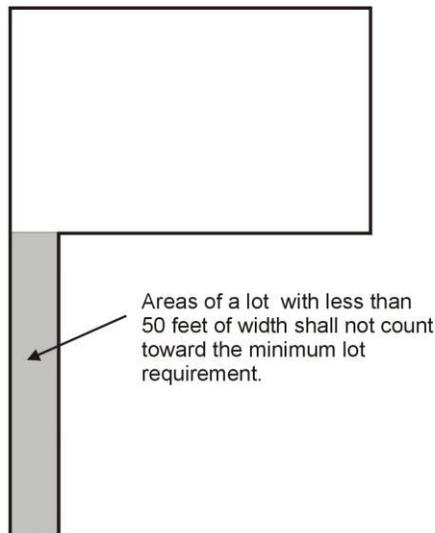


Figure 6-1: The above figure illustrates a panhandle where with a width of less than 50 feet that shall not count toward the minimum lot area requirement.

#### C) Percentages and Fractions

When a measurement results in a fractional number or percentage, any fraction of  $\frac{1}{2}$  or less shall be rounded down to the next lower whole number and any fraction of more than  $\frac{1}{2}$  shall be rounded up to the next higher whole number. Any percentage of #.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than #.5 percent shall be rounded up to the next higher whole number.

**D) Minimum Lot Frontage Requirement**

All portions of every lot, including panhandle lots, shall have a minimum lot width of 25 feet at every point of the lot, including the street frontage, unless otherwise approved through a PUD District or if a reduction is permitted in accordance with the Clermont County Subdivision Regulations.

**E) Corner Lots**

- 1) On corner lots, the required minimum front yard setback shall be provided from each street or section thereof. See Figure 6-2.
- 2) The lot line that runs parallel with the rear façade of the building shall be the rear lot line and the minimum rear yard setback shall be applied from such lot line. See Figure 6-2.
- 3) All other lot lines shall be a side lot line and the minimum side yard setback shall be applied from such lot lines. See Figure 6-2.

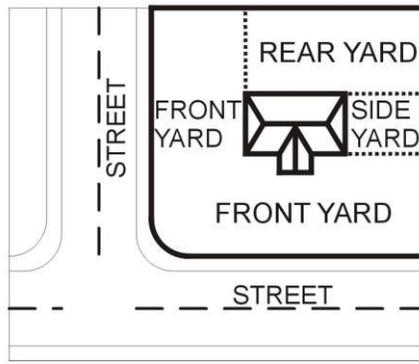


Figure 6-2: Yard locations on a corner lot.

**F) Double and Triple Frontage Lots**

- 1) On double and triple frontage lots, the required minimum front yard setback shall be provided from all streets. See Figure 6-3.
- 2) The remaining lot lines not abutting a public street or right-of-way shall be considered as side lot lines and the minimum side yard setback shall be applied to such lot lines. See Figure 6-3.

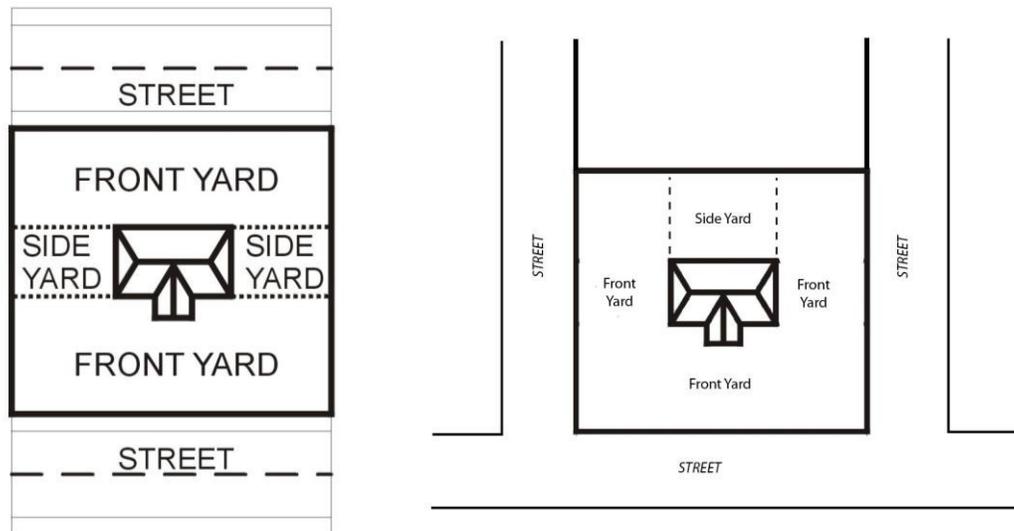


Figure 6-3: Yard locations on a double (left) and triple frontage (right) lot.

### G) Private Drives

Private drives that provide access to three or more lots shall be considered public streets for the purposes of establishing minimum setbacks and yard requirements. Such drives shall be subject to the following provisions:

- 1) Corner lots with one private street frontage and one public street frontage shall not be included in the calculation for the purposes of determining the number of lots served by the private drive and shall not be subject to requirements of this section unless the principal use gains primary access from the private drive.
- 2) There shall be a minimum setback, equal to the minimum front yard setback of the applicable zoning district, between the edge of pavement of a private drive and the principal building. See Figure 6-4.
- 3) There shall be a minimum setback, equal to the side yard setback of the applicable zoning district, between the principal building and the side lot line. See Figure 6-4.
- 4) In all cases, the area between the building and the private drive shall be considered the front yard. See Figure 6-4.
- 5) The creation of a private drive or a public street shall be designed to ensure that the minimum setback requirements of any existing dwelling shall be maintained and the new drive or street shall not create a nonconformity because of setbacks.

### H) Panhandle Lots

- 1) The panhandle portion of the lot shall have a minimum frontage of 25 feet. However, panhandles portions that have a width of less than 50 feet shall not count toward the minimum lot area requirement as established in Section 6.01 (B).
- 2) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 6-4.
- 3) For panhandle lots that are not subject to the panhandle regulations of Section 6.01 (G). (Private Drives), there shall be no front yard setback requirement from the driveway or private drive accessing fewer than three lots. See Figure 6-4.
- 4) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

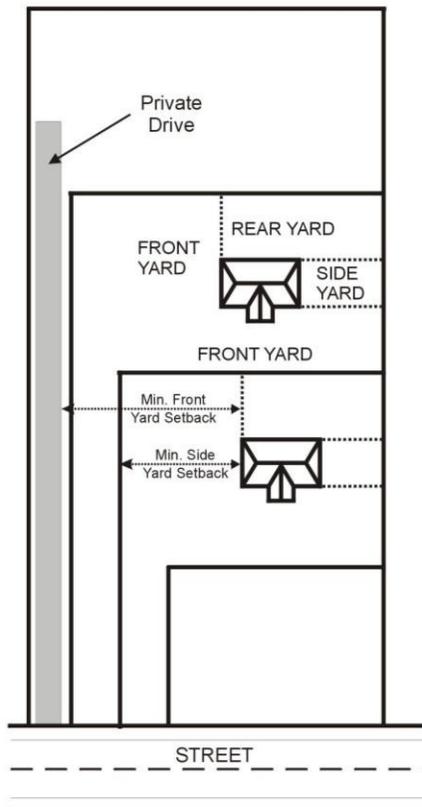


Figure 6-4: Yard locations on a panhandle lot.

**I) Other Irregular Lots**

For any other type of irregular lot, the Zoning Inspector shall determine the location of the front, side, and rear yard taking into consideration the affect on adjoining properties.

**J) Building Setback Lines**

Building setback lines indicating the front, rear, and side yards shall be approved by the Zoning Inspector and indicated on all proposed panhandle, pie-shaped, corner, double frontage, or other irregularly shaped lots where the front of the lot is not apparent within the definition of this resolution. These setbacks shall be a part of, and recorded with a plat designating the division of land.

**6.02: Yard/Setback Measurement and Requirements**

- A)** Every part of a required yard shall be open to the sky and unobstructed except:
- 1) As otherwise provided in this section;
  - 2) For accessory buildings in a rear yard;
  - 3) For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting into the yard a distance not to exceed 12 inches;
  - 4) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet; and
  - 5) The ordinary projections of chimneys and flues may be permitted by the Clermont County Building Commissioner when placed so as not to obstruct light and ventilation but not closer than two feet to any lot line.

- B) Terraces, uncovered porches, platforms and ornamental features which do not extend more than three feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall maintain a minimum of seven feet in setback from the any lot line.
- C) An open unenclosed porch, or paved terrace may project into a required front yard setback for a distance not exceeding five feet.
- D) For new construction on a residential lot, where the adjacent lots are already developed and where buildings within 100 feet of the subject lot are set back less than the minimum required front yard setback, the minimum front yard setback for the new construction shall not be less than the average depths of the front yards of the two buildings on each side and within 100 feet of such lot. See Figure 6-5.

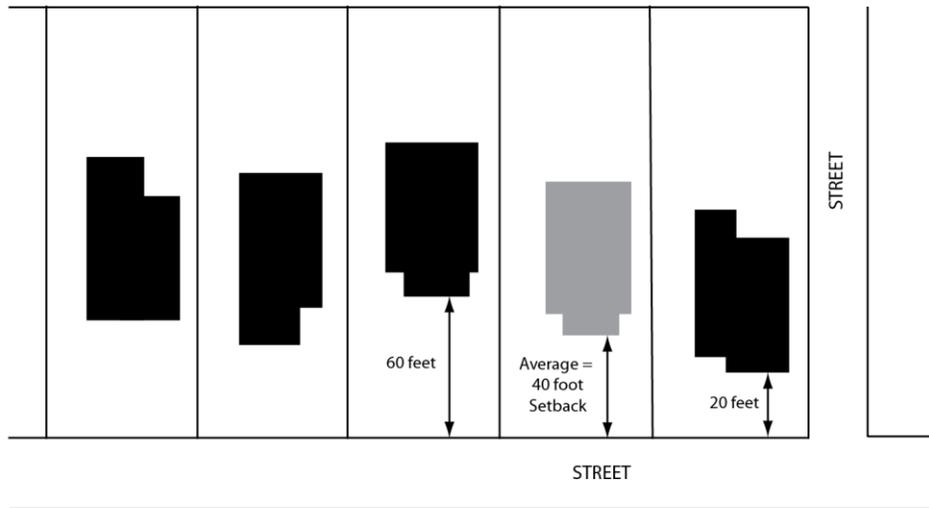


Figure 6-5: Illustration of the averaging of front yard setbacks. In a district with a minimum front yard setback requirement of 50 feet, smaller setbacks may be allowed if the average front yard setbacks are less than 50 feet.

### 6.03: Height Measurement and Requirements

#### A) Height Measurement

- 1) Where specified in stories, building height shall be measured in the number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.
- 2) Where specified in feet, building height shall be measured as the vertical distance from the average grade at the base of the structure to (See Figure 6-6.):
  - (a) The highest point of a flat roof;
  - (b) The deck line of a mansard roof; or
  - (c) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

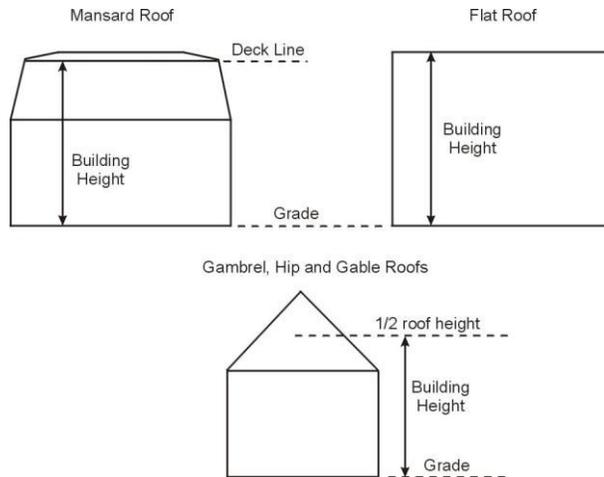


Figure 6-6: Measurement of roof heights based on the type of roof.

**B) Height Exemptions**

- 1) Church spires, domes, flagpoles, aerials, antennas, telephone transmitters and towers, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height per the building code.
- 2) The height of cell towers and other wireless telecommunication towers and wind energy systems are subject to the use-specific regulations of this resolution.

**6.04: Site Development Standards for PUD and MH Districts**

- A) Site development standards for PUD districts shall be as set forth in Article 7 (Planned Unit Developments).
- B) Site development standards for the MH district shall be as set forth in Article 16 (MH District Standards).

**6.05: Site Development Standards for Residential Districts**

- A) All buildings and lots shall meet the minimum site development standards set forth in Table 6.05-1 unless otherwise specified in use-specific regulations.
- B) The Clermont County General Health District may establish larger minimum lot area requirements than established in Table 6.05-1 for structures that require on-site wastewater treatment.
- C) The site development standards for conservation subdivisions shall be subject to the requirements of Article 8 (Conservation Subdivisions) with the exception that the maximum height requirement shall be as established in Table 6.05-1 for the applicable zoning district.
- D) All permitted uses shall be located on an individual and separate lot with the following exceptions:
  - 1) Two dwelling units (attached) may be located on a single lot within the TFR, MFR, and TR Districts.
  - 2) Multiple dwelling units (attached) may be located on a single lot for permitted uses within the MFR and TR Districts.
  - 3) Two or more attached or detached dwelling units may be located on a single lot within an approved conservation subdivision if they are condominiums.
- E) All setback areas, excluding driveways, shall be landscaped with grass and landscaping.

<b>TABLE 6.05-1: RESIDENTIAL SITE DEVELOPMENT STANDARDS</b>						
<b>Standards</b>		<b>Zoning Districts</b>				
		<b>SFR</b>	<b>TFR</b>	<b>MFR</b>	<b>TR</b>	<b>P</b>
<b>Minimum Lot Area and Maximum Density (Square Feet)</b>						
Minimum Lot Area (Square Feet)	Single-Family	20,000	20,000	20,000	7,000	8,000
	Two-Family	N/A	30,000	30,000	7,000	N/A
	Multi-Family	N/A	N/A	36,000 for the first 6 units + 3,000 for each additional unit	7,000	N/A
	Other Uses	If not established in the use-specific regulations, the minimum requirements shall be as established for single-family uses.				
Maximum Density		N/A	N/A	8 units per acre	N/A	N/A
<b>Minimum Lot Width and Street Frontage (Feet)</b>						
Minimum Lot Width at Building Line (Feet)	Single-Family	100	85	85	38	60
	Two-Family	N/A	100	100	38	N/A
	Multi-Family	N/A	N/A	110	38	N/A
	Other Uses	As established for single-family uses.				
Minimum Street Frontage		25	25	25	25	25
<b>Yards and Setbacks (Feet)</b>						
Front Yard Setback		50 [1]	50 [1]	50 [1]	25 from Township roads and 35 from County or State roads	20 from edge of pavement [2]
Side Yard Setback (On Each Side) [3]		15	15	15	5	15 total with minimum of 5 on one side
Rear Yard Setback		40	40	40	30	30
<b>Maximum Building Height (Feet)</b>						
Principal Building		35	35	45	35	35 from Base Flood Elevation
<b>Minimum Floor Area (Square Feet)</b>						
Minimum Floor Area (Square Feet)		1,600 [4]	1,600 per unit [4]	800 per unit	1,600 per unit [4]	1,600 [4]

<b>TABLE 6.05- I: RESIDENTIAL SITE DEVELOPMENT STANDARDS</b>					
Standards	Zoning Districts				
	SFR	TFR	MFR	TR	P
NOTES:					
[1] All front yard setbacks shall be measured from the right-of-way. Where no recorded right-of-way beyond the paved area of the street or highway exists, then the front yard setback shall be measured from the centerline of the existing paved area and shall be the distance of not less than 65 feet from the centerline; providing, however, no front yard depth shall be required to exceed the average depths of the existing front yards on the lots adjacent on each side, if each of such lots is within the same block and within 100 feet of the subject lot.					
[2] Any construction within a public right-of-way shall require approval from the Clermont County Engineer.					
[3] Side yard setback requirements shall be for each side yard unless otherwise noted.					
[4] 200 square feet of garage area can be used toward the minimum floor area requirement.					

**6.06: Site Development Standards for Nonresidential Districts**

- A)** All buildings and lots shall meet the minimum site development standards set forth in Table 6.06-I unless otherwise specified in use-specific regulations.
- B)** Multiple uses and structures may be located on a single lot in a nonresidential district.
- C)** There shall be a minimum lot area requirement of 20,000 square feet for all uses.
- D)** All setback areas, excluding driveways, shall be landscaped with grass and landscaping.

<b>TABLE 6.06- I: NONRESIDENTIAL SITE DEVELOPMENT STANDARDS</b>				
Standards	Zoning Districts			
	NB	GB	I	RR
<b>Yards and Setbacks (Feet)</b>				
Front Yard Setback (Feet)	40 [1]	40 [1]	60 [1]	200[1]
Side Yard Setback (Feet) (On Each Side)	15	15	10	200
Rear Yard Setback (Feet)	40	40	30	200
<b>Maximum Building Height (Feet)</b>				
Principal Building (Feet)	35	45	75 [2]	35
NOTES:				
[1] All front yard setbacks shall be measured from the right-of-way. Where no recorded right-of-way beyond the paved area of the street or highway exists, then the front yard setback shall be measured from the centerline of the existing paved area and shall be the distance of not less than 65 feet from the centerline (NB, GB, or RR districts) or 85 feet from the centerline (I district); providing, however, no front yard depth shall be required to exceed the average depths of the existing front yards on the lots adjacent on each side, if each of such lots is within the same block and within 100 feet of the subject lot.				
[2] There shall be an additional front, side, and rear yard setback of one foot for each additional two feet in height that the building exceeds 45 feet.				

## Article 7: Planned Unit Development (PUD)

### 7.01: Establishment of Planned Unit Development Types

The following types of PUDs are hereby established and may be proposed through a zoning map amendment:

- A)** "PUD-R" – Planned Residential Use - A planned unit development where the primary use of land is residential with the ability to include public, institutional, and recreational uses as approved by the Township.
- B)** "PUD-MU" – Planned Mixed-Use – A planned unit development that includes a mixture of residential, commercial, and office uses as specified in this article with the ability to also include public, institutional, and recreational uses as approved by the Township.
- C)** "PUD-B" – Planned Business Use – A planned unit development where the primary use of land is commercial, office, and/or industrial with the ability to include public, institutional, and recreational uses as approved by the Township.

### 7.02: Purpose Statements

#### **A) Overall Purpose**

This article is intended to permit the creation of Planned Unit Development Districts (PUDs) to encourage the efficient use of land and resources, promote greater efficiency in providing public and utility services, and encourage innovation in the planning and building of all types of development. Such districts may be permitted as amendments to the Pierce Township Zoning Map, on application and approval of specific and detailed plans where tracts suitable in location and character for the uses and structures proposed are to be planned and developed. Regulations set forth in this article are adopted to accommodate unified planning and development that are consistent with existing established land use patterns in Pierce Township. The Township's character is related to the physical attributes of the Township, including its land use patterns and natural resources. The PUD district is intended to achieve the following land use objectives:

- 1)** Provide a variety of housing and lot sizes to promote the planning of a development that is more sensitive to the protection of natural resources on sites by clustering the housing in areas physically suited to accommodating development and preserving the resources in open space.
- 2)** Encourage the protection of open space by permitting developments with a range of densities that also provide open space, consistent with the open space character of the surrounding area.
- 3)** Preserve open spaces to reduce erosion, improve water quality, provide wildlife habitats, retain scenic views, and reduce storm water runoff.
- 4)** Preserve areas with steep terrain by respecting topography and other natural features in the development plan and maintaining significant percentages of land in open space in wooded and sloped areas.
- 5)** Provide for a variety of housing types in a single unified development that is integrated into the community.
- 6)** Provide a transition between higher densities in the area around the Village of Amelia as a transition between the Village and existing neighborhoods in the Township.
- 7)** Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.

- 8) Provide a higher level of design review to ensure attractive, well-planned communities and eliminate the barriers to creative and sensitive design that may exist when attempting to comply with conventional district standards and subdivision rules.
- 9) Respect the balance between building mass or volume and vegetation mass or volume by considering scale relationships between the new development and existing buildings and the landscape.

**B) Individual District Purpose Statements**

The PUD districts shall have the following purposes:

**1) Planned Residential Uses (PUD-R)**

For residential uses within a PUD, the objective is to encourage the creation of neighborhoods with a variety of housing types that retain natural resources, provide adequate landscaping and open space areas, and are compatible with the character of adjoining land uses.

**2) Planned Mix-Use (PUD-MU) and Business Uses (PUD-B)**

For mixed-use developments and business uses within a PUD, the objective is to create streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character. Proposed buildings should have rooflines and architectural features that provide a sense of identity and emphasize the most important use with visual elements.

**7.03: Procedure**

**A) Planned Unit Development (PUD) Initiation**

- 1) PUDs may be initiated by the property owner or an agent of the property owner.
- 2) In cases where multiple property owners are involved, the application shall include a “consent to rezone” letter(s) from all property owners. The “consent to rezone” letter(s) shall designate a single contact or agent who will be responsible for contact with the Township.
- 3) The Zoning Commission or Board of Trustees may initiate a PUD zone change in compliance with the Ohio Revised Code 519.021 (C) whereby the PUD zoning district will be an overlay providing a property owner the choice between choosing to utilize the PUD zoning or the underlying zoning district. A property owner may choose to use the approved PUD zoning by submitting an application accepting the PUD zoning as approved and completing the PUD Preliminary and Final Development Plan reviews and approvals.

**B) Concept Plan Review and PUD Zoning Map Amendment Procedure**

**1) Concept Plan Review**

**(a) Step 1 – Preapplication Conference and Meetings**

- (i) The applicant should meet with the Zoning Inspector to discuss the initial concepts of the proposed PUD and general compliance with applicable provisions of this zoning resolution prior to the submission of the application.
- (ii) During this time, an applicant may also request an informal public meeting with the Zoning Commission to discuss the initial concepts.

- (iii) Discussions that occur during a preapplication conference or meetings with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Pierce Township or its officials regarding any aspects of the plan or application discussed.

**(b) Step 2 – Concept Plan Application and PUD Zoning Map Amendment**

- (i) Following at least one Concept Plan Review preapplication conference or meeting to discuss the initial concepts (Step 1), the applicant shall submit an application for a PUD zoning map amendment and concept plan review.
- (ii) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. (See Sections 7.03 (B) (2) Additional Requirements and (3) Crucial Features and 7.05 (A) Concept Plan Requirements)
- (iii) Each application shall be signed by all of the owners or the owners' authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications, except when initiated by the Board of Trustees or Zoning Commission.
- (iv) All applications shall be submitted with the required fees as established in the Pierce Township fee schedule.
- (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.
- (vi) The applicant shall submit the concept plan simultaneously with the application for a PUD zoning map amendment.

**(c) Step 3 – Site Visit**

- (i) Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the applicant is strongly encouraged to schedule a site visit with the Zoning Commission.
- (ii) Upon completion of a site visit, the Zoning Commission shall, at their next regularly scheduled meeting, disclose any discussions held with the applicant during the site visit related to the proposed development.
- (iii) The site visit shall be noticed in accordance with State law.

**(d) Step 4– Referral to the Clermont County Planning Commission**

- (i) Upon receipt, the Township shall submit a copy of the application, to the Clermont County Planning Commission.
- (ii) The Clermont County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed concept plan and PUD zoning map amendment and shall submit such recommendation to the Zoning Commission.
- (iii) Such recommendation shall be considered at the public hearing held by the Zoning Commission on such proposed concept plan and PUD zoning map amendment.

**(e) Step 5 – Public Hearing with the Zoning Commission**

- (i) Upon the filing of an application for a concept plan and PUD zoning map amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed concept plan and PUD zoning map amendment.
- (ii) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.
- (iii) Notification shall be given in accordance with Section 519.12 of the ORC.

**(f) Step 6– Recommendation by the Zoning Commission**

Within 30 days after the Zoning Commission’s public hearing (Step 5), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed concept plan and PUD zoning map amendment and submit such recommendation together with such application, concept plan, and recommendation of the Clermont County Planning Commission to the Board of Trustees.

**(g) Step 7 – Public Hearing with the Board of Trustees**

- (i) Upon receipt of the recommendation from the Zoning Commission (Step 6), the Board of Trustees shall set a time for a public hearing on such proposed concept plan and PUD zoning map amendment.
- (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (iii) Notification shall be given in accordance with Section 519.12 of the ORC.

**(h) Step 8 – Decision on Concept Plan and Map Amendment**

- (i) Within 20 days after its public hearing (Step 87), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
- (ii) Approval of the concept plan shall include density, intensities, land uses and their inter-relationship.
- (iii) The Board of Trustees’ decision on the concept plan and PUD zoning map amendment is a legislative action of the Board of Trustees and is subject to the same effective date and referendum provisions as set forth in Section 3.06 (C) (Effective Date and Referendum). After approval of the concept plan and PUD zoning map amendment, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.
- (iv) Once the PUD zoning map amendment is effective, the requirements for PUDs in Sections 7.03 (E) (Preliminary Development Plan Review Procedure) and (D) (Final Development Plan Review Procedure), along with the approved concept plan, and any approved conditions, shall apply to the future development of the property, if the property is developed as a PUD.

- 2) **Additional Requirements for the Concept Plan**

In approving a concept plan, the Township shall establish the maximum density of the PUD. The project density approved by the Board of Trustees in the concept plan shall be subject to the development standards of this resolution and any conditions of the approved concept plan. If the applicant cannot achieve the maximum approved density, then the applicant shall be limited to the density achieved from the application of the standards and any conditions.
- 3) **Crucial Features of the PUD (Concept Plan)**
  - (a) The Township may incorporate a list of “crucial features of the PUD” as part of a concept plan approval with additional crucial features to be designated in the preliminary and final development plans approval process.
  - (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
  - (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee’s decision.
  - (d) If a list of crucial features is included in the decision on the concept plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

**C) Preliminary Development Plan Review Procedure**

- I) **Preliminary Development Plan Review**
  - (a) **Step 9 – Submission of a Preliminary Development Plan**
    - (i) Once the concept plan and PUD zoning map amendment have been approved by the Board of Trustees, the applicant shall proceed with the preparation of the preliminary development plan(s) in whole or in phases. A final development plan can be processed concurrently with a preliminary development plan review by combining all requirements in 7.03 (C) (Preliminary Development Plan Review) and (D) (Final Development Plan Review) with the preparation of the “preliminary and final development plan.”
    - (ii) The preliminary development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
    - (iii) The preliminary development plan shall be consistent with the applicable PUD requirements in this zoning resolution and the contents of the approved concept plan. The preliminary development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.

- (iv) A preliminary development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential planned developments.
  - (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.
- (b) Step 10 – Public Meeting with the Zoning Commission**
- (i) Upon receipt of the detailed preliminary development plan and recommendations of Township staff, the Zoning Commission shall, at a public meeting, study and review the preliminary development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 7.03 (C)(2) (Additional Requirements for a Preliminary Development Plan) have been met.
  - (ii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (c) Step 11 – Decision by the Zoning Commission**
- (i) Within 30 days of the Zoning Commission's public meeting (Step 10), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed preliminary development plan, and submit such recommendation to the Board of Trustees.
  - (ii) The Zoning Commission's decision on the preliminary development plan is an administrative action of the Zoning Commission and is not subject to referendum.
  - (iii) Copies of the findings and recommendations of the Zoning Commission shall be made available to any other interested persons.
- (d) Step 12 – Public Meeting with the Board of Trustees**
- (i) Upon receipt of the recommendation from the Zoning Commission (Step 11), the Board of Trustees shall set a time for a public meeting on the preliminary final development plan.
  - (ii) The date of the public meeting shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
  - (iii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (e) Step 13 – Decision on the Preliminary Development Plan**
- (i) The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
  - (ii) The Board of Trustees' decision on the preliminary development plan is an administrative action of the Board of Trustees and is not subject to referendum.

**2) Additional Requirements for the Preliminary Development Plan**

The following criteria shall serve as conditions for the review and approval of the preliminary development plan by the Zoning Commission:

- (a)** The preliminary development plan is consistent with the intent and purpose of this zoning resolution and, in particular, the furtherance of the purpose of the PUD as set forth in Section 7.02 (Purpose Statements).
- (b)** The PUD and preliminary development plan are consistent with the adopted Pierce Township Land Use Plan.
- (c)** The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Pierce Township or Clermont County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified by the Zoning Commission, and in the traffic impact analysis, if required, that are attributable to the proposed development.
- (d)** The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
- (e)** The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and appurtenant facilities are compatible with the surrounding land uses.
- (f)** Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
- (g)** The PUD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in Section 7.04.
- (h)** The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- (i)** When the Township boards are reviewing a new or modified preliminary development plan following the expiration of a previous development plan (See Section 7.03 (E) (Time Limits), the Township may take into consideration changes in Township land use and development policy when making recommendations and decisions related to the preliminary development plan.

**3) Crucial Features of the PUD (Preliminary Development Plan)**

- (a)** The Township may incorporate a list of “crucial features of the PUD” as part of a preliminary development plan approval.
- (b)** The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.

- (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustees' decision.
- (d) If a list of crucial features is included in the decision on the preliminary development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

**D) Final Development Plan Review Procedure**

**I) Final Development Plan Review**

**(a) Step 14 – Submission of a Final Development Plan**

- (i) Once the preliminary development plan has been approved by the Board of Trustees, the applicant shall proceed with the preparation of the final development plan(s) in whole or in phases.
- (ii) The final development plan shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record.
- (iii) The final development plan shall be consistent with the applicable PUD requirements in this zoning resolution, the contents of the approved concept plan, and the approved preliminary development plan. The final development plan shall be prepared by a professional urban planner, engineer, architect, or landscape architect.
- (iv) A final development plan shall propose all necessary legal documentation relating to the incorporation of a homeowners' association or property owners' association for the purpose of maintaining the specified common open space within all residential planned developments.
- (v) The application shall include a list of the names and mailing addresses of adjacent property owners including those with shared lot lines and those directly across the street.

**(b) Step 15 – Public Meeting with the Zoning Commission**

- (i) Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in Section 7.03 (D) (2) (Additional Requirements for a the Final Development Plan) have been met.
- (ii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.

**(c) Step 16 – Decision by the Zoning Commission**

- (i) Within 30 days of the Zoning Commission's public meeting (Step 15), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed final development plan, and submit such recommendation to the Board of Trustees.

- (ii) The Zoning Commission's decision on the final development plan is an administrative action of the Zoning Commission and is not subject to referendum.
- (iii) Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.
- (d) **Step 17 – Public Meeting with the Board of Trustees**
  - (i) Upon receipt of the recommendation from the Zoning Commission (Step 16), the Board of Trustees shall set a time for a public meeting on the final development plan.
  - (ii) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
  - (iii) The Zoning Inspector shall mail written notices of the public meeting to adjacent property owners a minimum of seven days in advance of the scheduled meeting. The notice shall be sent through the regular mail.
- (e) **Step 18 – Decision on the Final Development Plan**
  - (i) The Board of Trustees may either adopt or overturn the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees overturns the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.
  - (ii) The Board of Trustees' decision on the final development plan is an administrative action of the Board of Trustees and is not subject to referendum.
  - (iii) After approval of the final development plan, the applicant shall be required to submit a revised final development plan incorporating any revisions or modifications approved by the Township to be maintained for Township records.

**2) Additional Requirements for the Final Development Plan**

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

- (a) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan.
- (b) The proposed detailed final development plan for an individual section of the overall PUD is consistent in contents (building location, as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan
- (c) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained. No individual phase shall exceed the approved density.
- (d) That any part of the PUD not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Board of Trustees, left in its natural state.
- (e) That any exception from the design standards provided in the PUD is warranted by the design and amenities incorporated in the detailed final development plan.

- (f) That the detailed final development plan is consistent with the intent and purpose of this zoning resolution.
- (g) Proposed covenants, easements and other provisions meet development standards and protect the public health, safety and general welfare.
- (h) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.
- (i) Final development plans shall include a list of any and all features in the PUD Plans which were crucial, and indispensable, in order to gain PUD approval from the Township. This list, under the heading, "Crucial Features for this PUD," shall be reviewed for approval or denial as part of the PUD process and shall be placed in a prominent position on the drawings to remain a permanent component of the record drawings.

**3) Crucial Features of the PUD (Final Development Plan)**

- (a) The Township may incorporate a list of "crucial features of the PUD" as part of a final development plan approval.
- (b) The crucial features of the PUD are those items or features that the Township finds crucial or indispensable to the PUD approval and as such, the Township finds that such items or features shall not be altered in the future unless undertaken as a major modification to the PUD (See Section 7.03 (J) (Modifications to Approved Concept, Preliminary or Final Development Plans). Such crucial features may include, as an example, the amount and/or location of open space, density, protected natural resources, or other key elements of the development.
- (c) The Zoning Commission may include a recommendation on the list of crucial features as part of their recommendation to the Board of Trustees, which the Board of Trustees may adopt within their decision. The Board of Trustees shall also have the authority to modify the list of crucial features the Zoning Commission includes in its recommendation or create its own list of crucial features as part of the Board of Trustee's decision.
- (d) If a list of crucial features is included in the decision on the final development plan, such list shall be placed in a prominent position on the drawings submitted as part of the PUD records.

**E) Time Limits**

- 1) The final development plan shall be submitted within one year after approval of the preliminary plan, or the approval of the preliminary plan will expire and the plan will be deemed null and void.
- 2) Upon expiration of the preliminary plan, the property shall still be zoned as a PUD with a voided preliminary plan. The property owner or authorized agent may submit an application and new preliminary plan for consideration pursuant to Section 7.03 (Procedure) or an application for a zoning map amendment to another district.
- 3) If the applicant has not received subdivision plat approval or an extension pursuant to Section 7.03 (F) below within one-year of the approval of the final development plan approval, both the preliminary and final development plans will become null and void.

- 4) Upon the expiration of the preliminary and/or final development plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PUD zoning on the property to another zoning district. The applicant may also initiate a zoning map amendment or submit a new concept plan, with all applicable fees, pursuant to the review procedure established in this article.
- 5) For phased developments, the Zoning Commission and Board of Trustees may approve a phased preliminary and final development plan schedules as part of the concept, preliminary and/or final development plan approvals. In such case, the approved time frames shall establish when the approved development plans shall expire.

**F) Review of Status of PUD Development Plans**

- 1) If an applicant fails to comply with all of the provisions of this article, the Board of Trustees may review the status of any approved PUD district or any development plan, and take action, in accordance with the following procedures:
  - (a) The Board of Trustees may hold a public meeting to review the status of any approved development plan and, at the conclusion of the hearing, may by resolution:
    - (i) Extend any applicable time period; or
    - (ii) Modify or revoke the preliminary and/or final development plan approval.
  - (b) The Board of Trustees may initiate a zoning map amendment to rezone the property to another zoning district.
- 2) If the applicant requires an extension of the time limits, it shall be the applicant's responsibility to request a status review by submitting a written request to the Zoning Inspector.

**G) Approved Plans Stay with Land**

- 1) Approved concept, preliminary and final development plan shall be attached to the land for which the plans were approved, regardless if the land ownership, developer, or applicant changes.
- 2) If there is a change in land ownership, the new land owner may:
  - (a) Continue with the PUD process and development in accordance with this article and the approved plans;
  - (b) Submit a new preliminary development plan and/or final development plan in accordance with this article; or
  - (c) Submit an application for a zoning map amendment in accordance with Section 3.06 (Zoning Text and Map Amendments) of this resolution.
  - (d) In the instance where neither the original property owner nor subsequent property owners have consented to a PUD Concept Plan, the underlying zoning may be utilized in lieu of PUD development.

**H) Effect of a Final Development Plan**

- 1) The approved final development plan shall be kept on record in the Township offices together with all resolutions, applications, plats, plans, and other information regarding the development.
- 2) The resolutions prepared by the Board of Trustees shall serve as the official record for the permitted uses and activities which are approved for the property in the PUD.

- 3) The use of the PUD property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this zoning resolution and subject to the procedures and penalties specified in Article 14 (Enforcement and Penalties).

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

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

**J) Modifications to Approved Concept, Preliminary or Final Development Plans**

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

**(a) Major Modifications**

Major modifications shall involve:

- (i) Changes to the approved plan including, but not limited to, a change of use or density to a more intense use or density than permitted by the approved concept and preliminary development plan or changes to the location or amount of land designated for a specific land use or open space;
  - (ii) A reduction of more than five percent in the number of parking spots;
  - (iii) A change of the permitted uses to a use not otherwise permitted in the proposed PUD;
  - (iv) Any change that will increase demand on any on- or off-site infrastructure;
  - (v) Moving a building closer to any of the perimeter lot lines adjacent to properties outside of the boundary of the PUD;
  - (vi) An expansion of a building footprint that affects the specified setbacks of the approved plan;
  - (vii) Changes to the property or project boundaries of the entire PUD District;
  - (viii) Modifications in the internal street and thoroughfare locations or alignments which significantly impact traffic patterns or safety considerations,
  - (ix) Any proposed change to a preapproved crucial feature, or
  - (x) Any change that the Zoning Commission determines, after review, should be forwarded on to the Board of Trustees as a major modification.
- 3) Review of Minor Modifications
    - (a) Any modification not listed above as a major modification will be deemed a minor modification.

- (b) The Zoning Commission shall be responsible for reviewing and making a decision on minor modifications to an approved concept and preliminary development plan.
  - (c) Such review and decision shall take place at a public meeting of the Zoning Commission and shall not require any additional notice beyond what is required by the ORC for public meetings.
  - (d) The decision of the Zoning Commission on minor modifications shall be deemed administrative.
  - (e) If a concept plan is amended, any future preliminary or final development plans shall comply with the amended concept plan.
- 4) Review of Major Modifications
- (a) Major modifications shall require a public hearing with the Zoning Commission and Board of Trustees to revise the concept plan pursuant to Section 7.03 (B)(Concept Plan Review Procedure) with the following provisions:
    - (i) The new plan shall not be subject to review by the Clermont County Planning Commission; and
    - (ii) Major modifications shall be subject to new application fees.
  - (b) If a concept plan is amended, any future preliminary and final development plans shall comply with the amended concept plan.

**7.04: PUD Development Standards**

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

**A) Density and Intensity of Uses**

- 1) All PUDs shall have a minimum site area of five acres.
- 2) All PUDs shall comply with the standards set forth in Table 7.04-I.
- 3) A minimum of 35 percent of the floor area in a PUD-MU shall be residential dwelling units.

<b>TABLE 7.04-I: PUD DENSITY AND INTENSITY STANDARDS</b>			
<b>Zoning District</b>	<b>Minimum Open Space Required</b>	<b>Maximum Gross Density</b>	<b>Maximum Net Density</b>
PUD-R without sewer	40%	0.50 dwelling units per acre	0.80 dwelling units per acre
PUD-R with sewer	35%	2.00 dwelling units per acre	4.25 dwelling units per acre
PUD-R within 500 feet of a municipal boundary	20%	8.00 dwelling units per acre	16 dwelling units per acre
PUD-B	20%	0.30 FAR	0.38 FAR
PUD-MU	30%	4.50 dwelling units per acre	7.50 dwelling units per acre

FAR = Floor Area Ratio – FAR is calculated as a ratio of the total gross floor area of the building(s) divided by the total square footage of the lot area.

**B) Lot Standards**

A PUD may contain various housing types which shall comply with the minimum lot size, frontage, and setback requirements set forth in Table 7.04-2.

<b>TABLE 7.04-2: LOT STANDARDS</b>					
<b>Unit Type</b>	<b>Minimum Area (Sq. Ft.)</b>	<b>Minimum Lot Width (Feet)</b>	<b>Minimum Front Yard [1] (Feet)</b>	<b>Minimum Side Yard[1] (Feet)</b>	<b>Minimum Rear Yard[1] (Feet)</b>
Single-family detached [2][3]	10,500	60	25	8	30
Two-family [2][3]	5,000 per unit	50	20	6	25
Multi-family: four units or less [2][3]	3,000 per unit	25	20	none	30
Multi-family: more than four units [2]	2,500 per unit	100	30	12	25
Nonresidential [2][4]	20,000	100	40	10	75

NOTES:

[1] Setbacks may be adjusted if the applicant proposes building pads that will protect natural resources on the site. Setbacks may also be waived for the PUD-MU and PUD-B when similar uses will be abutting each other along a lot line.

[2] The minimum lot area for lots without access to sanitary sewer shall be determined by the requirements of the Clermont County Board of Health.

[3] Side and rear yard setbacks may be varied for these unit types if a garage is proposed in the rear of a dwelling.

[4] Setbacks may be varied for nonresidential buildings to minimize conflicts with adjoining residential uses, consistent with the intent to have buildings nearer the street with adequate landscaping and to locate parking at the rear of the building.

**C) Accessory Uses and Structures in a PUD District**

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

- 1) Accessory uses and structures related to single-family and two-family dwellings shall be subject to the standards applied to accessory uses in the SFR District.
- 2) Accessory uses and structures related to multi-family dwellings shall be subject to the standards applied to accessory uses in the MFR District.
- 3) Accessory uses and structures related to nonresidential uses shall be subject to the standards applied to the GB District.

**D) Resource Protection Standards**

- 1) The natural resources listed in this section are resources that are sensitive to development and shall be protected.
- 2) Table 7.04-3 establishes the minimum percentages of those natural resource areas that are to be preserved as part of the open space requirements (See Section 7.04 (A)). The Zoning Commission and Board of Trustees may reduce the percentages listed in Table 7.04-3 if they make a finding that:
  - (a) The proposed alternative achieves the intent of resource protection to the same or better degree than the subject standard;
  - (b) The proposed alternative achieves the goals and intent of this resolution and the land use plan to the same or better degree than the subject requirement; and

- (c) The proposed alternative results in benefits to the Township that are equivalent to or better than compliance with the established percentage.
- 3) Preliminary and final development plans shall include maps of the resources identified in Table 7.04-3 and indicate those portions that will be protected within the open space required as part of the PUD and permanently protected in accordance with this article.

<b>TABLE 7.04-3: RESOURCE PROTECTION STANDARDS</b>	
Natural Resource	Percentage to be Preserved
Floodplains as defined by FEMA	100%
Wetlands	Subject of U.S. Army Corps of Engineers and Ohio EPA requirement
Unstable slopes (Eden and Fairmount soils with 25 – 50% slopes)	90%
Steep slopes 30% or steeper	85%
Steep slopes 20 – 30%	70%
Young Woodland	25%
Mid-growth Woodland	40%
Mature Woodland	50%

**E) Open Space and Resource Protection Area Ownership and Maintenance**

- 1) Any open space preserved as part of one of the PUD types shall be preserved or used in a manner established within the specific PUD and shall be either:
  - (a) Owned by the Township, County, State, or park district subject to acceptance by the appropriate legislative body; or
  - (b) Protected by a conservation easement as outlined in Section 7.04 (E)(4) and as approved by the Township Zoning Commission and Board of Trustees; and/or
  - (c) Owned jointly or in common by the owners of the building lots with maintenance provided through a homeowners' association.
- 2) The following areas shall not count toward the minimum open space required in Table 7.04-1:
  - (a) Private and public roads, and associated rights-of-way;
  - (b) Other public utility rights-of-way and easements in excess of 50 feet;
  - (c) Public or private parking areas, access ways, and driveways related to any residential use;
  - (d) Required setbacks between buildings, and parking areas;
  - (e) Required setbacks between buildings and streets;
  - (f) Required minimum spacing between buildings and parking areas;
  - (g) Private yards, including front, back and side yards; or
  - (h) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

- 3) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property.
  - (a) Multiple small isolated parcels shall be discouraged.
  - (b) All open space areas shall have a minimum width of 30 feet in all directions in order to count toward the open space requirement.
- 4) Conservation Easements
  - (a) Prior to the recording of a PUD subdivision, a conservation easement may be placed on all lands and private waters used to satisfy the open space requirement of this district. The conservation easement shall:
    - (i) Run with the land, regardless of ownership;
    - (ii) Provide for protection of the land in perpetuity;
    - (iii) Be granted and deeded to the Township, a Township approved land trust, or other qualified organization approved by the Township.
    - (iv) Be solely for the purpose of ensuring the land remains undeveloped; and
    - (v) Shall not, in any way, imply the right of public access or any other right or duty not expressly established by the terms of the easement.
  - (b) While the Township, Township approved land trust, or other qualified organization must hold the conservation easement, the property itself shall still be owned by the original property owner, the developer (applicant of the PUD), or the homeowners' association.
  - (c) The conservation easement shall include information on how the property will be maintained by the property owner and shall also state that failure to maintain the property in accordance with the conservation easement agreements shall be considered a violation of this zoning resolution. In addition, the holder of the easement may pursue any remedy provided by law or equity, including, but not limited to, the remedies in Section 5301.70 of the Ohio Revised Code.
- 5) Further subdivision of the open space or its use for other than those uses prescribed in the approved preliminary and final PUD plans shall be prohibited. Structures and buildings accessory to the open space may be erected on the open space, subject to the review of the site by the Zoning Commission and Board of Trustees. Any restrictions on the established open space shall be memorialized in a conservation easement consistent with the provisions of Section 7.04 (E)(4).
- 6) Homeowners or Property Owners' Associations

When a homeowners' or property owners' association owns any open space, common areas or conservation easements in accordance with Section 7.04 (E)(1), then such association shall be subject to the following;

  - (a) A homeowners' or property owners' association shall be established to permanently maintain all open space, common areas and conservation easements related to the PUD.

- (b) All homeowners' association or property owners' agreements shall be submitted for approval as part of the final development plan review procedure. Copies of the proposed covenants, articles of incorporation, and bylaws of the homeowners' or property owners' association shall be submitted with said agreements. No set of proposed covenants, articles of incorporation, or bylaws of a homeowners' or property owners' association shall permit the abrogation of any duties set forth in this section.
- (c) All homeowners' or property owners' associations shall guarantee maintenance of all open space and common areas within the boundaries of the development. In the event of a failure to maintain such open space or common areas, the Township may do any of the following:
  - (i) If the open space or common area is owned by the Township, Township approved land trust or other qualified organization, County, State or a park district, the Township may remedy the failure to maintain at its own cost and seek reimbursement from the homeowners' or property owners' association, or seek to enforce the homeowners' or property owners' association's duty to maintain through an injunction or any other civil penalty.
  - (ii) If the open space or common area exists pursuant to a conservation easement owned by the Township, the Township may seek to enforce the terms of the conservation easement as provided in Section 7.04 (E)(4).

**F) Landscaping Requirements**

- 1) Landscaping shall be provided as follows and shall meet the minimum standards of Article 10 (Landscaping and Buffering).
- 2) Existing vegetation may count toward any landscaping requirement if it meets the provisions of Section 10.04 (Landscaping Materials and Standards).
- 3) Open Space
  - (a) Open space areas shall be designated on the plan as recreation areas, buffer yards, resource protection areas, and other open space.
  - (b) Areas designated as resource protection areas shall be retained in their natural state except for areas upon which pedestrian trails are located.
  - (c) Non-recreational open spaces that are to be mowed and maintained with a lawn ground cover shall have a minimum of four canopy trees planted per acre.
- 4) Parking Lots  
Parking lots shall be landscaped in accordance with Section 10.06 (Parking Area Landscaping).
- 5) Buffers and Screening  
Buffers and screening shall be provided in accordance with Section 10.05 (Required Buffers).
- 6) Street Trees
  - (a) All public and private streets shall have street trees installed in the right-of-way on both sides of the road. Where the proposed right-of-way is not wide enough to accommodate street trees, a minimum 15-foot easement shall be provided from the back of the pavement or curb where street trees and utilities can be located.

- (b) Two canopy trees per every 100 linear feet of street length, including driveway cuts, shall be provided.

**7) On-Lot Landscaping**

- (a) The minimum standard for on-lot landscaping shall be two canopy trees, two understory or ornamental trees, one evergreen tree per 100 linear feet of lot frontage minus paved areas, or one canopy tree per lot, whichever is greater.
- (b) A minimum of one canopy tree shall be located in the front yard.
- (c) In addition to trees, a minimum of eight shrubs shall be located in the front and side yards.
- (d) The actual mix of plant material shall be the choice of the developer or landowner.
- (e) The following equivalents may be used to vary the actual mix.
  - (i) One canopy tree equals two understory or evergreen trees.
  - (ii) One understory tree equals one evergreen or 20 shrubs.

**8) Alternative Landscaping Plan**

The applicant may submit a landscaping plan that proposes an alternative to meeting the above standards if the Zoning Commission and Board of Trustees find that the proposed alternative:

- (a) Achieves the intent of the subject regulations to the same or better degree than the subject regulation;
- (b) Achieves the goals and intent of this resolution to the same or better degree than the subject standard; and
- (c) Results in benefits to the community that are equivalent to or better than compliance with the subject regulation.

**G) Architectural Standards**

- 1) All nonresidential development shall be subject to the architectural standards of Section 9.03 (Architectural Design Standards for Nonresidential Buildings).
- 2) Vinyl siding shall not cover more than 10 percent of any façade on any residential or nonresidential structure.

**H) Parking and Loading**

Parking and loading shall be provided in accordance with the provisions of Article 11 (Vehicle Parking, Stacking, and Loading) of the Pierce Township Zoning Resolution, subject to the landscaping requirements of Section 10.06 (Parking Area Landscaping).

**7.05: Special Submittal Requirements for PUDs**

**A) Concept Plan Requirements**

Any concept plan submittal shall require the following information in text and map form:

- 1) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development, except when initiated by the Board of Trustees or Zoning Commission.

- 2) Aerial mapping of the property showing the general features which may include: significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 3) A map showing highways and streets in the vicinity of the tract; the ingress and egress to the tract; and existing utilities and sidewalks on or adjacent to the tract.
- 4) A general plan for the site showing the location of general land areas to be developed, the general boundaries of the land use, estimated density, and a simple diagram of vehicle and pedestrian circulation. This can be accomplished in a general bubble diagram, sketch, or other drawing to illustrate the concept behind the proposal without requiring the illustration of lot lines, setbacks, detailed street design, or other engineering drawings.
- 5) Survey plat of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries, the area and district to be rezoned if applicable, and the property ownership of the site and all adjacent parcels within 200 feet of the subject site.
- 6) A list of names and addresses of all owners of property within 200 feet of the subject site.

**B) Preliminary Development Plan Requirements**

Any preliminary development plan submittal shall require the following information in text and map form:

- 1) A Preliminary Development Plan shall be filed for any portion of an approved Concept Plan the applicant wishes to develop and it shall conform substantially to the approved Concept Plan and shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.
- 2) Plat of the survey of the tract to be developed, providing a metes and bounds description of the property and the survey of property lines and total acreage, existing zoning district boundaries and the property ownership of the site and all adjacent parcels and buildings within 100 feet of the subject site.
- 3) A list of names and addresses of all owners of property within 200 feet of the subject site.
- 4) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development.
- 5) Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two year time period.
- 6) Base mapping of the property showing the physical features. Including; significant natural features such as general topography, soils, drainage ways, water bodies, floodplains, wetlands, rock outcrops, and forested areas; and other significant features such as existing and adjacent land uses, zoning, platted land, streets, alleys, rights-of-way, easements, lots, buildings and utility lines.
- 7) Boundaries and easements of the tract.
- 8) Highways and streets in the vicinity of the tract; the ingress and egress to the tract; existing utilities and sidewalks on or adjacent to the tract.
- 9) A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Clermont County Storm water and Sediment Control Regulations.

- 10)** A site plan showing the location of general land areas to be developed, including type and description of land uses, proposed principal streets, proposed lots, including set back lines, and blocks, proposed sidewalks and pedestrian circulation system, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.
- 11)** Calculations of density, open space and resource protection land.
- 12)** Proposed treatment of existing topography, drainage ways, tree cover, and proposed landscaping and buffer plantings.
- 13)** Preliminary engineering plans including; site grading; drainage and utility improvements and extensions as necessary; street improvements, showing proposed general location of vehicular circulation routes and how this circulation pattern relates to the primary and secondary road alignments designated on the Clermont County Thoroughfare Plan.
- 14)** A traffic impact analysis, as required by the Clermont County Engineer, of the proposed development on roadways and intersections within a study area based upon net project trip generation methodology consistent with the latest edition of the Institute of Traffic Engineers (ITE) Trip Generation and Information Report that addresses the following elements:
  - (a)** Existing roadway conditions, including existing deficiencies and proposed improvements;
  - (b)** Trip generation based upon the development characteristics;
  - (c)** Distribution and assignment of trips based upon existing and future roadway network, travel time characteristics;
  - (d)** Background traffic projections
  - (e)** Capacity (level of service) analysis methodology for roadways and intersection;
  - (f)** Types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development.
- 15)** A traffic impact analysis shall be provided in addition to any information required by Clermont County Engineer.
- 16)** Additional information as reasonably necessary to address the foregoing issues.
- 17)** Any Final Development Plan requirements may be submitted with the Preliminary Development Plan.

**C) Final Development Plan Requirements**

Any final development plan submittal requires the following information in text and map form:

- 1)** A Final Development Plan shall be filed for any portion of an approved Preliminary Development Plan the applicant wishes to develop and it shall conform substantially to the approved Preliminary Development Plan and shall conform to any applicable Clermont County regulations or other County requirements for maintaining safety.
- 2)** Plat of the parcel to be developed showing existing physical features, including general topography, drainage ways, designated resource protection areas and tree cover and streets, easements and utility lines.

- 3) A site plan showing the location and arrangement of all existing and proposed structures, including building pads for single family detached units where site constraints limit the placement of proposed structures, the proposed traffic circulation pattern within the development, the areas to be developed for parking, the points of ingress and egress including access streets where required, the relationship of abutting land uses and zoning districts, proposed lot lines, building setbacks, proposed sidewalks and pedestrian walkways, and proposed public or common open space or other public facilities, including parks, playgrounds, school sites and recreational facilities.
- 4) A statement of the anticipated open space, gross density and net density.
- 5) For uses other than single family detached housing, footprints, floor plans and exterior elevations and types of building materials.
- 6) Landscaping plans prepared by a Landscape Architect, showing the placement of trees, shrubs, ground cover and associated structures and improvements, including specifications, species, quantities and installation of landscaping for common areas, parking areas, open space, street trees, typical front yards, and buffer yards.
- 7) Specific engineering plans, including site grading, street improvements, drainage and utility improvements and extensions as necessary.
- 8) When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted.
- 9) The total area of common open space provided at any phase of development shall, at a minimum, bear the same relationship to the total open space to be provided in the entire PUD as the phases or units completed or under development bear to the entire PUD.
- 10) Evidence that the applicant has sufficient control over the tract to effect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development.
- 11) In the case of a Mixed-Use or Business PUD, a statement identifying the principal types of uses that are to be included in the proposed development.
- 12) When a PUD includes provisions for common open space or recreation facilities, a statement describing the provision that is to be made for the care and maintenance of such open space or recreational facilities. If it is proposed that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-laws of such entity shall be submitted.
- 13) The required amount of common space land reserved under a planned unit development shall be held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development, be dedicated to a homeowners' association who shall have title to the land which shall be retained as common open space for parks, recreation and related uses, or be held in ownership by a not for profit entity acceptable to the Board of Trustees under which said lands shall be for public use. The legal articles relating to the organization of the homeowners' association is subject to review and approval by the Zoning Commission and shall provide adequate provisions for the care and maintenance of all common areas. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or similar purpose and has been approved by the Commission. The responsibility for the maintenance of all open spaces shall be specified by the developer before approval of the final development plan.

- 14)** Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD.

# Article 8: Conservation Subdivisions

## 8.01: Purpose

Conservation subdivisions provide for creative development techniques and tools that preserve natural resources and open spaces while still providing for the development of housing within the Township. Conservation subdivisions are encouraged within Pierce Township as a method to conserve and protect the natural environment and rural character of the Township.

## 8.02: Property Requirements

- A)** Conservation subdivisions are permitted where the subject parcel(s) are not separated by a road or other right-of-way prior to development.
- B)** The applicant must own in fee simple or have an option to purchase all lands within the conservation subdivision. The exception to this is if the applicant is the authorized agent to the property owner, in which case, the applicant need not own the lands.
- C)** Any lawful ownership arrangement including, but not limited to fee simple lots, is permitted in a conservation subdivision.
- D)** The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this section.

## 8.03: Permitted Density

The maximum number of housing units permitted in a conservation subdivision is determined using the minimum lot area required in the applicable zoning district and the formula in Table 8.03-1.

<b>TABLE 8.03-1: PERMITTED DENSITY FORMULA</b>	
<b>(TSA/MLA) x 90%</b>	
Where	TSA = Total Site Area, in acres, excluding any areas within public rights-of-way existing prior to development, land that is subject to an existing conservation easement, or land located in a floodway. Also, the Total Site Area does not include any area occupied by existing lakes or ponds that are greater than one acre in size.
	MLA = Minimum lot area, in acres, required in a given zoning district.
	90% is the reduction factor used to account for public or private rights-of-way in a development. When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.

## 8.04: Allowable Uses and Access

- A)** Allowable uses are those permitted in the applicable zoning district.
- B)** Private roads connecting one residence to another and/or for means of ingress and egress are permitted, subject to the following conditions:
  - 1)** Private roads must meet Clermont County requirements for design, materials, and construction.
  - 2)** The length, location, distance and other relevant siting factors must comply with all of the Clermont County requirements for subdivision roads.

### **8.05: Modifications to Area and Height Regulations**

Minimum lot area requirements contained in the applicable zoning districts are hereby modified for conservation subdivisions to provide for the preservation of land in its natural undisturbed state and to allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

#### **A) Lot Area Requirements**

- 1) Dwelling units shall be on individual lots unless ownership is in an approved condominium form.
- 2) There shall be no minimum lot size requirement. However, when lots are included in a development plan, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.

#### **B) Minimum Yard Depths and Setbacks**

- 1) Individual buildings shall be set back a minimum of 15 feet from a proposed internal public or private roadway and 35 feet from an existing Township or County road.
- 2) Individual buildings shall be set back a minimum of 50 feet from any lot line that represents the boundary of the proposed conservation subdivision.
- 3) There shall be a minimum separation of 60 feet between the rear of two principal buildings or between the rear and front of two principal buildings. Such separation does not have to be equally split between lots.
- 4) The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall be 20 feet. Such separation does not have to be equally split between lots.

### **8.06: Sewage Disposal**

Conservation subdivisions shall be served by public or private sewage disposal systems consistent with applicable State or County regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Clermont County General Health District and may be located within required open space.

### **8.07: Mandatory Open Space Requirements**

- A)** All conservation subdivisions shall include a minimum of 50 percent of the total site acreage as required open space. The following areas shall be completely preserved in their natural state as part of the open space requirements:
  - 1) Stream corridors setback areas of 50-feet on both sides of all perennial streams;
  - 2) Wetlands; and
  - 3) Areas with a natural slope of 20 percent or more.
- B)** In the case of phased developments, open space shall be provided in a proportional manner with a developed area (i.e., if a 100 acre site is to be developed in two phases of 50 acres each, 25 acres of open space, or 50 percent of the first phase, must be provided with the first phase). An alternative phasing may be approved by the Zoning Inspector as part of the review process.
- C)** The following areas shall not count toward the minimum open space requirements:
  - 1) Private and public roads, and associated easements and rights-of-way;
  - 2) Public utility rights-of-way and easements in excess of 50 feet;
  - 3) Public or private parking areas, access ways, and driveways related to any residential use;
  - 4) Required setbacks between buildings, and parking areas;

- 5) Required setbacks between buildings and streets;
  - 6) Required minimum spacing between buildings and parking areas;
  - 7) Private yards, including front, back and side yards; or
  - 8) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.
- D) Wherever possible, open space should be located contiguous to open space, parks, and recreational lands adjacent to the subject property.

**8.08: Use of Required Open Space**

- A) Open space shall be designed and intended for the use and/or enjoyment of residents of the proposed development. The open space may be designed for use for the general public only if the Township accepts the land as a public dedication.
- B) Areas designated for required open spaces shall be preserved in its natural undisturbed state unless otherwise permitted as follows:
- 1) They are designated to be utilized for farming when authorized in a conservation easement or in a homeowners association's covenants and restrictions; or
  - 2) They are designated to be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities; or
  - 3) They are designated to be utilized as wet or dry storm water management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; or
  - 4) They are designated to be used as active recreation areas designed and intended for the use and/or enjoyment of residents of the development, or the general public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 10 percent of the total acreage devoted to required open space. Such uses shall not include structures under a roof unless authorized through the variance procedures. Such areas shall only be considered if they can be accomplished without removal of natural established woodlands or excavation.

**8.09: Reclamation of Disturbed Open Space**

Any area to be designated as required open space that are disturbed during construction or otherwise not preserved in its natural state, shall be landscaped with vegetation which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states.

**8.10: Future Subdivision and Development of Open Space**

- A) All required open space shall be restricted from further subdivision, disturbance, or development by deed restriction, conservation easement, or other agreement in a form acceptable to Pierce Township and duly recorded in the office of the Clermont County Recorder.
- B) Subject to permanent restrictions as set forth in this section, required open space in an conservation subdivision shall be owned by an Homeowners Association, Pierce Township (with its consent), a land trust or other conservation organization recognized by Pierce Township, or by a similar entity.

- C) Required open space may be held by the individual members of a Homeowners Association as tenants-in-common or may be held in common ownership by a Homeowners Association, Community Association, or other similar legal entity.
- D) To obtain Township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations that require the following:
  - 1) Membership in the Association shall be mandatory for all purchasers of lots in the development.
  - 2) The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.
- E) Conservation easements shall be subject to the requirements of Section 7.04 (E)(4).
- F) Homeowner Associations shall be subject to the requirements of Section 7.04 (E)(6).

**8.11: Review of Conservation Subdivisions**

- A) All applicants for a conservation subdivision are strongly encouraged to arrange a site visit with the Zoning Inspector. Site visits provide the applicant the opportunity to identify those areas to be preserved and how the conservation subdivision will be designed on the site. (See Section 7.03 (B)(1)(c) for guidance on site visit procedures.)
- B) Public notice of site visits shall be advertised in accordance with State law.
- C) All proposed conservation subdivisions shall provide a site analysis and a development plan to document compliance with all requirements of this section. A site analysis and development plan, together with any required application forms, shall be transmitted in a form and number as prescribed by the Zoning Commission.
- D) The site analysis and development plan shall be submitted to and reviewed by the Zoning Inspector in the manner described herein.
- E) Within five days after receiving an application, site analysis and development plan, the Zoning Inspector shall review submitted material to determine that the application includes all the items required in this section. If the application is deemed complete and the application fee is paid, the Zoning Inspector shall officially accept the application on that date.
- F) Review of the proposed conservation subdivision shall be accomplished in coordination with review procedures and requirements of all government agencies with jurisdiction over the development, and in the following manner:
  - 1) Once the application is determined to be complete, the Zoning Inspector shall distribute copies of submitted materials to Pierce Township's Zoning Commission, legal counsel, and appropriate Pierce Township administrative departments.
  - 2) Once the application is determined to be complete, the Zoning Inspector may choose to distribute copies of submitted materials to consultants retained by the Township, the Board of Trustees and to such other regulatory agencies that have statutory authority to subsequently review and comment on any aspect of the development, including but not limited to, the Clermont County Planning Commission, the Clermont County General Health District, the Clermont County Engineer, the Clermont County Public Works Department, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the Township, and Board of Trustees.
  - 3) Within 30 days after the date that a complete application is made, the Zoning Inspector shall review the application materials submitted and take one of the following actions:
    - (a) Approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this resolution; or

- (b) Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the BZA in accordance with the requirements in Section 3.07 (Appeals).

**8.12: Approval Criteria**

In reviewing a proposed application for a conservation subdivision, the Zoning Inspector shall make a determination that the proposed development complies with the provisions of this section and is permitted within the applicable zoning district.

**8.13: Time Limits**

The development plan shall be valid for one year with a possible one-year extension approved by the Zoning Inspector. If the applicant has not begun construction within the allowed time, the development shall be voided and any new development shall require a new application for approval.

**8.14: Amendments**

- A)** After a conservation subdivision has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested.
- B)** Changes are allowed and may be approved by the Zoning Inspector, provided such requests conform to applicable standards defined in this section.
- C)** Amendments shall require the submittal of a revised development plan to the Zoning Inspector. The Township may establish a minor re-submittal fee as part of their adopted fee schedule.

# Article 9: General Development Standards

## 9.01: Prohibition on Outdoor Storage

- A)** No abandoned, wrecked, dismantled, or disabled automobiles, trucks, trailers, aircraft, or discarded furniture, appliances, or other miscellaneous materials whether covered or not shall be permitted to remain anywhere on the premises. Such regulation shall not apply when the abandoned, wrecked, dismantled, or disabled automobiles, trucks, trailers, aircraft, or discarded furniture, appliances, or other miscellaneous materials are stored in an enclosed structure.
- B)** Dumpsters and larger waste receptacles shall only be stored where not visible from adjoining properties or public view. Appropriate screening may be used for compliance.

## 9.02: Temporary Uses and Structures

### A) Purpose

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

### B) Permitted Temporary Uses and Structures

Table 9.02-1 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

<b>TABLE 9.02-1: TEMPORARY USES AND STRUCTURES</b>			
<b>TEMPORARY USE OR STRUCTURE</b>	<b>ALLOWABLE DURATION (PER SITE)</b>	<b>ZONING PERMIT REQUIRED</b>	<b>ADDITIONAL REQUIREMENTS</b>
Construction Dumpster	Until completion of construction	No	Sec. 9.02 (C)(2)
Construction Trailer	Until completion of construction	Yes	Sec. 9.02 (C)(3)
Garage Sales	2, 3-day sales per year, per site	Yes	
Real Estate Sales/Model Homes	Until 85% occupancy of the phase or subdivision is reached	Yes	Sec. 9.02 (C)(4)
Seasonal Agricultural Sales	120 days per calendar year	Yes	Sec. 9.02 (C)(5)
Temporary Outdoor Displays, Sales, and Storage	60 days per calendar year	Yes	Sec. 9.02 (C)(6)
Temporary Special Events	14 days	Yes	Sec. 9.02 (C)(7)
Temporary Storage in a Portable Container	30 days per site	No	Sec. 9.02 (C)(8)
Temporary Structure for Institutional Uses	180 days	Yes	Sec. 9.02 (C)(9)
Tents	14 days per 90-day time period	Yes	

**C) Temporary Use and Structure Standards**

**1) General Standards**

- (a)** All temporary uses or structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- (b)** All temporary uses or structures shall:
  - (i)** Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - (ii)** Be compatible with the principal uses taking place on the site;
  - (iii)** Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (iv)** Not include permanent alterations to the site;
  - (v)** Not maintain temporary signs associated with the use or structure after the activity ends;
  - (vi)** Not violate the applicable conditions of approval that apply to a site or use on the site;
  - (vii)** Not interfere with the normal operations of any permanent use located on the property;
  - (viii)** Contain adequate access and off-street parking facilities shall be provided in a way that will not interfere with traffic movement on adjacent streets; and
  - (ix)** Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- (c)** The lot where the temporary use is located shall be maintained in a clean condition and shall be devoid of temporary use remnants upon termination of the temporary use.

**2) Construction Dumpsters**

Temporary trash receptacles or dumpsters shall be located outside public rights-of-way and shall comply with the following standards:

- (a)** Be located to the side or the rear of the site, to the maximum extent feasible;
- (b)** Be located as far as possible from existing residential dwellings;
- (c)** Not obstruct drainage flow; and
- (d)** Not be placed within five feet of a fire hydrant or within a required landscaping area that has already been constructed.

**3) Construction Trailers**

Construction trailers may be permitted on a construction site provided that the trailer is:

- (a)** Located on the same site or in the same development as the related construction;
- (b)** Not located within a required open space set-aside or landscaping area; and
- (c)** Associated with development subject to valid building and zoning permits.

**4) Real Estate Sales Office/Model Home**

Temporary real estate sales offices or model homes shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- (a)** Is located on a lot approved as part of the subject development;
- (b)** Is operated by a developer or builder active in the same phase or section where the use is located; and
- (c)** Is removed or the model home is converted into a permanent residential use once 85% occupancy in the section or phase of the development is reached.

**5) Seasonal Agricultural Sales**

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

**(a) Location**

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

**(b) Range of Goods Limited**

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

**(c) Hours of Operation**

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

**6) Temporary Outdoor Displays, Sales, and Storage**

- (a)** Temporary outdoor displays, sales, or storage shall be limited to 2,500 square feet in area.
- (b)** To the maximum extent feasible, outdoor displays, sales, and storage areas should be located in the side or rear yards.

**7) Temporary Special Events**

- (a)** A temporary zoning permit for special events such as festivals, circuses, concerts, and similar uses shall be valid for no more than two weeks provided:
  - (i)** The applicant receives other applicable permits from the Clermont County Building Department and the Pierce Township Fire Department.
  - (ii)** The plans receive approval by the Pierce Township Police Department for the purposes of protecting the public safety.
- (b)** Temporary tents for outdoor sales may be permitted for a 14-day period once every 90 days.

**8) Temporary Storage in a Portable Shipping Container**

Temporary storage in a portable shipping container shall be allowed to serve a permitted use provided it is placed on a paved surface and is, to the maximum extent feasible, located in the side or rear yards.

**9) Temporary Structures**

Temporary structures serving public or institutional uses shall comply with the following standards:

**(a) Location**

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

**(b) Standards**

- (i)** Under skirting or other materials shall be used to prevent unauthorized access underneath the structure.
- (ii)** Parking shall be provided for the temporary structure in conformance with Article 11 (Vehicle Parking, Stacking, and Loading).

**(c) Approval and Duration**

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

**9.03: Architectural Design Standards for Nonresidential Buildings**

**A) Purpose**

The purpose of this section is to encourage development that contributes to Pierce Township's aesthetic values, reflecting the community's physical character, and adding to it in appropriate ways. The architectural design of nonresidential development determines much of the character and attractiveness along the major thoroughfares through the Township. These standards require: a basic level of architectural variety; compatible scale and mass to surrounding development; and mitigation of negative impacts.

**B) Architectural Standards**

The following design standards shall apply to all development in nonresidential zoning districts.

**I) Ornamentation**

All visible elevations shall include decorative features such as cornices, pilasters and friezes. Building recesses and protrusions are strongly encouraged on larger buildings to break long uninterrupted building walls. See Figure 9-1.



Figure 9-1: The buildings in the above images contain pilasters, cornices, and a series of façade setbacks (recesses) to visually break up the appearance of large facades.

2) Façade Massing

- (a) Front façades 60 feet wide or wider shall incorporate wall offsets of at least two feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 9-2.

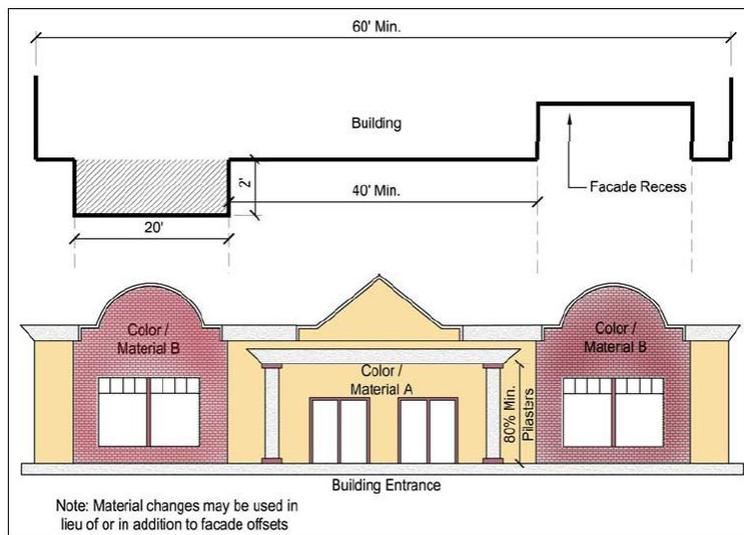


Figure 9-2: Illustration of how the façade offset provisions may be applied. See also images in Figure 9-1.

- (b) The following alternatives can be used in place of the required front façade offsets:
- (i) Façade color changes following the same dimensional standards as the offset requirements;
  - (ii) Pilasters having a minimum depth of one foot, a minimum width of one foot, and a minimum height of 80 percent of the façade's height (See Figure 9-1.); and/or

- (iii) Roofline changes when coupled with correspondingly aligned façade material changes.

**(c) Roof Line Changes**

- (i) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (ii) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 9-3.



Figure 9-3: Illustration of roofline changes that are aligned with façade offset and changes.

**3) Roofs**

**(a) Flat Roofs**

When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane. See Figure 9-4.

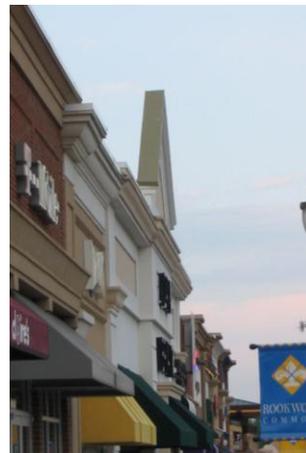
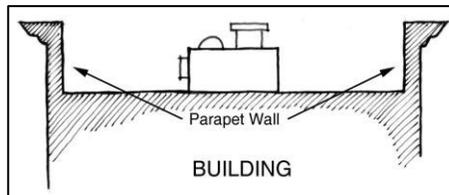


Figure 9-4 : The image on the left illustrates the use of parapet walls to screen mechanical equipment. Tall, thin parapets, such as the one shown in the image on the right, should be avoided to prevent the appearance of false walls.

**(b) Roof Penetrations and Equipment**

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:

- (i) A public street;
- (ii) Existing single family uses;
- (iii) Vacant land classified as SFR, TFR, MFR, TR or P and
- (iv) Planned residential development districts.

**4) Customer Entrances**

**(a) Required Entrances**

For buildings that are 40,000 square feet or larger in gross floor area, each side of the building facing a public street shall include at least one customer entrance, except that no building shall be required to provide entrances on more than two sides of the structure which face public streets.

**(b) Entrance Design**

Buildings shall have clearly defined, highly visible customer entrances that include no less than three of the following design features (See Figure 9-5):

- (i) Canopies/porticos above the entrance;
- (ii) Roof overhangs above the entrance;
- (iii) Entry recesses/projections;
- (iv) Arcades that are physically integrated with the entrance;
- (v) Raised corniced parapets above the entrance;
- (vi) Gabled roof forms or arches above the entrance;
- (vii) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;
- (viii) Display windows that are directly adjacent to the entrance;
- (ix) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
- (x) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.



Figure 9-5: Examples of emphasized customer entrances on larger-scale commercial buildings.

**C) Enforcement of Standards**

- 1) The Zoning Inspector shall be responsible for reviewing and enforcing the provisions of this section during the review of a zoning permit application.
- 2) The Zoning Inspector may choose to send the application to the Zoning Commission at their next regularly scheduled meeting for review and an administrative determination of compliance with these architectural standards.

**D) Approval of Alternate Standards**

- 1) An applicant may submit a variance application to propose an alternative to the above architectural standards. In doing so, the following standards must be met:
  - (a) Proposed alternatives to these architectural standards must be sealed by a registered architect, as the architect of record for the project.
  - (b) Proposals must, at a minimum, include site plans, building elevations, and perspective drawings or photo overlays. These shall illustrate the improvement(s) in relation to the neighboring facilities including, but not limited to: building shapes and sizes, colors, shade and shadow, signage, entrance treatment, edge treatments and appurtenances. Construction material type and quality shall be noted. Exterior artificial lighting shall be noted for location, lamp type, size, and fixture type. Treatment of mechanical equipment and service operations shall be also be illustrated.
  - (c) Visual appeal shall be considered from all pedestrian and vehicular accessible viewpoints surrounding the site.
  - (d) Additional presentation tools such as material samples, models or electronic visualizations are encouraged but not mandatory.
- 2) In making its determination, the BZA must find that:
  - (a) The proposed alternative achieves the intent of the subject design standard to the same or better degree than the subject standard.
  - (b) The proposed alternative achieves the goals and purpose of this resolution to the same or better degree than the subject standard.
  - (c) The proposed alternative results in benefits to the community that are equivalent to or better than compliance with the subject design standard.

## **9.04: Performance Standards for the Business and Industrial Districts**

### **A) General Provision**

No land or building in the Industrial District shall be used or occupied in such a manner as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosion or other hazard; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, or dampness; electrical or other disturbance; flare; liquid or solid wastes or refuse; or other substance, condition or element in such amounts as to adversely affect the surrounding area or adjoining premises. Any use permitted by, or not expressly prohibited in the Industrial District may be undertaken and maintained if it conforms to standards established in this section, limiting the amount of dangerous and objectionable elements at the point of their origin. The determination of the existence of any dangerous and objectionable elements shall be made at the location of the use creating same, at the boundary or boundaries of the Industrial District in which the use is located, or at any point within an adjacent Residence District.

### **B) Performance Standard Regulations**

#### **1) Fire and Explosion Hazards**

All activities involving the use or storage of inflammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion, and adequate firefighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point. The relevant provisions of state and local laws and regulations shall also apply.

#### **2) Radioactivity or Electric Disturbances**

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

#### **3) Noise**

**(a)** Noise shall be muffled or otherwise controlled so as not to become objectionable due to loudness, intermittence, beat, frequency, impulsive character (hammering, etc.), periodic character (humming, screeching, etc.), or shrillness.

**(b)** Sirens, whistles, bells, etc., which are maintained and utilized solely to serve a public purpose (such as fire and air raid warning sirens) are excluded from the above regulations.

#### **4) Vibrations**

No vibration shall be permitted which is discernible without instruments at the points of measurement specified in this resolution.

#### **5) Smoke**

**(a)** No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 3 of the Standard Ringlemann Chart as issued by the United States Bureau of Mines, except that visible grey smoke of a shade equal to No. 3 of said chart may be emitted for 10 minutes in an hour and except that visible grey smoke of a shade equal to No. 4 on said chart may be emitted for four minutes in any hour if any one of the following conditions exist:

- (i)** Breakdown of equipment.
- (ii)** Starting new fires.

(iii) Clean up times.

(b) These provisions applicable to visible grey smoke shall also apply to visible smoke if different in color, but with the apparent equivalent capacity.

**6) Odors**

No emission shall be permitted of odorous gases or other odorous matter in such quantities as to be offensive at the points of measurement specified in this Article. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system so that control will be maintained if the primary safeguard system shall fail.

**7) Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution**

No emission shall be permitted which can cause any damage to health; to animals, vegetables, or other forms of property; or which can cause any excessive soiling at any point.

**8) Glare**

No direct or sky-reflected glare shall be permitted, whether from floodlights or from high temperature processes such as combustion, or welding, or otherwise, so as to be visible at the points of measurement specified in this Article. This restriction shall not apply to signs otherwise permitted by the provisions of this Resolution.

**9) Liquid or Solid Wastes**

No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground except in accordance with standards approved by the State of Ohio Department of Health, or standards equivalent to those approved by such department for similar uses; or any material of such nature or temperature as can contaminate any water supply; or otherwise cause the emission of dangerous or offensive elements.

# Article 10: Landscaping and Buffering

## 10.01: Purpose

The purpose of this article is to:

- A) Promote and protect the interest of the public convenience, comfort, prosperity, or general welfare in accordance with Article I (General Provisions) of this resolution by providing for the planting and maintenance of trees, shrubs, and other plants within the Township.
- B) Require buffering between non-compatible land uses and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas in accordance with the standards and requirements of this article.
- C) Require reasonable landscaping that is economically beneficial in attracting new residents, visitors, and businesses to the community. This article will enhance this via proper location and quantities of planting and landscaping. This article also will promote the preservation and replacement of trees and significant vegetation removed during the development of land.

## 10.02: Applicability

- A) The development standards of this article shall apply to new property development and any collective substantial expansion of existing structures, Substantial expansion of existing structures shall be defined based on the criteria established in Table 10.02-1 below:
- B) The exception to this shall be for signage that is subject to the development standards of Article 12.

<b>When Existing Structure is....</b>	<b>A Substantial Expansion is...</b>
0 - 1,000 Sq. Ft.	50% or Greater
1,001 - 10,000 Sq. Ft.	40% or Greater
10,001 - 25,000 Sq. Ft.	30% or Greater
25,001 - 50,000 Sq. Ft.	20% or Greater
50,001 Sq. Ft. and larger	10% or Greater

- C) For expansion of structures, the landscaping and buffering requirements shall apply to any new or expanded parking or vehicular use areas.
- D) For the expansion of structures that will decrease the setback between the structure and a residential zoning district, the buffering and screening standards of this article shall apply.
- E) Where there is a change in use that is more intense than the pre-existing use, the buffering and screening standards of this article shall apply.
- F) Single-family dwellings and two-family dwellings shall be exempt from the provisions of this article.
- G) The applicant for the new development or expansion project that is subject to these standards shall be responsible for the installation of the landscaping and buffering materials on the site subject to the application.

### **10.03: Landscaping and Buffer Plan**

#### **A) Landscaping and Buffer Plan Requirement**

- 1) Any property to which this article applies shall illustrate all proposed landscaping and buffer, including the proposed landscaping material, on a site plan or on a separate buffer plan as part of the application for a zoning permit.
- 2) All plans shall include a table listing the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.
- 3) Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.

#### **B) Approval of the Landscaping and Buffer Plan**

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

- 1) No zoning permit shall be issued without approval of a landscaping and buffer plan drawing (as approved) and schedule for installation of materials.
- 2) Failure to implement the buffer plan within 12 months of the issuance of a zoning permit shall be deemed a violation of this Resolution.

### **10.04: Landscaping Materials and Standards**

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

The buffer area requirements shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

#### **B) Existing Landscape Material**

- 1) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this article in whole or in part.
- 2) The Zoning Inspector shall determine satisfaction of this requirement.

#### **C) Easements**

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

#### **D) Landscaping Materials**

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the Zoning Inspector.

##### **1) Walls and Fences**

- (a) When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be opaque and constructed of weather-proof materials. This includes the use of masonry, stone, pressure treated lumber, or painted lumber as an example. Weather-proof hardware such as aluminum or galvanized hardware shall also be used.
- (b) Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this article.

- (c) Walls and fences shall be designed to orient the best or most attractive side away from the subject lot so the best side faces the adjacent lots.
- 2) Plants
- (a) Plant materials used in conformance with these provisions shall conform to the American Association of Nurserymen and shall have passed any inspection required under State regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.
    - (i) **Existing Plants and Vegetation**

Existing plants and vegetation may be counted toward the minimum landscaping requirements of this article if they meet the minimum standards as established in this section.
    - (ii) **Deciduous Trees**

Deciduous trees shall have a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this article shall be used to create a dense buffer.
    - (iii) **Evergreen Trees**

Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.
    - (iv) **Ornamental and Understory Trees**

Ornamental and understory trees shall have a minimum height of four feet or a minimum caliper of at least 1.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.
    - (v) **Shrubs and Hedges**

Shrubs and hedges shall be at least 36 inches in height at the time of planting.
    - (vi) **Grass and Ground Cover**

Grass shall be planted in species normally grown in permanent lawns in Clermont County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75 percent complete coverage after two growing seasons.
  - (b) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.
- 3) Species Diversity
- (a) When fewer than 40 trees are required on a site, at least two different species shall be utilized, in roughly equal proportions.
  - (b) When 40 or more trees are required on a site, at least three different species shall be utilized, in roughly equal proportions.
  - (c) Required shrubs shall utilize the same species diversity requirements.

(d) Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.

**4) Earth Mounds**

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

- (a) Earth mounds shall conform with the grading requirements of the authority having jurisdiction.
- (b) Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.
- (c) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- (d) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
- (e) Berms and earth mounds shall not be located so as to restrict the natural from of water from one lot to another.
- (f) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- (g) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

**5) Grade Changes**

In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and variety of plantings shall be based on the steepness of the slope. A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot.

**10.05: Required Buffers**

**A) Minimum Buffer Yard**

- 1) Table 10.05-1 shall define the minimum buffer requirements between lots based on adjacent zoning districts.
- 2) Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.
- 3) Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.

<b>TABLE 10.05-1: REQUIRED BUFFER YARD (FEET)</b>								
<b>Abuts</b>	<b>Districts</b>							
	<b>SFR, TFR, P or MH</b>	<b>MFR or TR</b>	<b>NB</b>	<b>GB</b>	<b>I</b>	<b>RR</b>	<b>PUD-R</b>	<b>PUD-B or PUD-MU</b>
<b>When</b>								
<b>SFR, TFR, P or MH</b>	0	0	0	0	0	0	0	0
<b>MFR or TR</b>	20	0	0	0	0	0	20	0
<b>NB</b>	30	30	0	0	0	0	20	0
<b>GB</b>	50	50	0	0	0	20	40	0
<b>I</b>	50	50	30	0	0	20	50	20
<b>RR</b>	20	20	0	0	0	0	20	0
<b>PUD-R</b>	20	20	0	0	0	0	0	0
<b>PUD-B or PUD-MU</b>	50	50	20	0	0	20	40	0

**4) Planting Requirements for Required Buffers**

**(a)** Buffers shall include, at a minimum:

- (i)** A 6-foot high fence or wall or an earth mound/earth berm; and
- (ii)** Three evergreen trees and six shrubs for every 60 lineal feet of lot line requiring a buffer.

**(b)** In lieu of fence, wall, or earth mound/berm, an applicant may provide a natural buffer of the following:

- (i)** Eight evergreen trees, planted in an offset manner to provide a solid buffer for every 80 lineal feet of lot line requiring a buffer; and
- (ii)** Twelve shrubs for 75 lineal feet of lot line requiring a buffer.

**5) Buffer Design Standards**

- (a)** Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement.
- (b)** On sloped areas, the buffer shall be located to maximize its effectiveness.
- (c)** No construction shall be permitted within a required buffer other than a wall, fence, or berm, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach upon the buffer area. Subsurface constructions are permitted provided the required buffer is placed above said subsurface constructions and further provided no part of a subsurface construction protrudes above the ground surface.
- (d)** The buffer shall be established on the parcel being developed.

- (e) When an adjoining parcel has an existing fence, wall, or berm adjacent to a developing parcel boundary, the existing landscape material on the adjacent parcel may not be used toward the requirements for the boundary buffer required for that boundary edge.
- (f) Where development already exists on both sides of a lot line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this article given the location of existing buildings and driveways.

### **10.06: Parking Area Landscaping**

#### **A) Minimum Landscaping Requirement for Parking Areas**

A minimum of 10 percent of the parking area shall be landscaped in accordance with the provisions of this section.



*Figure 10-1: Landscaping and screening is intended to soften the appearance of large expanses of parking areas and can also provide areas for stormwater management.*

#### **B) Landscape Island Locations**

- 1) Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows. See Figure 10-2.

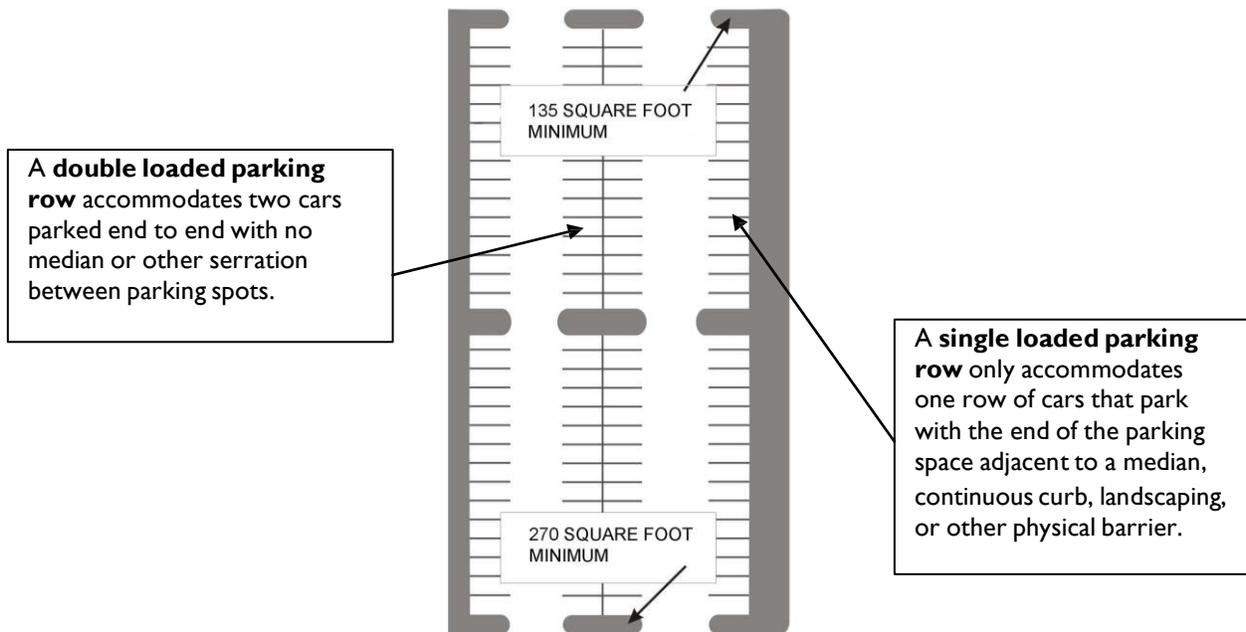


Figure 10-2: The minimum square footage requirements for islands helps ensure that there is enough area for plant growth.

- 2) No more than 20 spaces shall be located in a continuous row without being interrupted by a landscaped island. Such landscape islands shall be of the minimum size established in Paragraph (1) above;
- 3) The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.
- 4) Landscaped islands shall have a minimum width of nine feet as the narrowest dimension.

### C) Planting Requirements

- 1) Plantings shall be provided at a rate of one tree and three shrubs per 10 parking spaces or fraction thereof.
- 2) Each individual landscaped island shall include a minimum of one tree, and two shrubs.
- 3) The trees and shrubs shall be distributed throughout the parking lot islands to decrease the appearance of a single expanse of pavement and to create a canopy effect.
- 4) The trees should be of a variety to provide the shade canopy and have a clear trunk height of at least six feet.
- 5) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, or ground cover, enhanced by landscape gravel, or mulch. Plants in this category may not interfere with visibility. All plants must be living, thriving, and assuming their intended form.

### 10.07: Maintenance

- A) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.

- B)** Plants that are required as part of these requirements shall be replaced if unhealthy or dead within one year, or by the next planting season, whichever comes first. This requirement shall apply to the site in perpetuity.
- C)** Landscaping areas shall be well-maintained and kept free of weeds and litter.
- D)** Violation of these maintenance practices shall be a violation of this zoning resolution.

# Article 11: Vehicle Parking, Stacking, and Loading

## 11.01: Purpose

The purpose of this article is to prevent and alleviate the congestion of public streets, to minimize the detrimental effects of vehicular use areas on adjacent properties, and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading areas.

## 11.02: Applicability

### A) The following standards apply to Section 11.03 (Required Parking Spaces) through and including Section 11.06 (Off-Street Loading Requirements):

#### 1) New and Expanded Uses

The off-street parking and loading requirements of this article set forth at Sections 11.03, 11.04, 11.05 and 11.06 shall apply to the following:

- (a) A zoning permit application for the construction of a new building; or
- (b) For an alteration, addition, or change of use of an existing building that would expand the square footage of a use or would require more parking based on the requirements of this article.

#### 2) Existing Uses

The off-street parking and loading requirements of this article set forth at Sections 11.03, 11.04, 11.05 and 11.06 shall not apply to buildings and uses legally in existence on the effective date of this zoning resolution unless modified in the manner stated in Section 11.02 (A) (New and Expanded Uses), above. Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this article in the future.

#### 3) Maintenance

The duty to provide and maintain all such parking and loading areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the vehicular areas are required.

#### 4) Plan Review

For any off-street parking area required under this article with five or more parking spaces, a plan shall be submitted with the application for a zoning permit. Any such plan shall clearly illustrate the following:

- (a) Number of parking spaces;
- (b) The arrangement of parking aisles;
- (c) The location of driveway entrances;
- (d) Provisions for vehicular and pedestrian circulation;
- (e) The location of sidewalks, wheel stops, lighting, and curbs on or adjacent to the property;
- (f) The location of utilities, barriers, shelters, and signs;
- (g) Parking area landscaping requirements and islands; and

- (h) Any additional information as requested by the Zoning Inspector or the Zoning Commission.
- B)** The regulations of Section 11.07 (Parking and Storage of Recreational Vehicles and Equipment) through Section 11.10 (Parking of Junk Vehicles) shall apply, in full force, to all lots and uses after the effective date of this resolution, and are not subject to the applicability standards of Section 11.02 (A), above, or Article 13 (Nonconformities).

### **11.03: Required Parking Spaces**

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

- I)** The following rules shall apply when computing parking spaces:

- (a) On-Street Parking**

- On-street parking spaces shall not be counted toward off-street parking space requirements.

- (b) Multiple Uses**

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

- (c) Fractions**

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

- (d) Area Measurements**

- (i)** Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a non-residential building.
      - (ii)** Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

- (e) Occupancy-Based or Capacity-Based Standards**

- (i)** For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.
        - (ii)** In hospitals, bassinets shall not be counted as beds.
        - (iii)** In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

- (f) Unlisted Uses**

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

- (ii) If the Zoning Inspector determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) in Trip Generation.

**2) Minimum Required Number of Spaces**

Table 11.03-1 defines the minimum number of parking spaces required for each use within Pierce Township.

<b>TABLE 11.03-1: MINIMUM REQUIRED NUMBER OF PARKING SPACES</b>	
<b>Use</b>	<b>Required Parking Spaces</b>
<b>Residential Uses</b>	
Conservation subdivisions	2 spaces per dwelling unit
Institutional housing (e.g., nursing homes, adult family homes, assisted living, etc.)	1.5 spaces per bedroom
Multi-family dwellings	1.5 spaces per efficiency or single-bedroom dwelling unit and 2 spaces per dwelling unit for multiple bedroom dwelling units
Single –family dwellings, two-family dwellings, and permanently sited manufactured homes	2 spaces per dwelling unit
<b>Commercial and Office Uses</b>	
All other commercial or office uses	4 spaces per 1,000 square feet
Amphitheatres, auditoriums, stadiums, theaters, and other places of assembly	1 space per 3 fixed seats or 1 space per 3 persons, whichever is greater
Automotive body repair, or service	3 spaces per 1,000 square feet of floor area, excluding services bays, plus 2 spaces per service bay (service bay may not be counted as a parking space)
Automotive fuel sales	4 spaces per 1,000 square feet of floor area, excluding services bays, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space)
Automotive washes	3 spaces per washing bay (washing bay may not be counted as a parking space).
Automotive, truck, boat, or other vehicle sales or rental	10 spaces per 1,000 square feet of indoor floor area, plus 2 spaces per service bay (service bay may not be counted as a parking space)
Banks or financial institutions	4 spaces per 1,000 square feet
Banquet halls, exhibition halls	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater
Bars and taverns	15 spaces per 1,000 square feet
Bed and breakfast establishments	2 spaces for the owner or operator, plus 1 space for each bedroom rented to the public
Broadcasting/recording studios	2 spaces per 1,000 square feet plus 1 space per 3 fixed seats
Day care centers	1 space for every 4 children
Funeral homes	1 space per 50 square feet
Garden store or greenhouse	4 spaces per 1,000 square feet of indoor sales area, plus 1 space per 1,000 square feet of greenhouse or net outdoor sales
General offices	3 spaces per 1,000 square feet

**TABLE 11.03-1: MINIMUM REQUIRED NUMBER OF PARKING SPACES**

<b>Use</b>	<b>Required Parking Spaces</b>
Hotels and motels	1 space per room or suite
Medical or dental clinics	4 spaces per 1,000 square feet
Personal services including barber shops and beauty salons	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater
Restaurants	15 spaces per 1,000 square feet or 1 space for each 4 seats, whichever is greater
Retail commercial uses	4 spaces per 1,000 square feet
Service commercial uses	4 spaces per 1,000 square feet
Storage facility	1 space per 2 storage units
Telecommunication structures	1 space per structure.
Veterinary facilities	4 spaces per 1,000 square feet
Wholesale, bulk goods, hardware, furniture, or similar sales	2.5 spaces per 1,000 square feet
<b>Manufacturing/Industrial Uses</b>	
Industrial or manufacturing uses	1.5 spaces per 1,000 square feet.
Warehousing or storage	1 space per 2,000 square feet.
<b>Institutional/Public/Recreational Uses</b>	
Ballfields	20 spaces per field
Bowling alley	5 spaces per bowling lane
Cemetery	1 space per 4 seats in a chapel or place of assembly
Clubs	10 spaces per 1,000 square feet or 1 space per 2 persons, whichever is greater
Colleges, universities and other higher educational facilities	1 space for each 5 classroom seats plus 1 space for each auditorium seat
Elementary or middle/junior schools	3 spaces per classroom
Golf courses	8 spaces per hole
Golf driving ranges	2 spaces per tee
Hospitals	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet.
Indoor recreational facility	2 spaces per 1,000 square feet
Libraries, museums and galleries	3 spaces per 1,000 square feet
Miniature golf courses	2 spaces per hole
Racquetball, handball and tennis courts	5 spaces per court.
Religious places of worship	1 space per 3 fixed seats in the main assembly room or 1 space per 3 persons, whichever is greater
Senior high schools	1 space per 5 students.

**B) Location of Off-Street Residential Parking Spaces**

- 1) For any residential use or parcel, off-street parking shall be prohibited in the front yard with the exception of driveways providing access from the street to the parking area.
- 2) The parking of recreational vehicles and equipment shall be subject to Section 11.07 (Parking and Storage of Recreational Vehicles and Equipment).

**11.04: Design of Parking Spaces and Aisles**

All off-street parking and loading areas with five or more spaces (single-family and two-family dwellings exempted) shall meet the following provisions unless otherwise provided for in other sections of this resolution.

**A) Location and Setback Requirements**

- 1) Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Section 11.04 (G) (Alternative Parking).
- 2) Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.
- 3) Parking areas shall be set back from the edge of buildings to provide for sidewalk and landscape treatments in front of the building.
- 4) All off-street parking areas for five or more vehicles or more that is located adjacent to a residential zoning district shall be screened on any side that adjoins or faces a property in such residential district. The screening shall consist of a solid fence or wall that complies with Section 10.04 (D)(1) (Walls and Fences) of not less than four feet and not more than six feet in height. A tight screen of hardy evergreen shrubbery of not less than four feet in height may be used as an alternative to the solid masonry wall or solid fence. For uses or properties subject to Section 10.05 (Required Buffers), the more restrictive landscaping, screening, or buffering shall apply.
- 5) No entrance to or exit from a parking area of five or more vehicles or more shall be closer than 50 feet to the right-of-way line of intersecting public streets or signalized intersection. See Figure 11-1.

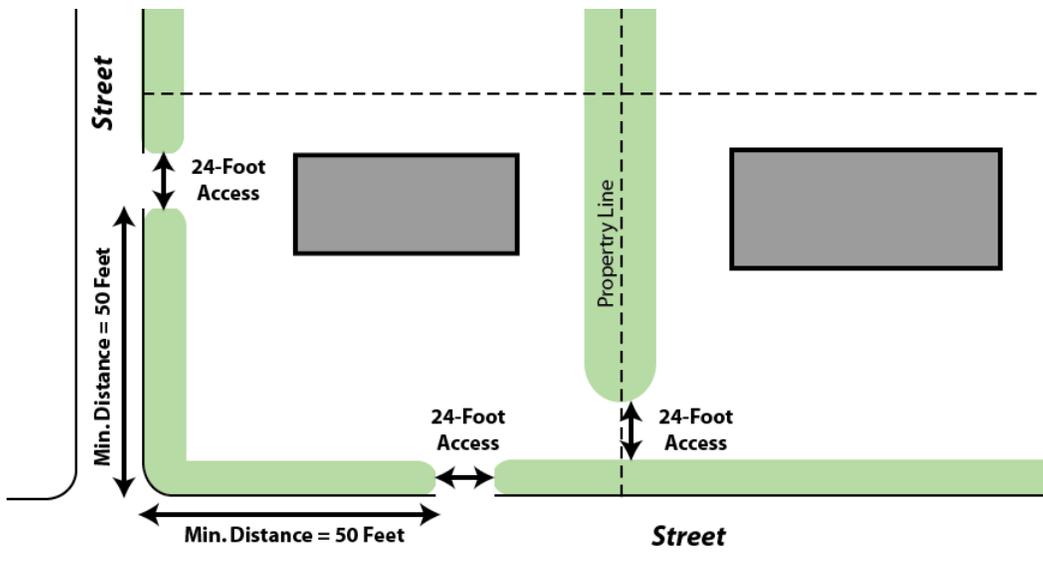


Figure 11-1: Location and dimensions of entrances, exits, and access drives.

**B) Access**

- 1) For all multi-family dwelling uses and nonresidential uses, adequate access to off-street parking areas shall be provided from a public street, easement, or shared access to an adjacent property through the use of a driveway with a minimum width of 24 feet at the property line. See Figure 11-1.
- 2) Sidewalks along a Public Street
  - (a) Any use or building subject to the provisions of this article and established after the adoption of this Resolution shall be required to provide a four-foot wide sidewalk along all public streets for the full length of street frontage.
  - (b) Any established use or building that is expanded by more than 50 percent of the existing floor area after the adoption of this Resolution shall be required to install a four-foot wide sidewalk along all public streets for the full length of street frontage.
  - (c) All sidewalks shall meet the minimum design requirements of the rules and regulations of the Clermont County Engineer's Office.
  - (d) The sidewalk requirement may be waived or modified by the BZA pursuant to the variance review process.
- 3) Walkway Connections to Public Sidewalks
  - (a) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.
  - (b) The pedestrian connections shall be constructed of asphalt, concrete, or of hard-surface pavers.
  - (c) The pedestrian connection may be created as part of a driveway, provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements. The pedestrian connection shall have a minimum width of four feet.
  - (d) To the maximum extent feasible, all uses shall provide concrete or paved pedestrian linkages to existing trail systems, parks, schools, adjacent developments and mass transit stations or stops. Such pedestrian linkages shall be a minimum of four feet in width.



Figure 11-2: This image illustrates a sidewalk connection between a building and a public sidewalk in the right-of-way. This connection includes both a separate sidewalk (foreground) and a connection delineated through a painted line (background).

- 4) All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way (See Figure 11-3.).

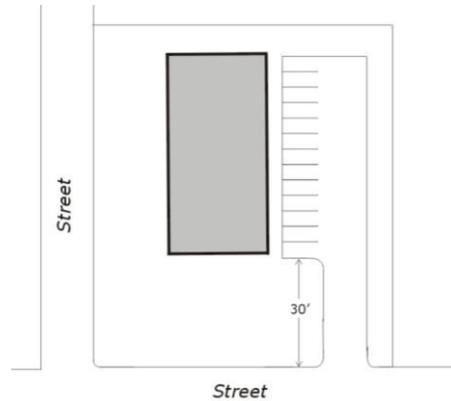


Figure 11-3 : Parking spaces with direct access to an entry drive shall not be located within 30 feet of the street to minimize traffic congestion.

- 5) Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.
- 6) To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.

**C) Design Standards**

**1) Dimensions**

The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 11.04-1 and Figure 11-4.

<b>TABLE 11.04-1: PARKING AREA DIMENSIONS</b>				
<b>Angle of Parking (degrees)</b>	<b>One-Way Maneuvering Aisle Width (Feet) "A"</b>	<b>Two-Way Maneuvering Aisle Width (Feet) "A"</b>	<b>Parking Stall Width (Feet) "B"</b>	<b>Parking Stall Length (Feet) "C"</b>
0 – Parallel	12	20	10	23
30 – 53	13	20	10	19
54 – 75	18	22	10	19
76 – 90	22	24	9	19

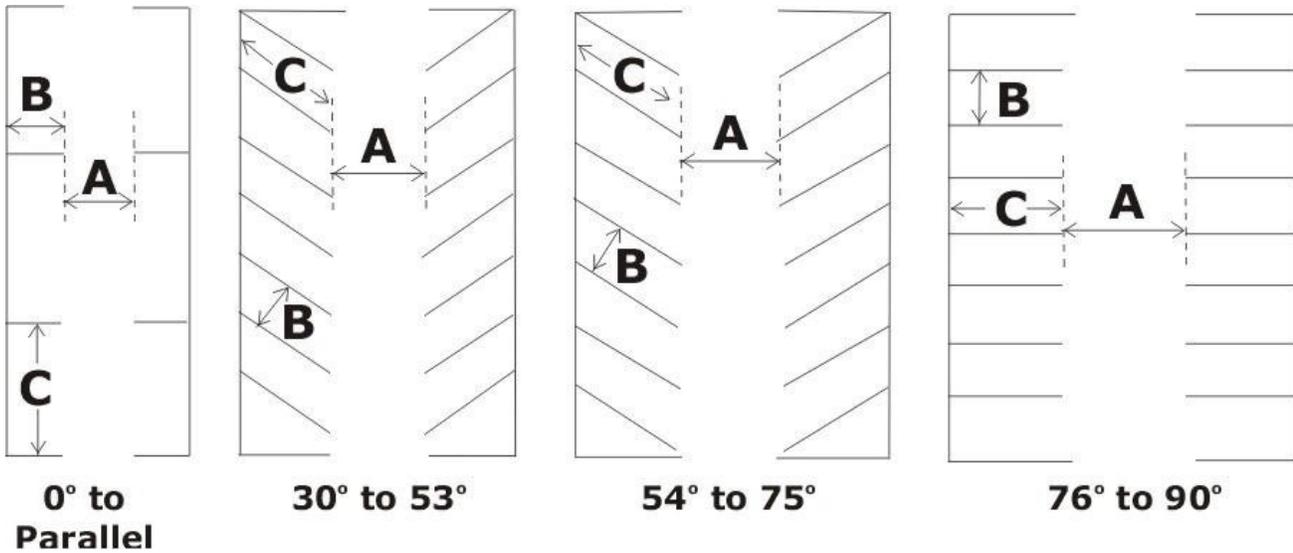


Figure 11-4: Diagram of parking area dimensions.

2) Surface

- (a) All off-street parking areas, driveways, and aisles for residential uses on lots smaller than one acre shall be graded and paved with an asphalt or concrete surface.
- (b) Parking areas and aisles in all other districts shall be paved with an asphalt or concrete surface. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted as part of a permitted shared or shadow parking area as described in Section 11.04(G) (Alternative Parking).

3) Striping

The individual parking spaces (stalls) shall be striped according to the approved layout of the parking area.

4) Continuous Curbs and Wheel Stops

- (a) All turning radii within a parking area shall be curbed with continuous curbing (including all turning radii around driveway edges and landscaped islands) in a manner and to an extent that will ensure the protection of landscape material from vehicle traffic.
- (b) Where continuous curbing is not provided at the edge of a parking space, wheel stops shall be used to prevent vehicles from driving onto landscaped areas. Each wheel stop shall be a singular block of reinforced concrete, with a minimum height of six inches, a minimum width of six inches and a minimum length of six feet. See Figure 11-5. Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. Wheel stops may be attached no less than two feet from the rear edge of the parking space.

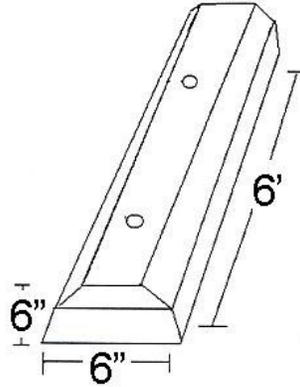


Figure 11-5: Minimum dimensions for a wheel stop.

**D) Parking Requirements for the Disabled**

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

**E) Fire Code**

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Pierce Township and as approved by the Township's Fire Department.

**F) Maintenance of Parking Areas**

Every off-street parking space required by these regulations shall be provided with satisfactory access to a street, easement, shared access road, or alley by means of a solid and dust free driveway that meets the requirements of Section 11.04 (C)(2) (Surface), and all parking areas shall be developed and maintained in accordance with the provisions of this article.

**G) Alternative Parking**

The following are two methods of accommodating parking as an alternative to constructing an adequate number of parking spaces on an individual lot.

**I) Shared Parking**

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following standards.

- (a)** Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.
- (b)** The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:
  - (i)** A sufficient number of spaces is provided to meet the highest demand of the participating uses;
  - (ii)** The uses are located adjacent to each other;
  - (iii)** Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Inspector, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.
  - (iv)** The shared parking spaces will not be located in excess of 200 feet from the uses they are intended to serve;

- (v) A legal shared parking agreement is submitted and approved by the Pierce Township Law Director that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development. A note that such agreement exists shall be placed on the final site plan submitted to receive a zoning permit.
- (vi) The approved shared parking agreement shall be filed with the application for a zoning permit and shall be filed with the County Recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.
- (vii) No zoning permit will be issued until proof of recordation of the agreement is provided to the Zoning Inspector.
- (viii) Shared parking shall not account for more than 50 percent of the optimal required parking spaces as established in Section 11.03 (Required Parking Spaces).

**2) Off-Site Parking**

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards.

- (a) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
- (b) No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way, provided that it uses a legal crosswalk.
- (c) Off-site parking shall not be permitted on a vacant lot in a residential zoning district.
- (d) Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.
- (e) In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.
- (f) An off-site parking agreement shall be submitted and approved as to form by the Pierce Township Law Director. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.
- (g) The off-site parking agreement approved by the Pierce Township Law Director shall be filed with the application for a zoning permit and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement. A note that such agreement exists shall be placed on the final site plan submitted to receive a zoning permit.

- (h) Final inspection to authorize occupancy shall not be granted until proof of recordation of the agreement is provided to the Zoning Inspector.
- (i) Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

**11.05: Stacking Space Requirements**

Vehicle stacking spaces for drive-through facilities shall be provided according to the following provisions:

**A) Minimum Number of Stacking Spaces**

The number of required stacking spaces shall be as provided for in Table 11.05-1. See Figure 11-6 for illustration of stacking spaces:

<b>TABLE 11.05-1: STACKING SPACE REQUIREMENTS</b>		
Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window
Restaurant	8	Pick-Up Window
Full Service Automotive Wash	7	Washing Bay
Self-Service Automotive Wash	2	Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Zoning Inspector * (See Note below)	
* Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this article as set forth in Section 11.01 (Purpose).		

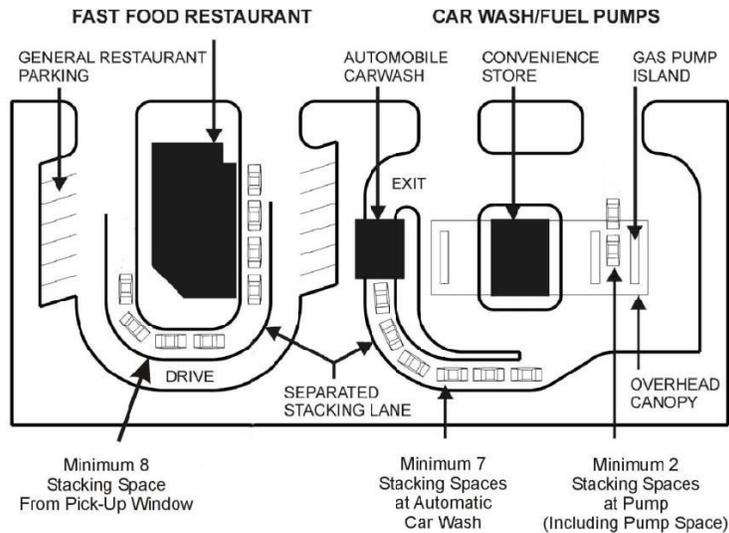


Figure 11-6: Illustration of stacking spaces.

**B) Design and Layout**

- 1) Washing bays in a car wash may count toward the stacking space requirement.
- 2) Pump spaces can count toward the stacking space requirement.
- 3) Stacking spaces shall be a minimum of 10 feet by 20 feet in size.
- 4) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.
- 5) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.
- 6) These stacking space requirements shall be in addition to the off-street parking space requirements.

**11.06: Off-Street Loading Requirements**

**A) Exemptions**

All residential uses shall be exempt from these off-street loading requirements.

**B) Number of Off-Street Loading Spaces Required**

- 1) On the same lot with any building described at subsection (2), below, at least one off-street loading space shall be provided and maintained, plus one additional off-street loading space for each 20,000 square feet of gross floor area (or major fraction thereof) so used in excess of 20,000 square feet.
- 2) The provisions of subsection (a), above, apply to every building in any district hereinafter erected:
  - (a) having a gross floor area of 10,000 square feet or more; and
  - (b) that is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise.

**C) General Design Standards**

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

**1) Location of Required Loading Spaces**

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines.

**2) Dimensions**

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

**3) Access**

**(a)** Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.

**(b)** No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

**(c)** Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks on to any street right-of-way.

**4) Screening**

**(a)** All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.

**(b)** The screening material shall be at least six feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

**11.07: Parking and Storage of Recreational Vehicles and Equipment**

Outside parking or storage of recreational vehicles, utility trailers and equipment are subject to the following provisions in all districts except the Palestine (P) District:

- A)** Vehicles or equipment stored or parked on a trailer intended for the recreational vehicle shall count as one recreational vehicle. (For example, a boat on a trailer.)
- B)** No recreational vehicle shall be used for the purpose of permanent habitation, living, or housekeeping purposes.
- C)** The recreational vehicle shall be maintained and be in good condition and safe for effective performance of the function for which it is intended. The exterior of the vehicle shall be intact. See also Section 9.01 (Prohibition on Outdoor Storage) and Section 11.09 (Parking of Junk Motor Vehicles).
- D)** One recreational vehicle may be temporarily parked on a paved driveway in any yard, for a period of up to five days during a single month for the purposes of loading or unloading the vehicle.
- E)** The parking areas for recreational vehicles, utility trailers and equipment shall be well maintained, free of weeds, litter, and tall grass.
- F)** There shall be no maximum number of recreational vehicles that may be stored in enclosed garages or accessory structures; however, all such structures shall be subject to all other applicable standards of this resolution.

- G)** The storage of recreational vehicles, utility trailers and equipment (parking that exceeds the five day temporary allowance in Paragraph (D) above) shall be permitted only in the side or rear yards with a minimum setback requirement of five feet from all lot lines. The storage of recreational vehicles shall also be set back five feet from the front face, or façade, of the building.
- H)** The storage of recreational vehicles, utility trailers and equipment shall be prohibited in the TR District.
- I)** Table 11.06-1 establishes the maximum number of recreational vehicles that may be stored on a lot based on lot size.

<b>TABLE 11.06-1: MAXIMUM NUMBER OF RECREATIONAL VEHICLES</b>	
<b>Lot Size</b>	<b>Maximum Number of Recreational Vehicles and Utility Trailers that may be Stored on a Site</b>
0.00 – 0.99 acres	1
1.00 – 4.99 acres	2
5.00 acres or more	3

**11.08: Vehicles Permitted in a Residential District**

- A)** The storage of materials and equipment or the parking of heavy trucks, commercial trailers or machinery on the premises is prohibited in all residential zoning districts. The parking in an open area of one commercial vehicle of not greater than one ton rated capacity is permitted for each family residing upon the premises.
- B)** Parcels that are exempt from zoning due to the agricultural use of the property shall be exempt from this provision only if the semi-trailer or tractor is used in conjunction with the exempt agricultural use.

**11.09: Location of Camping Trailer and/or camper:**

One trailer and/or boat per family may be parked in any district providing it is parked in the side or rear yard; and providing that no living quarters shall be maintained or any business conducted while such trailer is parked or stored. A camping trailer and/or boat is not to be parked any closer than five feet to any property line, and the definition of a side yard is considered as that portion of the lot located behind a line tangent to the front of the dwelling.

**11.10: Parking of Junk Vehicles**

- A)** One junk vehicle may be temporarily parked on a paved driveway in any yard, for a period of up to five days during a single month for the purposes of temporarily holding the vehicle until it can be transported off site or to storage, or to allow for a temporary time period for repairs.
- B)** The storage of junk motor vehicles (the keeping of the vehicle for more than five days) shall be permitted only in an enclosed structure.
- C)** As used in this section, “junk motor vehicle” means a motor vehicle that meets all of the following criteria:
  - 1)** Apparently inoperable, whether licensed or unlicensed;
  - 2)** Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

## **11.11: Off-Street Loading Requirements**

### **A) Exemptions**

All residential uses shall be exempt from these off-street loading requirements.

### **B) Number of Off-Street Loading Spaces Required**

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more; which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise. There shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading space for each 20,000 square feet or major fraction thereof of gross floor area so used in excess of 20,000 square feet.

### **C) General Design Standards**

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

#### **1) Location of Required Loading Spaces**

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines.

#### **2) Dimensions**

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

#### **3) Access**

- (a)** Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Inspector shall approve access to and from loading spaces.
- (b)** No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.
- (c)** Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks on to any street right-of-way.

#### **4) Screening**

- (a)** All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.
- (b)** The screening material shall be at least six feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

## Article 12: Sign Regulations

### 12.01: Purpose

The regulations set forth in this resolution pertaining to signs are intended to:

- A) Encourage the effective use of signs as a means of communication for businesses, organizations, and individuals in Pierce Township;
- B) Maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth;
- C) Provide a means of way-finding in the community, thus reducing traffic confusion and congestion;
- D) Provide for adequate business identification, advertising, and communication;
- E) Prohibit signs of such excessive size and number that they obscure one another to the detriment of the economic and social well-being of the Township;
- F) Protect the health, safety, and welfare of the public by minimizing the hazards to pedestrian and vehicular traffic;
- G) Differentiate among those signs that, because of their location, may distract drivers on public streets and those that may provide information to them while they remain in their cars but out of active traffic;
- H) Minimize the possible adverse effects of signs on nearby public and private property; and
- I) Prohibit most signs with commercial messages in residence zoning districts, while allowing those commercial messages that relate to commercial activities lawfully conducted on individual properties within such districts.

### 12.02: Applicability

- A) The regulations contained within this article shall apply to all signs and to all zoning districts.
- B) Unless otherwise provided by this article, all signs shall require a zoning permit and a payment of fees. No zoning permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

### 12.03: Compliance Required

- A) It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Township except in accordance with the provisions of these regulations.
- B) All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect.
- C) No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of Clermont County's or Ohio's building or fire codes

### 12.04: Computations

The following principles shall control the computation of sign area and sign height.

- A) The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed. This does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning resolution regulations and is clearly incidental to the display itself.
- B) 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.
- C) The sign area for a sign with more than one face (multi-faced signs) shall be computed by adding together the area of all sign faces visible from any one point. See Figure 12-1.
- D) When two identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.
- E) When calculating street frontage, only the street frontage that lies in the unincorporated area of Pierce Township shall be used in the calculation.



Figure 12-1: Illustration of calculating sign area.

### 12.05: General Sign Standards

This article shall apply to any sign that is visible from the public right-of-way or from property other than the property on which the sign is located; signs located entirely within buildings or other structures and/or otherwise not visible from the public right-of-way or from property other than the property on which the sign is located are exempt from this article.

- A) No sign shall be erected or maintained at any location where by reason of its position, working, illumination, shape, symbol, color, form or character it may obstruct, impair, obscure, interfere with the view of, or may be confused with any authorized traffic sign, signal or device, or interfere with, mislead, confuse, or disrupt traffic safety or flow.
- B) No portion of a sign shall obscure visibility between a height of three and 10 feet within a sight triangle consisting of the area bounded by the right-of-ways of the adjacent intersecting streets extending along those right-of-ways centerlines 30 feet from the point of right-of-way intersection, and a straight line connecting said latter points. See Figure 12-2.

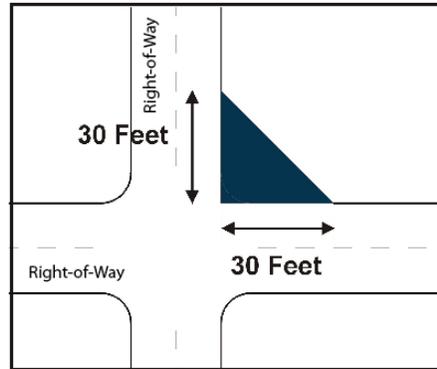


Figure 12-2: Illustration of traffic visibility triangle.

- C) Signs incorporating any noisy mechanical device (whistles, horns, sirens, or any other noisy audible devices) are expressly prohibited.
- D) Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity. Flashing and moving signs are specifically prohibited, except that changeable copy signs on which the message is changed no more often than one time per minute shall not be considered flashing or moving signs. All wiring, fittings and materials used in the sign shall be in accordance with the provisions of the electrical code in effect at the time of installation, modification or repair of the sign.
- E) No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention.
- F) Should any sign be or become unsafe or be in danger of falling the property owner shall be responsible for putting the sign in a safe and secure position or removing the sign.
- G) Signs shall not be attached to trees, utility poles, rocks, fences, or streetlights nor shall signs be placed on any public property except in accordance with this article.
- H) No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation within any right-of-way (unless express written authorization is obtained from the agency having jurisdiction over the right-of-way) or on any area where landscaping is required by Township regulations.
- I) The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.
- J) All buildings shall have a sign providing the numeric address for identification purposes to assist in fire and safety protection. Such signs shall not require a zoning permit but shall otherwise conform to the standards of this article and shall be subject to the standards of Section 12.08 (Signs or Changes Not Requiring a Zoning Permit).
- K) **Signs on Awnings, Canopies, Fascia, or Marquees**
  - 1) Awnings, canopies, fascia, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.
  - 2) Unless otherwise provided in this article, the sign area of the awning, canopies, fascia, or marquee shall be included as part of the wall sign area calculation.

- 3) In cases where the awning, canopy, fascia, or marquee is constructed of translucent material, is illuminated from within or behind the structure, and contains sign copy, the entire area of the structure shall be calculated in determining the sign area.
- 4) Such signs shall be permitted to extend into the public right-of-way over a sidewalk but shall be required to provide a clearance of eight feet between the sidewalk and the sign. Such sign shall not extend above the roofline.

**L) Signs in a Planned Unit Development (PUD)**

Signs for residential uses in a PUD shall comply with the standards of Section 9 of this article and signs for business uses in a PUD shall comply with the standards of Section 10 of this article unless an alternate sign plan is approved as part of the PUD review and approval process.

**12.06: Prohibited Signs**

The following types of signs are prohibited in all districts:

- A) Signs in any public right-of-way except:**
- 1) Signs owned by the Township, Clermont County, State of Ohio, or the federal government;
  - 2) Freestanding signs as expressly permitted in the right-of-way permitted in Section 12.09 (Permanent Signs Permitted in Residential Districts) or Section 12.10 (Permanent Signs Permitted in Business and Industrial Districts).
  - 3) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
  - 4) Signs installed by a transit company with a franchise or other right to operate in Clermont County, where such signs are installed along its routes and relate to schedules or other information about the transit route.
- B) Abandoned On-Premises Signs**
- 1) Any on-premises sign now or hereafter existing that no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of six-months shall be deemed abandoned.
  - 2) Such a sign shall be taken down and removed by the owner, agent, or person having the beneficial use of the building or structure upon which the sign may be found within 30 days after notification to the owner from the Zoning Inspector.
  - 3) All signs shall be in conformance with Section 12.13 (Maintenance) regarding the maintenance of signs.
- C) Any sign that contains or consists of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention;**
- D) Signs that consist of lights that revolve or flash are prohibited in all districts with the exception of electronic information signs;**
- E) Air activated graphics or balloons bearing a message except where otherwise permitted in this article;**
- F) Any sign, which rotates, revolves, or otherwise moves unless otherwise expressly permitted under this article;**
- G) Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying such signs. This does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;**
- H) Signs imitating or resembling official traffic or governmental signs or signals;**

- I) Portable signs or daisy signs provided that portable signs or daisy signs placed on a site after the effective date of this article shall be removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the Zoning Inspector.
- J) Snipe signs;
- K) Graffiti; or
- L) Roof signs.

### **12.07: Signs Partially Exempt from this Article**

#### **A) Scope of Partial Exemption**

- 1) Signs listed in this section shall be exempt from the permit requirements of this article but shall, to the maximum extent allowed by law, be subject to the other standards of this article.
- 2) Where a sign is erected pursuant to a statute or a court order, the sign may exceed the size standards of this article or otherwise deviate from the standards set forth in this article to the extent that the statute or court order expressly required the larger size or other deviation.
- 3) In all other respects, such signs shall conform to the standards of this article.

#### **B) Applicability**

This section shall apply to the following types of signs:

- 1) Signs bearing no commercial message and installed by employees or officials of a State or Federal agency in the course of their governmental duties;
- 2) Signs required by a State or Federal statute;
- 3) Signs required by an order of a court of competent jurisdiction;
- 4) Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;
- 5) Signs installed by a transit company with a franchise or other right to operate in Clermont County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

### **12.08: Signs or Changes Not Requiring a Zoning Permit**

- A)** The following sign types shall be exempted from permit requirements but shall be in conformance with all other requirements of this article:

- 1) Commemorative plaques placed by recognized historical agencies; such a sign shall bear no commercial message unless it meets all of the standards for a sign bearing a commercial message at that location;
- 2) One wall sign, not to exceed two square feet in area, for each dwelling unit. Such sign shall not contain any commercial message. If lighted, such sign may be lit with indirect illumination only.
- 3) One permanent freestanding sign on a lot that is used for agriculture, which are exempt from Township zoning regulations pursuant to Section 519.21 of the Ohio Revised Code. Such sign may bear a commercial message related to products or services available on the premises or a message other than a commercial message. It shall be set back a minimum of 15 feet from all rights-of-way, shall not exceed 32 square feet in sign area, and shall not exceed six feet in height.

- 4) Window signs not to exceed 50 percent of the window surface. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.
  - 5) Routine maintenance of any sign, not involving structural changes to the sign;
  - 6) Changes of message, either manually or electronically, on a message board or reader board, subject to limitations in this article on the frequency of changes of message;
  - 7) Changes of sign panels or letters that do not involve structural changes to the sign;
  - 8) Signs installed by County employees or officials of Pierce Township in the course of their official duties and not falling under one of the broader exemptions of Section 12.07; and
  - 9) Other signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message.
- B)** The following signs shall be exempt from the permit requirements of this article and shall not be considered in applying limitations on the number of signs permitted on a wall or a lot, but such signs shall be subject to the lighting, installation, height, setback, maintenance and other standards set forth in this section:
- 1) Detached signs smaller than two square feet in area and less than four feet in height, and containing no commercial message;
  - 2) Wall signs smaller than two square feet in area and containing no commercial message;
  - 3) Any sign not legible from a public way or from private property other than the lot on which the sign is located; and
  - 4) Any window sign that is not separately lighted or electrified.

### **12.09: Permanent Signs Permitted in Residential Districts**

The following permanent signs may be permitted in any residential zoning district and shall require a zoning permit:

- A)** Up to two permanent freestanding signs for any subdivision or multi-family dwelling in a residential zoning district provided that the sign meets the following requirements:
- 1) The signs may be permitted, at each development entrance along a Township, County or State road;
  - 2) The signs shall be ground mounted;
  - 3) The signs shall be setback 15 feet from the public right-of-way and 10 feet from any adjacent property lines.
  - 4) Each sign may have a maximum sign area of 24 square feet not including any fence or wall on which the sign is located;
  - 5) No such sign or any portion of the structure shall exceed six feet in height;
  - 6) No such sign shall bear a commercial message; and
  - 7) The sign may only be illuminated through external lighting.
- B)** One permanent freestanding sign for any public or institutional use in a residential zoning district provided that the sign meets the following requirements:
- 1) The sign shall be a ground mounted sign;
  - 2) The sign shall be setback 10 feet from the public right-of-way and 20 feet from any adjacent property lines.
  - 3) The maximum sign area shall be 48 square feet;
  - 4) The sign may include a changeable copy sign provided that it does not comprise more than 20% of the total sign area;

- 5) No such sign or any portion of the structure shall exceed eight feet in height;
- 6) No such sign shall bear a commercial message; and
- 7) The sign may only be illuminated through external lighting.

**12.10: Permanent Signs Permitted in Business and Industrial Districts**

The following signs may be permitted in any business or industrial zoning district, provided that no such sign shall bear an off-premise commercial message, and each such sign shall require a zoning permit:

**A) Pole Signs or Ground Mounted Signs**

Each parcel, lot, or site in a business or industrial district shall be permitted to have either one pole-mounted sign or up to two ground mounted signs that comply with the following provisions:

- 1) One pole-mounted sign is permitted on each parcel or lot as follows:
  - (a) The sign shall be set back 10 feet from the right-of-way;
  - (b) The maximum sign height shall be 20 feet; and
  - (c) The maximum permitted sign area shall be the equivalent of one square foot of sign area for each lineal foot of street frontage with a maximum sign area of 100 square feet.
  - (d) Where a lot is a corner lot, double frontage lot, or is of another configuration with multiple street frontages, the longest single street frontage shall be used to calculate the maximum sign area.
- 2) A property owner, applicant, or their agent may choose to have up to two ground-mounted signs instead of a pole-mounted sign as permitted in subsection (a) above. Such ground-mounted sign(s) shall meet the following provisions:
  - (a) The sign shall be set back 10 feet from the right-of-way;
  - (b) The maximum sign height shall be 10 feet; and
  - (c) The maximum permitted sign area shall be the equivalent of two square foot of sign area for each lineal foot of street frontage with a maximum sign area of 200 square feet.
  - (d) The maximum sign area permitted for each ground-mounted sign shall be 100 square feet.
  - (e) Where a lot is a corner lot, double frontage lot, or is of another configuration with multiple street frontages, the longest single street frontage shall be used to calculate the maximum sign area.

**B) Wall Signs**

- 1) Each business or tenant within a business or industrial district shall be permitted one wall sign for each side of the building that faces a public roadway.
- 2) The maximum sign area of the wall sign for any single business or tenant shall be equivalent to 1.5 square feet per each lineal foot of building width, or width of the portion of the building of which the business or tenant occupies.
- 3) Wall signs shall not be mounted in such a way as to exceed the height of the structure.
- 4) Wall signs shall not project more than 18 inches as measured from the face of the building to the front of the sign.

**C) Electronic Information Signs**

- 1) Lighted electronic information signs whose only movement is the periodic changing of information against a solid, colorless background shall be considered a changeable copy sign for the purpose of this article.
  - (a) Bulbs with automatic dimmers and glare screens shall illuminate all such signs.
  - (b) Any sign under this section shall meet all other zoning requirements.

**D) Permanent Driveway Signs**

Permanent driveway signs shall be permitted under the following provisions:

- 1) The sign shall be located within 10 feet of the intersection of a public street and a private driveway;
- 2) The sign shall not contain a commercial message;
- 3) One sign may be permitted per individual driveway;
- 4) The sign may not exceed four square feet in area; and
- 5) The sign height shall not exceed three feet.

**12.11: Off-Premise Signs (Billboards)**

- A)** Off-Premise signs, also called billboards, shall be classified as a business use and be permitted in all districts zoned for industry, business, or trade or on lands used which are exempt from Township zoning regulations pursuant to Section 519.21 of the Ohio Revised Code.
- B)** No portion of any off-premise sign shall project over or encroach upon any public property or public right-of-way.
- C)** As a business, billboards shall be considered a principal use and shall be required to meet all setback and lot area requirements of the applicable zoning district.
- D)** No billboard shall be located within 1,500 feet of any other billboard in any direction.
- E)** Any illumination of an off-premise sign shall be of an indirect type and shall not face toward any residential area nor direct lighting in any direction other than toward the sign face itself.
- F)** The maximum sign area and minimum setback shall be as follows:
  - 1) The maximum sign area for billboards on agricultural lands is 32 square feet with a minimum setback of 15 feet from the right-of-way.
  - 2) Billboards in a business or industrial zoning district shall not have a sign area of more than 100 square feet. Billboards in business and industrial zoning districts shall be setback a minimum of 100 feet from all right-of-ways, except as required by the Ohio Department of Transportation, which may required greater setback distances along primary highways. The maximum sign area for billboards in business and industrial zoning districts may be increased to a maximum area of 300 square feet provided that for every two square feet of sign area over 100 square feet, such sign shall be setback an additional one foot from any right-of-way.
- G)** No billboard shall exceed 30 feet in height as measured from the grade of the road adjacent to the billboard;
- H)** A billboard sign may contain two signs oriented back-to-back, or V-type with an angle not to exceed 35 degrees, provided that the total area of the sign faces oriented in any one direction shall not exceed maximum size provisions of Paragraph (F) above.

## 12.12: Temporary Signs

### A) General Definitions Related to Temporary Signs

- 1) Temporary signs shall be as defined in this article and may include, but are not limited to political signs, real estate signs, and special event signs.
- 2) Temporary signs with a commercial message include, but are not limited to, real estate signs, signs that reference the sale of items or other business related activities, or that include text classified as a commercial message.
- 3) Temporary signs that do not contain a commercial message include, but are not limited to, political signs and any other sign with text that is not classified as a commercial message.

### B) Standards that Apply to All Temporary Signs

- 1) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.
- 2) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.
- 3) No temporary sign shall be illuminated by anything other than non-reflected daylight, except by variance issued by the Board of Zoning Appeals
- 4) Temporary signs shall be set back a minimum of 10 feet from the edge of street pavement or the edge of a street right-of-way, whichever is the greater setback;

### C) Permitted Temporary Signs in a Residential Zoning District

This section addresses permitted temporary signs in a residential zoning district

- 1) Up to two of the permitted temporary signs may contain a commercial message. Such signs with commercial messages shall be limited to six square feet or less in sign area and shall not exceed four feet in height.
- 2) Temporary signs shall be set back a minimum of 10 feet from the street pavement and shall not be permitted within 35 feet of the pavement of any intersection.
- 3) As an accessory use to the permitted temporary commercial activity of land development, one temporary sign with a maximum sign area of 32 square feet and a maximum height of six feet may be permitted during the development of a subdivision or for the construction of a nonresidential use. Such sign shall require a zoning permit and fee and may be maintained for the following periods of time:
  - (a) A period not to exceed two years; or
  - (b) Until a permitted permanent sign identifying the subdivision or multi-family building is installed; or
  - (c) Until 20 days following the completion of construction of the last dwelling unit.

### D) Permitted Temporary Signs in Business or Industrial Districts

This section addresses permitted temporary signs in a business or industrial zoning district

- 1) Up to two of the permitted temporary signs may contain a commercial message. Such signs with commercial messages shall be limited to 24 square feet or less in sign area and shall not exceed six feet in height.
- 2) Temporary signs shall be set back a minimum of 15 feet from the street pavement and shall not be permitted within 35 feet of the pavement of any intersection.

- 3) Temporary signs greater than 24 square feet in area, with a commercial message, may be permitted under the following provisions:
  - (a) There shall be a limit of one sign per premises and such sign shall not exceed 32 square feet per side with a maximum of two sides;
  - (b) The sign shall not be illuminated unless authorized by the Board of Zoning Appeals through the variance process; and
  - (c) A temporary sign permitted under this section may be permitted for a period of 30 days per zoning permit, and not to exceed 60 days per year.
- 4) The maximum height of temporary signs shall not exceed the maximum allowable height for a permanent freestanding sign in the district in which the property is located.

**E) Temporary Signs for Public or Institutional Uses**

Public or institutional uses shall be permitted to utilize temporary signs pursuant to this section provided the sign meets the following provisions:

- 1) The temporary sign does not include a commercial message;
- 2) The sign shall not exceed 36 square feet in area for any one side;
- 3) The sign shall not exceed eight feet in height; and
- 4) Up to one sign shall be permitted for a period of 30 days and shall not exceed 90 days per year.

**12.13: Maintenance**

- A) All signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and kept in good repair.
  - 1) Signs shall be free from rust, dust, dirt, and other such debris.
  - 2) Exposed surfaces shall be clean and painted if paint is required.
  - 3) Defective parts shall be replaced.
  - 4) The Zoning Inspector shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated. Such sign shall be repaired or removed by the owner, agent, or person having the beneficial use of the sign within 30 days after notification to the owner from the Zoning Inspector.
- B) Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or lessee shall, upon receipt of written notice from the Zoning Inspector, proceed at once to correct the unsafe condition and/or remove the sign in question.
- C) Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard. Signs shall be subject to the vision clearance regulations of this resolution.

**12.14: Nonconforming Signs**

**A) Determination of Legal Nonconformity**

- 1) Existing signs that do not conform to the specific provisions of this article may be eligible for the designation of a “legal nonconforming sign” provided that they are not in violation of either of the following:
  - (a) The Zoning Inspector determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance and/or;
  - (b) The sign was covered by a valid permit or variance, or complies with all applicable laws on the effective date of this resolution.

- 2) Portable signs shall not be designated a legal nonconforming sign and shall be removed within 120 days of the effective date of this resolution. Portable signs altered to be made non-portable shall still be considered to be portable.

**B) Loss of Legal Nonconforming Status**

A legal nonconforming sign loses the legal nonconforming designation if:

- 1) The sign is relocated;
- 2) The sign structure is replaced;
- 3) The structure or size of the sign is altered in any way except towards compliance with this article. This does not refer to general maintenance, changeable marquees, or face and copy changes; or
- 4) The sign is part of an establishment that discontinues its operation for a period of two years.

**C) Maintenance and Repair of Nonconforming Signs**

The legal nonconforming sign is subject to all requirements of this article regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than 60% of the estimated replacement value, unless such damage was caused by vandalism or an act of God or other causes outside the influence of the owner or user, such sign shall be reconstructed in compliance with this article.

## Article 13: Nonconformities

### 13.01: Purpose

Within the districts established by this resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this resolution, but that are prohibited, regulated, or restricted under the terms of this resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this resolution that such nonconformities be allowed to continue until removed, they should not be encouraged to survive, unless otherwise allowed in this article or specifically addressed in this resolution.

### 13.02: General Provisions

- A) Any nonconforming building, structure, lot, or use existing at the time of the effective date of this resolution may be continued, even though such building, structure, lot, or use does not conform to the provisions of this resolution. Such nonconforming building, structure, lot, or use, shall be subject to the provisions of this article.
- B) The lot on which there is located a nonconforming use shall not be reduced in area or width to a lot area or lot width smaller than that required within the applicable zoning district, nor shall any existing yard be reduced so as to be smaller than the minimum yard requirements thereof.
- C) Passage of this resolution in no way legalizes any illegal uses or structures existing at the time of the adoption of this resolution.
- D) If the legally nonconforming use of any dwelling, building, structure, or of any land or premises is voluntarily discontinued for two years or more, any future use thereof shall be in conformity with the provisions of this resolution.

### 13.03: Nonconformities and Changes in Use or Variances

- A) Whenever a nonconforming use has been changed to a conforming use, such use shall no longer be defined as a nonconforming use.
- B) The granting of a variance for a use or structure that otherwise complies with this resolution, shall not create a nonconforming use or structure when the variance is granted.
- C) When a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses the nonconformity, the use or structure shall no longer be considered nonconforming.
- D) If a property owner or authorized agent is granted a variance for a nonconforming use or structure that addresses some nonconformities but additional nonconformities continue, the use or structure shall still be considered legally nonconforming.

### 13.04: Nonconforming Uses

If at the time of adoption of this resolution, lawful uses of land or structures exist that would not be permitted by the regulations of this resolution, the uses may be continued so long as they remain otherwise lawful and provided:

- A) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this zoning resolution unless it complies with the provision of Section 13.04 (E) (Expansion of Nonconforming Uses).

- B)** No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this zoning resolution.
- C)** If any such nonconforming use of land is discontinued, abandoned, or vacated for more than two years, any subsequent use of such land shall conform to the regulations specified by this zoning resolution for the applicable zoning district.
- D)** No additional structures related to a nonconforming use shall be constructed unless such new structure complies with the requirements of this resolution and the applicable zoning district.
- E) Expansion of a Nonconforming Use**
  - 1)** Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming use may be increased or improved where the owner of such use can demonstrate through application to the BZA that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.
  - 2)** Variances to expand a nonconforming uses into a required setback or to otherwise vary a regulation that applies to the subject site shall be prohibited.
- F) Termination of Nonconforming Uses**
  - 1) Termination of Use through Discontinuance**

When any nonconforming use is discontinued or abandoned for more than two years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.
  - 2) Termination of Use by Damage or Destruction**
    - (a)** Nothing in this zoning resolution shall prevent the restoration of a nonconforming use, building, or structure destroyed or damaged, or to prevent the continuance of such nonconforming use, provided:
      - (i)** That the extent of the damage or destruction is less than 60 percent of the reproduction value;
      - (ii)** That such restoration or construction shall not cause any new nonconformity, nor shall it increase the degree of nonconformance or noncompliance prior to such damage or destruction.
      - (iii)** That such restoration or construction is commenced within one year of the date that such notice is given to the Zoning Inspector; and
      - (iv)** That the owners of the property in question shall file with the Zoning Inspector a notice of intention to continue the nonconforming use within six months of such destruction or damage.
    - (b)** In the event that such notice is not filed, then the nonconforming use in question shall be deemed to be abandoned, subject to the two-year rule.
    - (c)** The BZA may review and decide upon the restoration of a nonconforming use damaged by fire, explosion, act of God or the public enemy, to the extent of more than 60 percent of its reproduction value.

### **13.05: Nonconforming Structures**

- A)** Any nonconforming structure may be enlarged, maintained, repaired or altered provided, however, that no such enlargement, maintenance, repair or alteration shall either create an additional nonconformity or increase the degree of the existing nonconformity of all or any part of such structure.
- B)** No nonconforming structure shall be relocated in whole or in part to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the applicable zoning district.
- C)** Governmental acquisition of a portion of a lot for a public purpose that results in reduction in a required yard or building setback below that required in the applicable zoning district shall not render a structure nonconforming.

### **13.06: Nonconforming Lots**

#### **13.07: New Construction on Single Nonconforming Lots of Record**

- A)** In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any vacant single lot of record at the effective date of this resolution or amendment thereto.
  - 1)** The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that the minimum side yard setback shall not be less than five feet.
  - 2)** The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall not be less than 10 feet.
- B)** Such lots shall be in separate ownership and not of continuous frontage with other lots in the same ownership.
- C)** This provision shall apply even though the lot fails to meet the requirements for lot areas, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district provided that yard and setback requirements other than those applying to lot area, lot width, or lot depth, shall conform to the district where the property is located. Any variance of yard or setback requirements shall be obtained through a variance approved by the BZA pursuant to Section 3.08 (Variances).

#### **13.08: Repair and Maintenance**

- A)** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.
- B)** Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

#### **13.09: Burden of Proof**

An applicant for any development review procedure that deals with a nonconforming use shall bear the burden of proof in demonstrating that the use was a legal nonconforming use on the effective date of this resolution.

## **Article 14: Enforcement and Penalties**

### **14.01: Enforcing Officer**

The Zoning Inspector is hereby designated as the enforcing officer of this resolution. The enforcing officer is hereby authorized to enforce, issue orders to prevent and stop violations, and administer the provisions of this resolution. The Zoning Inspector may be assisted by other personnel as the Board of Trustees may authorize.

### **14.02: Remedies**

If any building or land is used, altered, constructed, enlarged or any such action proposed in violation of the provisions of this resolution or any amendment or supplement thereto, the Township attorney, the enforcing officer, any person or any property owner damaged by or subject to damage by such violation in addition to remedies provided by law is hereby empowered or authorized to institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alterations, enlargement, change maintenance or use.

### **14.03: Penalties**

Any person, firm or corporation violating any regulation, provision, amendment or supplement to this resolution, or failing to obey any lawful order of the Zoning Inspector issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offence.

### **14.04: Affected Parties**

The owner or tenant of any building, structure, premises, or part thereof, and any architect, engineer, surveyor, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains a violation may be found guilty of a separate offense and suffer the penalties herein provided.

### **14.05: Other Actions**

Nothing herein contained shall prevent the Township from taking such other lawful action as is necessary to prevent or remedy any violation including issuing a misdemeanor citation for a continuing zoning resolution violation.

# **Article 15: Definitions and Rules for Interpretation**

## **15.01: Rules of Construction and Interpretation**

### **A) Intent**

All provisions, terms, phrases, and expressions contained in this resolution shall be construed according to this resolution's stated purpose and intent.

### **B) Lists and Examples**

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language are intended to provide examples, and not to be exhaustive lists of all possibilities.

### **C) References to Other Regulations, Publications and Documents**

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### **D) Public Officials and Agencies**

All public officials, bodies, and agencies to which references are made are those of Pierce Township, unless otherwise expressly stated.

### **E) Delegation of Authority**

Whenever a provision appears requiring the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

### **F) Technical Words**

Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

### **G) Mandatory and Discretionary Terms**

The word "shall" is always mandatory, and the words "may" or "should" are always permissive.

### **H) Conjunctions**

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

- 1) "And" indicates that all connected items, conditions, provisions, or events shall apply;  
and
- 2) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

**I) Tense and Usage**

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

**J) Gender and Persons**

- 1) The masculine shall include the feminine, and vice versa.
- 2) The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

**K) Meaning**

For the purpose of this resolution, words and phrases shall have the meanings set forth in this article.

**L) Other Terms Not Defined**

Words and phrases not otherwise defined in this resolution shall be construed according to the common and approved usage of American English.

## 15.02: Definitions

### **Abutting or Adjacent**

The land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

### **Active Parks and Recreational Facilities**

Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other similar outdoor facilities with the exception of hiker and biker trails.

### **Active Recreation Areas**

Active recreation areas shall include land developed for active parks and recreational facilities or conservation areas that provide walking paths or some other activity area for use by residents or the public.

### **Adjacent**

See “abutting or adjacent.”

### **Adult Arcade**

Any place to which the public is permitted or invited in which coin-operated, slug-operated, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and in which the images so displayed are distinguished or characterized by their emphasis upon matter exhibiting or describing specified sexual activities or specified anatomical areas.

### **Adult Bookstore, Adult Novelty Store, or Adult Video Store**

- A commercial establishment that, for any form of consideration, has as a significant or substantial portion of its stock-in-trade in, derives a significant or substantial portion of its revenues from, devotes a significant or substantial portion of its interior business or advertising to, or maintains a substantial section of its sales or display space for the sale or rental of any of the following:
  - Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, compact discs, slides, or other visual representations, that are characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas; and/or
  - Instruments, devices, or paraphernalia that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of self or others.
- Adult bookstore, adult novelty store, or adult video store includes a commercial establishment as defined in Section 2907.38 of the Ohio Revised Code. An establishment may have other principal business purposes that do not involve the offering for sale, rental, or viewing of materials exhibiting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore, adult novelty store, or adult video store. The existence of other principal business purposes does not exempt an establishment from being categorized as an adult bookstore, adult novelty store, or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, such materials that exhibit or describe specified sexual activities or specified anatomical areas.

### **Adult Cabaret**

A nightclub, bar, juice bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, that regularly features any of the following:

- Persons who appear in a state of nudity or semi-nudity;
- Live performances that are characterized by the exposure of specified anatomical areas or specified sexual activities;
- Films, motion pictures, video cassettes, slides, or other photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas.

### **Adult Entertainment**

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

### **Adult Family Home**

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

### **Adult Group Home**

A residence or facility, as defined and regulating in Chapter 3722 of the Ohio Revised Code, which provides accommodations for six to 16 unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

### **Adult Motion Picture Theater**

A commercial establishment where films, motion pictures, video cassettes, slides, or similar photographic reproductions that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas are regularly shown for any form of consideration.

### **Adult Theater**

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

### **Agricultural Use**

Agricultural uses include farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

### **Alley**

Any public way affording a secondary means of access to abutting property, and not intended for general traffic circulation.

### **Alteration**

Any change, addition, or modification in construction, type of occupancy, increase in floor space, the consummated act of which may be referred to herein as "altered" or "reconstructed."

### **Antenna (Telecommunication Tower)**

Any panel, whip, dish or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, including any support structure.

**Applicant**

Unless otherwise specified, an owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 3 (Development Review Procedures).

**Application**

The process by which the owner, or their agent, of a parcel of land within the Township submits a request for any type of development review or approval identified in Article 3 (Development Review Procedures) of this resolution. Applications include all written documentation and representations, in whatever forms and quantities as required by the Township.

**Automated teller machine (ATM)**

An automated device that performs banking or financial functions at a location remote from the controlling financial institution.

**Automotive Body Repair**

A facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

**Automotive Fuel Sales**

The retail sales of automotive fuels.

**Automotive Sales or Rental**

A facility, lot, or both used for the display, sale, or rental of new or used motor vehicles in operable condition, and where repair service may be an incidental accessory use.

**Automotive Service and Repair**

A facility where gasoline, or any other automobile engine fuel (stored only in underground tanks), kerosene, or motor oil and lubricants or grease (for operation of motor vehicles) are retailed directly to the public on the premises including the sale of minor accessories and the servicing and minor repair of automobiles. The storage of inoperable vehicles is not permitted. In addition to the retail sale of engine fuels, the following services may be carried out: general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles.

**Automotive Washing Facility**

The use of a site for washing and cleaning of passenger vehicles, recreational vehicles, or other light duty equipment.

**Automotive Wrecking, Salvage, or Junk Facilities**

Facilities where the primary use is the salvage of vehicles and/or the storage of wrecked or junk vehicles.

**Awning**

A roof like cover that is temporary or permanent, fixed or moveable and that projects from a building for the purpose of shielding an area of a structure.

**Banquet Hall**

A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities. Shall be set back a minimum of 300 feet from educational facilities, public parks, religious places of worship and residential zoning districts.

**Bar or Tavern**

An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks. Shall be set back a minimum of 300 feet from educational facilities, public parks, religious places of worship and residential zoning districts.

**Basement**

That portion of a building that is partly or wholly below grade but so located that the vertical distance from the average grade to the floor is greater than the vertical distance from the average grade to the ceiling. A basement shall not be counted as a story, except as provided in for in the definition of “story” and “story, half.”

**Bathing Beaches and Bath Houses**

Beach areas for the use of the property owner or public and associated structures that may be used for the changing of clothes and bathing as related to the beach.

**Bed and Breakfast Establishment**

Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner’s personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm**

In the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses. Also see the definition of “mound.”

**Block**

The property abutting one side of a street and lying between the two nearest intersecting streets, (crossing or terminating) or between the nearest such street and railroad right-of-way, unsubdivided acreage, river or live stream; or between any of the foregoing and any other barrier to the continuity of development, or corporate lines of the municipality.

**Board of Trustees**

The Pierce Township Board of Trustees

**Board of Zoning Appeals (BZA)**

The Pierce Township Board of Zoning Appeals

**Buffer or Bufferyard**

An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Article 9 (Landscaping and Buffering).

**Building**

A temporary or permanent structure having a roof supported by walls and/or columns. A permanent structure shall be affixed to the ground with footers and foundation per the building code. A temporary structure may not be affixed to the ground or, where affixed to the ground, done so in a temporary manner without a foundation or footers.

**Building, Accessory**

A detached permanent or temporary building or structure on the same lot having a use which is customarily incident and subordinate to the principal building. Accessory buildings include a garage, a storage building or any accessory structure. Accessory Buildings connected by access ways or covered access ways, even where the access way or buildings have footers and a foundation, are not considered attached buildings or building additions.

**Building Addition**

Expansion of the principal building where at least one common wall provides attachment for enlarging the function of the principal building. A residential example would be the addition or expansion of a kitchen or bedroom. A building addition is an alteration.

**Building, Attached**

A permanent building having at least one common wall with another building and having a use which is accessory and customarily incident and subordinate to that of the principal building such as a garage, a storage building or any accessory structure.

**Building Height**

The vertical distance of a building as measured pursuant to Section 6.03 (Height Measurements and Requirements).

**Building, Nonconforming**

A building that lawfully occupied a lot at the effective date of this resolution or amendments thereto and that does not conform to the regulations of the district in which it is located.

**Building, Principal**

The building containing the main or principal uses on the lot.

**BZA**

The Pierce Township Board of Zoning Appeals

**Camping Trailer**

Any vehicle or structure designed and constructed in such a manner that its primary purpose is for use as a temporary seasonal residence at a different location on land or water, during vacation or recreation periods and is or may be reasonably mounted on wheels or a motor vehicle and which is drawn or carried upon highways or streets and shall be appropriately licensed, as a camping trailer, or a motor home, as required by the State of Ohio.

**Canopy**

A free standing roof-like shelter not attached to or requiring support from an adjacent structure.

**Canopy Tree**

A deciduous tree with an expected height of at least 35 feet at maturity.

**Cemetery**

A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Commercial Kennel**

Any lot or premises, on which four or more dogs, cats or other household animals more than six months of age are bred, boarded or trained for commercial purposes.

**Commercial Message**

Any sign, wording, logo, or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service, or other commercial activity.

**Common Areas**

Parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

**Common Open Space**

Common areas not occupied by buildings, structures, parking areas, streets, driveways, or alleys. Common open space shall not include upper floor decks and/or balconies. In no instance shall any area of a lot constituting the minimum lot area of said lot or any existing right-of-way or public dedication be counted as constituting common open space.

**Conservation Subdivision**

A development where the lot sizes and other site development standards are reduced to allow for the preservation of open space and natural resources.

**Contractor or Construction Sales and Rental**

Land or buildings used primarily for the sale or lease of equipment, vehicles, machinery (new or used), building materials, paints, pipe, or electrical components used in construction or by contractors in any building trades or building craft.

**County**

Clermont County, Ohio

**Cul-de-Sac**

A dead-end street which includes a turnaround space.

**Day Care Center**

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period. See also definition for “Type-B Family Day Care Home”

**Density**

The quotient of the total number of dwelling units as divided by total area of the site. Unless otherwise specified in this resolution, the following are the two types of density calculations.

- **Gross Density:** The total number of dwelling units divided by the gross area of a site (including streets, easements, rights-of-way, open space set-asides, and/or other public dedications.).
- **Net Density:** The total number of dwelling units divided by the gross area of the site minus any land used for streets, easements, rights-of-way, open space set-asides, and/or other public dedications.

**Development**

Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of mobile homes, street, and other paving, utilities, filling, grading, excavation, mining, dredging or drilling operations.

**Diameter-at-Breast-Height (DBH)**

DBH is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

**Distribution Facility**

A use where goods are received and/or stored for delivery to the ultimate customer.

**District**

See definition of “Zoning District.”

**Driveway**

A private way, other than a street or alley, that provides access to one or more lots of record for the use of vehicles and pedestrians.

**Drive-Through Access**

A feature of convenience offered to customers or patrons of a nonresidential use which provides a method whereby transactions offered within the principal building may be accessed and conducted from within the customer’s or patron’s motor vehicle by driving up to the access point and proceeding through that access point upon completion of the transaction. Drive-through access provides the customer or patron a practical means of completing a transaction for goods or services offered by a nonresidential use without having to park or depart from the motor vehicle.

## Dwelling

Any building or portion of a building that contains one or more dwelling units used, intended, or designed to be built, used, rented, leased, or hired out to be occupied, or that is occupied for living purposes. Each unit must have independent means of egress. "Dwelling" shall not include hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

- **Dwelling, Multi-Family:** A building or portion thereof designed for or used exclusively for residential purposes by three or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings where three or more dwellings are attached by common walls or floors within a single structure.
- **Dwelling, Two-Family:** A building or portion thereof design for or used exclusively for residential purposes by two families or housekeeping units.
- **Dwelling, Single-Family Detached:** A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

## Dwelling Unit

A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall not include a recreational vehicle or camping equipment.

## Easement

Authorization by a property owner for the use by another, for a specified purpose, of any designated part of his or her property.

## Educational Facility

Buildings or structures used to teach students primarily under the age of 19. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

## Engineer

Any engineer licensed by the State of Ohio.

## Essential Services and Utilities

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement by public utilities, County, or other governmental agencies of underground, surface or overhead gas, electrical, steam, fuel or water transmission or distribution systems, collection, supply or disposal systems; including towers, poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm and police call boxes, traffic signals, hydrants and similar accessories and the use of land in connection therewith, for the furnishing of adequate service by such utilities or governmental departments for the public health, safety and general welfare. For the purposes of this definition, a public utility shall be as defined in Section 519.21 of the Ohio Revised Code.

## Evergreen Shrub

A shrub that remains green throughout the year.

## Evergreen Tree

A tree that remains green throughout the year with an expected height of at least 40 feet.

## Excavation

The process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

## Façade

The exterior wall of a building parallel to the frontage line or the street that fronts the parcel on which the building is located. Facades may be on the front, side, or rear elevation of the building regardless of whether the building side faces a street.

### **Family**

A person or group of persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

### **Fence**

An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

### **Financial Institutions**

Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

### **Flood**

The following terms used in this resolution are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the federal definitions shall apply.

- **Base Flood:** The flood having a one percent chance of being equaled or exceeded in any given year.
- **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.
- **Floodplain:** The land area susceptible to inundation by water as a result of a flood and for the purposes of this resolution shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.
- **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- **Floodway Fringe:** Those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

### **Floor Area**

Unless otherwise stated, floor area is the sum of the gross horizontal areas of all floors of a building or buildings, including interior balconies and mezzanines. All horizontal measurements are to be made between the interior faces of the exterior walls including the walls of roofed porches having more than one wall.

### **Footprint**

The area of a building measured from the exterior surface of the exterior walls at grade level. Where a building is elevated above grade level.

### Frontage, Building

The length of the facade of an enclosed building facing a public or private street. See Figure 15-1.

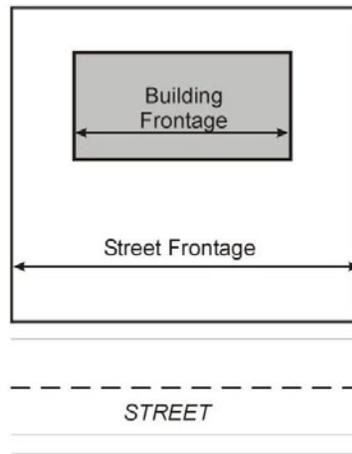


Figure 15-1: Illustration of street frontage versus building frontage.

### Frontage, Street

The distance for which the front boundary line of the lot and the street line are coincident. See Figure 15-1.

### Funeral Homes

A building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

### Garage

An accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

### Government and Public Uses

A facility or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including Township, State, County, or other recognized public entity. Such use may include, but is not limited to, Township offices, public works, libraries, post offices, and other uses not defined separately within this article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this resolution.

### Grade

The average of the finished ground level at the center of all walls of a building. In case walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalk, unless otherwise defined herein.

### Grass

A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

### Ground Cover

A plant growing less than two feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

### **Heavy Industrial Uses**

Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public works yards, and container storage.

### **Home Occupation**

An occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

### **Hospital**

A facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care of the sick or injured.

### **Hotel or Motel**

A building in which lodging, with or without meals, is offered for compensation and in which there are accommodations for more than five boarders.

### **House Trailer**

Any self-propelled and 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, whether resting on wheels, jacks or other foundation used and so constructed as to permit its being used as a conveyance upon the public streets or highways.

### **House Trailer Park**

Any site, lot, field, or tract of land upon which two (2) or more house trailers, used for habitation, are parked, whether free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

### **Housekeeping Unit**

One or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

### **Impervious Surface**

Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

### **Indoor Commercial Recreation**

Public or private recreational facilities where the principal use is located completely within an enclosed building. Such uses are generally related to the recreation or entertainment field such as bowling alleys, fitness centers, and similar activities. Indoor recreation and entertainment facilities differ from active parks, playgrounds, and recreational facilities where the principal use and activities are located outdoors.

### **Institutional Housing**

Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals, medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

### **Institutional Use**

A school, religious place of worship, or other use operated by a public agency or non-profit organization and permitted as a use in one or more residential zoning districts in the Township. A day-care facility shall be considered an institution regardless of ownership or operation.

### Landscape Material

Landscape material consists of: 1) material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover, and landscape water features; and 2) nonliving durable material commonly used in landscaping including, but not limited to, rocks, pebbles, sand, decorative walls and fences, brick pavers and earthen mounds, but excluding pavements for vehicular use.

### Legible

As related to signs, means that a message can be comprehended by a person with eyesight adequate to obtain a current Ohio driver's license standing in the public way or other location from which legibility is to be determined. Where such facts are material, it shall be presumed that the observation takes place in daylight hours and that the person making the observation is standing and is between five feet-two inches and six feet tall.

### Light Industrial Uses

The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

### Loading Space

An off-street space on the same lot with a building, or a group of such buildings and accessory buildings, or utilized for the principal use and accessory use.

### Lot

A parcel of land occupied or intended for occupancy by a use permitted in this resolution and the open spaces required by this resolution and having its principal frontage upon a street or place.

### Lot Area

The total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication, as defined in Section 6.01 (Lot Measurements and Requirements).

### Lot Coverage

That portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of storm water including paving, driveways, and other impervious surfaces.

### Lot Line

A line of record bounding a lot that divides one lot from another lot, a public right-of-way or any other public or private space. Lot line may also be called a "property line."

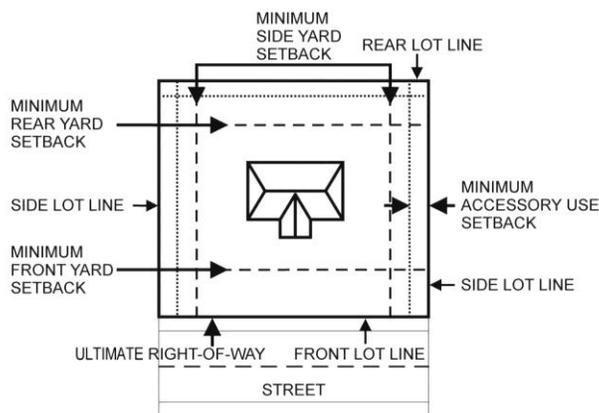


Figure 15-2: Illustration of lot lines and setback on a typical interior lot.

### Lot Line, Front

The front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line. See Figure 15-2.

**Lot Line, Rear**

A lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. A lot line greater than 45 degrees from the front street right-of-way line would be a side lot line. See Figure 15-2.

**Lot Line, Side**

A lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Figure 15-2.

**Lot of Record**

A parcel of land, the dimensions of which are shown on a document or map filed with the Clermont County Recorder of Deeds, and which actually exists as so shown, or any part of such parcel held in a record ownership separate from that of the remainder thereof.

**Lot Width**

The horizontal distance between the side lot lines measured at the two points where the building line, or setback line intersects the side lot lines. See Figure 15-3.

**Lot, Corner**

A lot abutting upon two or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Figure 15-3.

**Lot, Double Frontage**

A lot having a frontage on two non-intersecting streets, as distinguished from a corner lot. See Figure 15-3.

**Lot, Interior**

A lot that has a single street frontage, a rear lot line, and at least two side lot lines. See Figure 15-3.

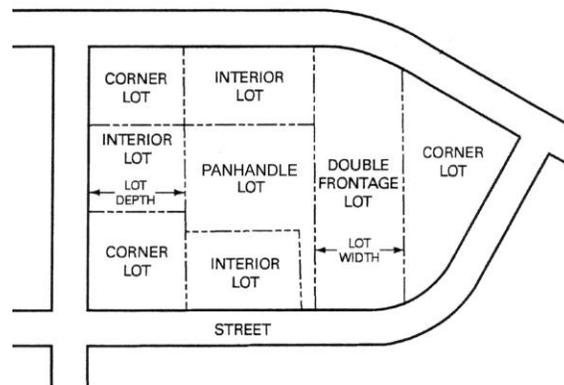


Figure 15-3: Illustration of various lot types.

**Lot, Nonconforming**

A lot that was legally recorded prior to the effective date of this resolution that is vacant and that does not meet the minimum lot area, lot width, and/or street frontage requirements of the applicable zoning district under the current resolution.

**Lot, Panhandle**

A lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 15-3.

**Lot, Triple Frontage**

A lot having frontage on three streets, as distinguished from a corner lot or double frontage lot.

**Marquee**

Any permanent structure which projects from a wall of a building over a walkway or entrance way to a shopping center and plaza generally 10 feet or more above a walkway.

**Maximum Extent Feasible**

No feasible or practical alternative exists, as determined by the zoning inspector, and all possible efforts to comply with the standards or regulation or minimize potential harmful or adverse impacts have been undertaken by an applicant. Economic considerations may be taken into account but shall not be the overriding factor determining “maximum extent feasible.”

**Message, Off-Premise**

An off-premise messages means copy relating only to a commercial business, product, service or activity conducted or offered at a location other than the lot or parcel of record on which the sign is located.

**Mezzanine**

An intermediate floor that is built between two main stories of a building and that does not occupy a floor area in excess of two-thirds (2/3) of the floor area of the main stories.

**Monopole**

A wireless communication facility which consists of a single column, erected on the ground to support wireless communication antennas and connecting appurtenances.

**Mound**

A mound or berm formed as a result of man-made grading and/or excavation.

**Multi-Family Dwelling**

See definition of “dwelling.”

**Natural Wood**

Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

**Nude or Seminude Model Studio**

- Any place where a person, who regularly appears in a state of nudity or seminudity, is provided for money or any other form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
- A modeling class or studio is not a nude or seminude model studio and is not subject to this chapter if it is operated in any of the following ways:
  - By a college or university supported entirely or partly by taxation;
  - By a private college or university that maintains and operates educational programs, the credits for which are transferable to a college or university supported entirely or partly by taxation;
  - In a structure that has no sign visible from the exterior of the structure and no other advertising indicating that a person appearing in a state of nudity or seminudity is available for viewing, if in order to participate in a class in the structure, a student must enroll at least three days in advance of the class and if not more than one nude or seminude model is on the premises at any one time.

**Nudity, Nude, or State of Nudity**

The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft, or cleavage with less than a fully opaque covering; or the showing of the female breasts with less than a fully opaque covering of any part of the nipple.

**Nurseries**

Buildings and enclosures used for the cultivation and protection of plants.

**Outdoor Wood Boiler**

Any equipment, device, appliance or apparatus, or any part thereof, that is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood boiler furnace may also be referred to as an outdoor wood furnace or outdoor wood-fired hydronic heater.

**Owner**

A person recorded as such on official records and including duly authorized agent or notary, a purchaser, devisee, judiciary; and such person having a vested or contingent interest in the property in question.

**Parapet or Parapet Wall**

That portion of a building wall that rises above the roof level.

**Parcel**

A distinct portion or tract of land as is recorded and distinguished in the Clermont County Auditor's Property Tax Atlas.

**Parking Lot**

A facility providing vehicular parking spaces along with adequate drives and aisle, for maneuvering, so as to provide access for entrance and exit for the parking of more than two vehicles.

**Parking Space**

A designated parking areas designed for one vehicle that is exclusive of drives, aisles or entrances giving access thereto.

**Passive Park and Recreational Facilities and Conservation Areas**

Any park or recreational facility where there is no grading of the land, no construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

**Pennant**

Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

**Permanently Sited Manufactured Home**

A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development. Pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, "88 Stat. 700, 42 U.S.C.A 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards and which meet the following requirements for a permanently sited manufactured home:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;
- The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering;
- The structure was manufactured after January 1, 1995; and
- The structure is not located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

**Personal Services Establishment**

Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Planning Commission**

The Clermont County Planning Commission of Clermont County, Ohio

**Planting Area**

Any area designed for landscape material installation.

**Premises**

An area of land with its appurtenances and buildings that, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

**Private Club or Lodge**

A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for the promulgation of sports, arts, sciences, literature, politics, or the like, but not operated for profit which is customarily carried on as a business.

**Private Recreational Facilities**

A recreational facility or club that is exclusively for the use of residents of a subdivision or development that may include swimming pools, tennis courts, clubhouses, and putting greens. Such use does not include “golf courses,” and “driving ranges” nor, does it include any type of “indoor commercial recreation.”

**Professional or Business Offices**

Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

**Religious Place of Worship**

An institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

**Residential Facility**

A home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

**Residential Facility, Large**

A “residential facility” where there is supervision in a family setting of 9 to 16 persons. See also “adult group home.”

**Residential Facility, Small**

A “residential facility” where there is supervision in a family setting of 6 to 8 persons. See also “adult family home.”

**Restaurant**

An establishment whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

**Retail Commercial Uses**

Establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, antique stores, bakeries, bookstores, convenience stores, groceries, pharmacies, and other similar uses.

**Riding Stable**

A facility where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

### **Right-Of-Way**

An area or strip of land, either public or private, on which an irrevocable right-of-passage has been recorded for the use of vehicles or pedestrians or both.

### **Roadside Stand**

The use of any land or a structure for the sale of produce in accordance with the provisions of Section 4.06 (Accessory Uses and Structures in Residential Districts).

### **Roof Line**

The top edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette.

### **Service Commercial Uses**

Establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

### **Sexual Encounter Establishment**

- A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where either of the following occur:
  - Two or more persons may congregate, associate, or consort for the purpose of engaging in specified sexual activities.
  - Two or more persons appear nude or seminude for the purpose of displaying their nude or seminude bodies for their receipt of consideration or compensation in any type or form.
- An establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Ohio Revised Code, is not a “sexual encounter establishment.”

### **Sexually Oriented Businesses**

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motion picture theater, adult theater, nude or seminude model studio, or sexual encounter establishment. An establishment in which a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized therapy, including, but not limited to, massage therapy, as regulated pursuant to Section 4731.15 of the Ohio Revised Code, is not a sexually oriented business.

- When used in reference to a sexually oriented business, the phrase “distinguished or characterized by their emphasis upon” means the dominant or principal character and theme of the object described by this phrase. For instance, when the phrase refers to films “that are distinguished or characterized by their emphasis upon the exhibition or description of specified sexual activities or specified anatomical areas,” the films so described are those whose dominant or principal character and theme are the exhibition or description of specified sexual activities or specified anatomical areas.
- When used in reference to a sexually oriented business, the phrase “regularly features or regularly shown” means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the adult entertainment establishment.

### **Sign**

Any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

### **Sign Area**

The entire area of the sign as measured according to Section 12.04 (Computations).

**Sign Copy**

Any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof which is primarily intended to advertise, identify, or notify.

**Sign Copy Changes or Message Changes**

The ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. Changeable copy signs include computer signs, reader boards with changeable letters, and time and temperature units.

**Sign Face**

The area or display surface used for the message.

**Sign Height**

The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

**Sign, Abandoned**

A sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

**Sign, Awning**

A sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning.

**Sign, Banner**

A sign made of canvas or other approved flexible materials with or without a structural frame and attached to a building, canopy, pole or other structure.

**Sign, Bench**

A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

**Sign, Canopy**

See definition of "sign, awning."

**Sign, Electronic Information**

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

**Sign, Ground Mounted**

Any sign placed upon or supported by the ground independent of any other structure.

**Sign, Institutional**

A sign identifying or advertising an institutional or business use permitted in a residential district, where such sign is located on the same premises as such use.

**Sign, Marquee**

See definition of "sign, awning."

**Sign, Nonconforming**

A sign that is erected legally but which does not comply with subsequently enacted sign restrictions and regulation. A nonconforming sign is also a sign that does not conform to the sign resolution requirements but for which a special permit has been issued.

**Sign, Outdoor Advertising or Billboard**

A sign containing an off-premise commercial message at any time.

**Sign, Pole-Mounted**

A sign that is mounted on a freestanding pole or other support so that the bottom of the sign copy area is five feet or more above grade.

**Sign, Portable/Daisy**

A sign not affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

**Sign, Projecting**

A sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the wall of such building.

**Sign, Roof**

A sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof.

**Sign, Snipe**

A sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects.

**Sign, Temporary**

A nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.

**Sign, Wall**

A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure.

**Sign, Window**

A sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window.

**Single-Family Dwelling** See

definition of “dwelling.” **Small**

**Wind Energy System**

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

**Solar Panels**

Panels installed on a building to allow for the conversion of solar energy to electrical current.

**Specified Anatomical Areas**

The cleft of the buttocks, anus, male or female genitals, or the female breast.

**Specified Sexual Activities**

Means any of the following:

- Sex acts, normal or perverted, or actual or simulated, including intercourse, oral copulation, masturbation, or sodomy;
- Excretory functions as a part of or in connection with any of the activities described above.

**Stacking Space**

A lane or area that is specifically designated for cars to “stack” in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

## **State**

State of Ohio

## **Storage Facilities**

A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

## **Story**

Part of a building, except a mezzanine as defined herein, included between the surface of one floor and the surface of the next floor, or if there is no floor above, then the ceiling next above. If the floor level directly above a basement is more than six feet above grade, such basement shall be considered a story.

## **Story, Half**

An uppermost story lying under a sloping roof having an area of at least 200 square feet with a clear height of seven feet six inches (7'6"). For the purpose of this resolution, the usable floor area is only that area having at least four feet clear height between floor and ceiling.

## **Street**

A public thoroughfare which affords the principal means of access to abutting property.

- **Public Street:** A publicly dedicated or owned right-of-way constructed to Clermont County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.
- **Private Street:** A street or roadway which has not been dedicated for public use, or accepted by the Board of Trustees and is not maintained by the Township. Additionally, a private street must meet the specifications for public streets as established by and approved under the Clermont County Subdivision Regulations.

## **Structure**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

## **Structure, Accessory**

A structure on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

## **Structure, Nonconforming**

A structure where the use of which is permitted in the applicable zoning district but where the structure does not meet one or more of the site development standards or other applicable standards including, but not limited to, setbacks, maximum height, parking requirements, landscaping requirements, and other dimensional standards.

## **Swimming Pool**

A structure constructed or placed below ground or above ground, which is suitable or utilized for swimming or wading.

## **Telecommunication Tower**

The structure includes but not limited to self-supporting lattice, guyed, or monopole, which elevate the telecommunication antenna and may include accessory transmission and receiving equipment. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.

## **Tent**

Any temporary structure used for living or sleeping purposes, or for sheltering a public gathering constructed wholly or in part from canvas, tarpaulin, or other similar materials and shall include: shelter providing for circuses, carnivals, side shows, revival meetings, camp meetings and all similar meetings or exhibitions in temporary structures.

## **Township**

Pierce Township, Clermont County, Ohio

### **Tractor-Trailer**

A tractor-trailer is a two-part truck. The tractor is the cab where the driver sits and the trailer, hooked to the tractor, hauls the freight. For the purposes of this resolution, the term tractor-trailer means either one of the parts.

### **Two-Family Dwelling**

See definition of “dwelling.”

### **Type-B Family Day Care Home**

A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day care homes do not include any child day camp as defined in ORC Section 5104.01.

### **Use**

A purpose for which land, a building, lot, sign, or other structure is arranged, intended, designed, occupied or maintained.

### **Use, Accessory**

A use or building on the same lot with, and of a nature customarily incident and subordinate to, those of the main use or building.

### **Use, Main**

See definition of “Use, Principal.”

### **Use, Nonconforming**

A use that lawfully occupied a building or land at the effective date of this resolution or amendments thereto but that does not conform to the use regulations of the district in which it is located under the current resolution.

### **Use, Principal**

The principal use to which the premises are devoted and the primary purpose for which the premises exist.

### **Use, Temporary**

A use or building permitted to exist during periods of construction of the main building or use, or for special events, but not inhabitable.

### **Variance**

A modification of the literal provisions of the zoning resolution that is considered when strict enforcement of the zoning resolution would cause undue hardship owing to circumstances unique to the individual property on which the variance is granted pursuant to Section 3.08 (Variances).

### **Vehicle**

Any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled or towed by any self-propelled vehicle is considered a vehicle.

### **Vehicle, Inoperable**

Any transportation device that is unfit for use for any of the following reasons:

- Not currently licensed for use on the roads in the State of Ohio;
- Not roadworthy or in a state of disrepair;

### **Vehicle, Junk**

A vehicle as defined in Section 4513.63 of the Ohio Revised Code.

### **Vehicle, Recreational**

Vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, which may be designed as temporary living accommodations, and is used for recreational, camping, and travel use. Recreational vehicles may include, but are not limited to the following:

- **Travel Trailer:** A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer.
- **Motorized Home:** A portable dwelling designed and constructed as an integral part of a self-mounted vehicle on wheels and designed for travel and vacation uses.
- **Pick-up Camper:** A structure designed primarily to be mounted on a pick-up truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation uses.
- **Boats and Boat Trailers:** Includes floats and rafts, plus the normal equipment to transport the same on the highway.
- **Fold-Out Tent Trailers/Pop-up Campers:** A canvas folding structure mounted on wheels and designed for travel and vacation uses.

### **Vehicular Use Area**

Any paved ground surface area, except public rights-of-way, used by any type of vehicle, whether moving or at rest for the following purposes, but not limited to driving, parking, loading, unloading, storage or display.

### **Veterinary Facilities (No Kennels)**

A place used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations in a wholly enclosed building on the premises only for treatment, observation and/or recuperation. Veterinary facilities shall not include kennels for the boarding of animals except when necessary for medical treatment.

### **Warehouses**

Structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

### **Wholesale Commercial Uses**

An establishment for the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent or broker in the buying or selling of merchandise; but not selling to the general public.

### **Yard**

An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

#### **Yard, Front**

Unless otherwise stated, a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. See Article 6 (Measurements and Site Development Standards).

#### **Yard, Rear**

Unless otherwise stated, a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps, unenclosed balconies or unenclosed porches. See Article 6 (Measurements and Site Development Standards).

#### **Yard, Side**

Unless otherwise stated, a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard. See Article 6 (Measurements and Site Development Standards).

### **Zoning Commission**

The Pierce Township Zoning Commission

### **Zoning District**

A section or sections of the unincorporated territory of Pierce Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

- **Residential Zoning Districts:** The SFR, TFR, MFR, TR, P, and MH Districts where residential uses are the primary permitted uses.
- **Business or Nonresidential Districts:** The NB, GB, I, and RR Districts.
- **Planned Unit Development District:** The PUD District and any of its types including the PUD-R, BUD-B, and PUD-MU.

### **Zoning Map**

The Official District Map for Pierce Township, Clermont County, Ohio.

### **Zoning Permit**

A written statement issued by the Zoning Inspector authorizing the construction of buildings, structures, or the establishment of uses permitted in this resolution.

## **Article 16: MH District Standards**

### **16.01: Principal Use Permitted**

The use of house trailers as a place of human habitation is permitted in the MH District but prohibited in any other district except as herein provided.

### **16.02: Construction, Sanitation and Operation**

The layout, construction, drainage, sanitation, safety, and operation of house trailer parks shall be made in accordance with the regulations of the Public Health Council of the State of Ohio, the Board of Health of Clermont County and the Regulations of the Trustees of Pierce Township.

### **16.03: Parking or Storage of House Trailers in Residential Districts**

- A)** One house trailer may be parked or stored in a garage or other accessory building or rear yard in Residence SFR, TFR, and MFR Districts, providing it is not used for human habitation or for business purposes while such trailer is so parked or stored.
- B)** In the Industrial District, house trailers may be permitted for human habitation on a temporary basis, during construction of an industrial building, provided it is used on the real estate where the construction is in progress. The house trailer must be removed on completion of construction. In the resort and recreation district, a revocable permit may be granted by the Zoning Inspector for a temporary location of a house trailer for a period not to exceed 14 days.