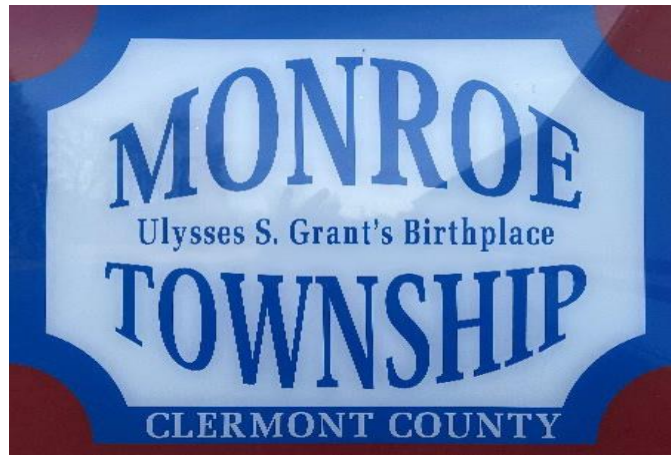


Monroe Township Zoning Resolution



Monroe Township,
Clermont County,
State of Ohio

Adopted November 18, 1987

Amended February 6, 2024

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ARTICLE 1: PURPOSE AND INTENT

(1) PURPOSE

For the purposes of promoting public health, safety, morals, comfort or general welfare; to secure the most appropriate use of land and to facilitate adequate but economical provisions of public improvements all in accordance with the provisions of Chapter 519, Township Zoning of the Ohio Revised Code, it is hereby provided as follows:

(2) TITLE

This resolution shall be known, and may be cited and referred to as, the Monroe Township Zoning Resolution.

(3) APPLICABILITY AND JURISDICTION

The provisions of this Zoning Resolution shall apply to all land, land development, uses of all structures, and uses of land within the unincorporated areas of Monroe Township, Clermont County, Ohio.

(4) INTERPRETATION, PURPOSE, AND CONFLICT

In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or land intended by this Resolution to interfere or abrogate or annul any easement, covenants, or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolution or agreements, the provisions of this Resolution shall control.

(5) ZONING CERTIFICATE REQUIRED

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the Zoning Inspector. Such certificate shall show that such building or premises or a part thereof, and the proposed use thereof are in conformity with the provisions of this Resolution. The Zoning Inspector shall not issue any permit for excavation or construction unless the plans, specification and the intended use conform to the provisions of this Resolution.

(6) CONFLICTING PROVISIONS

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.

(7) SEVERABILITY

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

(8) RESTORING 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 building inspector or from complying with his lawful requirements.

(9) APPROVED WATER SUPPLY AND SEWAGE DISPOSAL FACILITIES

It shall be unlawful to locate, erect or construct any building or structure to be used for human habitation without provision of an approved water supply and approved sanitary waste disposal facilities. Wherever existing water and/or sanitary sewer mains are accessible, connections shall be made. Individual water supply and sanitary waste disposal facilities may be used only upon approval of the Clermont County Health District or Ohio E.P.A. A certificate of approval for individual systems shall be obtained from the Health District or Ohio E.P.A. prior to the filing of an application for a zoning permit or certificate of occupancy and such Health District or Ohio E.P.A. certification shall accompany each such application.

(10) FEES

The Township shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Certificates, Variances and Amendment Applications to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this resolution. Such fees shall be paid to the appropriate Township Official and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Monroe Township Trustees and posted at the Monroe Township Hall.

ARTICLE 2: ADMINISTRATION

This Article sets for the roles and powers that various Township agencies and bodies have in administering the Monroe Township Zoning Resolution.

(1) ZONING INSPECTOR**(A) Roles and Powers**

1. It shall be the duty of the Zoning Inspector, who shall be appointed by the Monroe Township Board of Trustees, to enforce this resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him/ her upon new construction, reconstruction, land uses, or upon seeing violations.
2. It shall be the duty of the Zoning Inspector to review applications for zoning certificates and site plan reviews to ensure compliance with this Zoning Resolution.
3. Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of the enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.
4. It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
5. It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.

(B) Decisions

1. Appeal from the decision of the Zoning Inspector may be made to the Board of Zoning Appeals.
2. The Zoning Inspector shall make appropriate forms available at the time of denial to the applicant for the application to the Board of Zoning Appeals.

(2) ZONING COMMISSION

The Monroe Township Zoning Commission is hereby created.

(A) Roles and Powers

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

1. Initiate proposed amendments to this Resolution.

2. Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.
3. Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

(B) Appointment and Organization

The Board of Trustees, for the purpose and intentions of this Resolution, hereby creates and establishes the Township Zoning Commission.

1. The Commission shall be composed of five (5) members who reside in the unincorporated area of Monroe Township, to be appointed by the Board of Trustees.
2. The terms of the members shall be of a length determined by the Trustees in accordance with State law.
3. Each member shall serve until his or her successor is appointed and qualified.
4. Members of the commission shall be removable for non-performance of duty, misconduct in office, or other cause, by the trustees, and after a public hearing has been held regarding such changes, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The members shall be given an opportunity to be heard and answer such charges.
5. Vacancies shall be filled by appointment by the Trustees and shall be for the unexpired term.
6. Alternates
 - a. The Board of Trustees may appoint two (2) alternate members to the Zoning Commission, for terms to be determined by the Board of Trustees.
 - b. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
 - c. An alternate member shall meet the same appointment criteria as a regular member.
 - d. 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.

(C) Rules

The Commission shall adopt rules necessary to the conduct of its affair in keeping with the provisions of this Resolution.

(D) Meetings

1. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine.
2. All meetings shall be open to the public.
3. The Commission shall keep minutes of its proceeding 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 and be immediately filed in the office of the Commission.

(E) Quorum

Three (3) members of the Zoning Commission shall constitute a quorum.

(3) BOARD OF ZONING APPEALS

The Monroe Township Board of Zoning Appeals is hereby created.

(A) Roles and Powers

The Board of Zoning Appeals 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 or other official in the interpretation or enforcement of the provisions of this Resolution.
2. To hear and decide, in accordance with the provisions of this Resolution, applications filled for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the Board of Zoning Appeals is authorized by this Resolution to pass.
3. In considering an application for conditional use, the Board of Zoning Appeals shall have the power to impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this Resolution for the particular conditional use, as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest.
4. The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the

provisions or requirements of this 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 Resolution would cause unnecessary hardship. The Board of Zoning Appeals 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 Resolution and in the public interest.

5. To permit the substitution of a nonconforming use existing at the time of enactment of this resolution, for another nonconforming use, if no structural alterations except those required by law or resolution, are made.
6. To allow the extension of a use or building into a more restricted district immediately adjacent thereto but not more than twenty-five (25) feet beyond the dividing line of the two districts, under such conditions as will safeguard development in the more restricted district.
7. All other powers authorized in Section 519.14 of the Ohio Revised Code.

(B) Appointment and Organization

1. The Board of Zoning Appeals shall consist of five (5) members, to be appointed by the Township Trustees.
2. Members shall be residents of the unincorporated area of Monroe Township, Clermont County, Ohio.
3. The terms of the members shall be of a length determined by the Trustees in accordance with State law.
4. Members of the Board of Zoning Appeals shall be removable for non-performance of duty, misconduct in office, or other cause, by the Trustees, upon written charges having been filed with the 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 his usual place of residence.
5. Vacancies shall be filled by appointment by the Trustees and shall be for the unexpired term.
6. Alternates
 - a. The Board of Trustees may appoint two (2) alternate members to the Board of Zoning Appeals, for terms to be determined by the Board of Trustees.
 - b. An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals.

- c. An alternate member shall meet the same appointment criteria as a regular member.
- d. 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.

(C) Rules

The Board of Zoning Appeals shall organize and adopt rules for its own government not inconsistent with law or with any other Resolution of the Township.

(D) Meetings

- 1. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board of Zoning Appeals may determine.
- 2. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses per Section 519.14 Ohio Revised Code.
- 3. All meetings of the Board of Zoning Appeals shall be open to the public.
- 4. The Board of Zoning Appeals 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 immediately filed in the office of the township clerk and shall be a public record.

(E) Quorum

- 1. Three (3) members of the Board of Zoning Appeals shall constitute a quorum.
- 2. A majority vote shall be necessary to reverse any order of determination of the Zoning Inspector, or to decide in favor of an applicant in any matter of which the Board of Zoning Appeals has original jurisdiction under the Resolution or to grant any variance from the requirements stipulated in this Resolution.

(4) MONROE TOWNSHIP TRUSTEES

(A) For the purpose of this Resolution the Township Trustees shall have the following duties:

- 1. Initiate proposed amendments to this Resolution.
- 2. Review and decide on all proposed amendments to this Resolution.
- 3. Perform all other duties as specified in Chapter 519 of the Ohio Revised

Code and as specified in this Resolution.

- (B)** Title 5 of the Ohio Revised Code shall regulate the election of the Trustees, establish their rules of meetings, meeting times, and quorum.

ARTICLE 3: DEVELOPMENT REVIEW AND PROCEDURES

(1) GENERAL PROVISIONS

(A) Authority to File Applications

The person having legal authority to take action in accordance with the approval sought shall file an application for any review per this article. The person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner in the absence of satisfactory proof to the contrary.

The Zoning Commission and Board of Township Trustees may initiate resolution and map amendments under this Resolution with or without an application from the property owner(s) who may be affected.

(B) Computation of Time

Periods of time defined by a number of days shall be the number of consecutive calendar days, including all weekend days, holidays, and other non-business days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

(2) ZONING CERTIFICATE

(A) Applicability

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

1. New construction or structural alteration of any building, including accessory buildings.
2. Change in use of an existing building or accessory building to a use of a different classification, excluding changing to any agricultural uses.
3. Occupancy and use of vacant land excluding agricultural land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a non-conforming use; or
6. Nonconforming uses as follows:

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this Resolution. Application for such certificate for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building and land occupied by each nonconforming use within in (1) year of the effective date of this Resolution.

(B) Exemptions

Structures used for agricultural purposes shall be exempt from the requirement of a zoning certificate. Owners or tenants intending on constructing such agricultural buildings shall obtain and sign a waiver form from the Township Zoning office.

(C) Procedure

1. Step 1 – Application

The applicant shall submit one (1) copy of the following to the Township Zoning Inspector prior to submitting for a Clermont County Building Permit:

- a. Zoning certificate application and applicable forms available from the Township offices and Zoning web site.
- b. A sketch or scaled plan indicating the shape, size, height and location of all buildings or structures to be erected, altered, or moved and of any building or structures already on the lot in exact relation to all property lines and to street lines
- c. All required fees as established in the Monroe Township fee schedule.

2. Step 2 – Review

The Township Zoning Inspector shall review the application for conformance with the provisions of this Zoning Resolution.

3. Step 3 - Decision

- a. Within ten (10) days of the application (Step 1), the Township Zoning Inspector shall either approve and issue the zoning certificate or deny the application and in so doing state, in writing, the reasons for the action taken.
- b. Upon approval, the Zoning Inspector shall return one, signed copy of the application and maintain the second copy of the application for Township records.
- c. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with subsection (C) above, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Article 3, Section (2) of this Resolution.

(D) Review Criteria

All applications for a zoning certificate shall demonstrate conformity with the

provisions of this Zoning Resolution.

(E) Expiration

1. Construction shall begin within six (6) months of issuance of zoning certificate and certificate shall expire within twelve (12) months of issuance.
2. Failure to begin construction within six (6) months shall result in the expiration of the zoning certificate unless the applicant requests an extension from the Zoning Inspector.
3. If a zoning certificate expires after twelve (12) months, a new zoning certificate application, including all applicable fees, shall be required.

(3) TEXT AND MAP AMENDMENTS

(A) Amendment Initiation

1. Amendments or supplements to the Zoning Resolution may be initiated by:
 - a. Motion of the Township Zoning Commission.
 - b. Passage of a resolution by the Board of Township Trustees; or
 - c. By the filing of an application by one or more of the owners of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission.
2. If the Board of Township Trustees initiates the amendment, the Board of Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

(B) Procedure

1. Step 1 – Application
 - a. Applications for any change of district boundaries, classifications of property as shown on the Zoning Map, or changes to the Resolution Text shall be submitted to the Zoning Inspector at the Township Zoning Office.
 - b. The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of the facts for the permanent record.
 - c. Each such application shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of

all facts and information presented with the applications.

- d. Applications for amendments initiated by the Commission shall be accompanied by the Commission's motion pertaining to such proposed amendment.
- e. Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.
- f. All required fees.

2. Step 2 – Referral to the County Planning Commission

- a. Within five (5) days after the adoption of a motion, certification of a resolution or the filing of an application (Step 1), the Township Zoning Commission shall transmit a copy thereto to the County Planning Commission.
- b. The County Planning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Township Zoning Commission.
- c. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

3. Step 3 - Public Hearing of Zoning Commission

- a. Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 1), the Township Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
- b. The public hearing shall not be less than twenty (20) or more than forty days (40) from the date the application (Step 1) was submitted.
- c. For amendments that involve ten or fewer properties, notice shall be given as follows:
 - i. The Zoning Commission shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
 - ii. The Zoning Commission shall notify, by first class mail, all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned, at least ten (10) days before the date of such hearing.

- iii. Notification shall include the following information:
 - a. The date, time, and place of the public hearing.
 - b. The Zoning Commission's name.
 - c. A statement that the contemplated amendment is to the zoning resolution.
 - d. A list of properties, by address, proposed to be rezoned.
 - e. The present and proposed zoning of the properties.
 - f. The time and place where the motion, resolution, or application proposing the amendment will be available for public review.
 - g. The name of the person responsible for giving notice of the hearing
 - h. Any other information requested by the Zoning Commission; and
 - i. A statement that, after the hearing's conclusion, the matter will be submitted to the County Planning Commission.
- d. For amendments that involve more than ten properties or amendments to the Zoning Resolution text, notification shall be given as follows:
 - i. The Zoning Commission shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
 - ii. Notification shall include the following information:
 - a. The date, time, and place of the public hearing.
 - b. The Zoning Commission's name.
 - c. A statement that the contemplated amendment is to the zoning resolution.
 - d. The time and place where the motion, resolution, or application proposing the amendment will be available for public review.
 - e. The name of the person responsible for giving notice of the hearing
 - f. Any other information requested by the Zoning

Commission; and

- g. A statement that, after the hearing's conclusion, the matter will be submitted to the County Planning Commission.

4. Step 4 – Recommendation by the Zoning Commission to the Board of Trustees

Within thirty (30) days of the Zoning Commission's public hearing (Step 3), the Township Zoning Commission shall recommend the approval, approval with modifications, 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 County Planning Commission to the Board of Township Trustees.

5. Step 5 – Public Hearing of Township Trustees

- a. Upon receipt of the recommendation from the Township Zoning Commission (Step 4), the Board of Township 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 thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission.
- c. For amendments that involve ten or fewer properties, notice shall be given as follows:
 - i. The Board of Trustees shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
 - ii. The Board of Trustees shall notify, by first class mail, all owners of property within and contiguous to and directly across the street from the area proposed to be rezoned, at least ten (10) days before the date of such hearing.
 - iii. Notification shall include the following information:
 - a. The date, time, and place of the public hearing.
 - b. The Board of Trustee's name.
 - c. A statement that the contemplated amendment is to the zoning resolution.

ARTICLE 3: DEVELOPMENT REVIEW AND PROCEDURES

- d. A list of properties, by address, proposed to be rezoned.
 - e. The present and proposed zoning of the properties.
 - f. The time and place where the motion, resolution, or application proposing the amendment will be available for public review.
 - g. The name of the person responsible for giving notice of the hearing; and
 - h. Any other information requested by the Board of Trustees.
 - a. For amendments that involve more than ten properties or amendments to the Zoning Resolution text, notification shall be given as follows:
 - i. The Board of Trustees shall give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township, at least ten (10) days before the date of such hearing.
 - ii. Notification shall include the following information:
 - a. The date, time, and place of the public hearing.
 - b. The Board of Trustee's name.
 - c. A statement that the contemplated amendment is to the zoning resolution.
 - d. The time and place where the motion, resolution, or application proposing the amendment will be available for public review; and
 - e. The name of the person responsible for giving notice of the hearing
 - f. Any other information requested by the Board of Trustees.
- 6. Step 6 – Decision**
- a. Within twenty (20) days after its public hearing (Step 5), 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 Township Zoning Commission, the unanimous vote of the Board of

Trustees shall be required.

- b. If the amendment is denied, the applicant may appeal the decision to the Court of Common Pleas.

(C) Effective Date and Referendum

An amendment adopted by the Board of Trustees shall become effective in thirty

(30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Board of Township Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the Zoning Plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.

(4) SITE PLAN REVIEW

(A) Purpose

It is the purpose of this article to ensure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution, Township policies and plans, and good site planning practice.

(B) Applicability

1. Site plan review and approval shall be required for any use in Monroe Township except for general agriculture or single-family dwellings.
2. Site plan review and approval shall be required for all zoning map amendment applications.

(C) Procedure

1. Step 1 - Pre-Application Meeting
2. An informal meeting among applicant, the Monroe Township Zoning Inspector, and County Planning Commission staff members may be held to discuss the proposed project before it is officially submitted for review. The developer shall prepare a "sketch" plan to be used as a basis for discussion.
3. Step 2 - Application
4. The applicant shall submit seven (7) copies of the following to the Township Zoning Inspector:
 - a. Zoning certificate application and applicable forms available from the

Township offices.

- b. A site plan containing the information required in subsection (D) below.
- c. All required fees as established in the Monroe Township fee schedule.

The Township Zoning Inspector shall transmit copies of the required information and site plan to appropriate township, county, and state agencies for review.

5. Step 3 - Review

The Township Zoning Inspector and other agencies having jurisdiction shall review the site plan and prepare a report with a recommendation for approval, approval with conditions, or denial of the proposed site plan.

6. Step 4 - Decisions

- a. Within forty-five (45) days of the application (Step 2), the Township Zoning Inspector shall either issue or deny the application for a zoning certificate and in so doing state, in writing, the reasons for the action taken.
- b. Upon approval, the Zoning Inspector shall return one, signed copy of the application and maintain a second copy of the application for Township records.
- c. If the application is denied, the applicant may submit a new site plan for review in accordance with Article 3, Section (4), or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Article 3 of this Resolution.

(D) Site Plan Contents

- 1. For sites less than twenty-five (25) acres, the site plan shall be drawn for the subject property to a scale no smaller than one (1) inch equals one hundred (100) feet, to be considered complete. For sites larger than twenty-five (25) acres, an appropriate scale should be used. All site plans shall be dated and shall include the following information, in any suitable and convenient manner as long as the data is clearly indicated and legible and includes the following:
 - a. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent land ownership, streets, and location with reference to identifiable street intersections.
 - b. Name of development, legal description of property, north arrow, scale, acreage, name and address of record and the person

responsible for preparing the site plan (engineer, architect, land planner, etc.).

- c. Vicinity map locating the subject property in Monroe Township. Both vicinity map and site plan shall be oriented with parallel north arrows.
- d. The total lot area of the subject property.
- e. The present zoning of the subject property and all adjacent properties.
- f. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.
- g. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review.
- h. The location of every existing and proposed building with number of floors and gross floor area.
- i. Any modifications, changes, and additions to existing building (s), including floor area, heights and setbacks.
- j. Delineation of all existing and proposed nonresidential uses in the project:
 - i. Commercial uses - location and type of all uses including approximate number of acres, gross floor area and heights of buildings,
 - ii. Open Space / Recreation uses - the approximate amount of area proposed for open space, including the location of recreational facilities, and identification of unique natural features to be retained, and / or.
 - iii. Other public and semi-public uses - location and type of uses, including approximate acreage and height of buildings.
- k. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations.
- l. Location and dimensions of all curb cuts, driving aisles, off- street parking and loading and / or unloading spaces including number of spaces, angle of stalls, etc.
- m. Location of proposed pedestrian walkways, identifying approximate dimensions.
- n. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way widths, and grades.

- o. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indicating approximate pipe sizes, indication should also be given regarding the provision of electric and telephone service.
 - p. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachment and earth fill within this area, with 100-year water surface elevations and proposed finished floor elevations denoted.
 - q. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems.
 - r. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to reserve, maintain, and enhance same.
 - s. Location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used.
 - t. A schedule of development, including the staging and phasing of:
 - i. Streets, utilities, and other public facility improvements, in order of priority,
 - ii. Dedication of land to public uses or set aside for common ownership, and
 - iii. Nonresidential buildings and uses, In order of priority.
 - u. Additional information or engineering data, in such form and content as necessary, to determine that the site plan meets the standards of this Article and other requirements and performance standards of the Zoning Resolution for Monroe Township and of other public agencies in Clermont County, to ensure proper integration of the proposed project in the area and the prevention of adverse and undesirable impacts on the community.
2. Waiver of Site Plan Requirements
- Depending on the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Zoning Commission. To obtain a waiver, the applicant must submit a application to the Zoning Commission indicating reasons why the requirements should be waived. The Zoning Commission may grant waivers only when the material supplied by the applicant

clearly demonstrates that the required information is unnecessary for a full and adequate review of the existing character of the neighborhood and / or the spirit of the Zoning Resolution. The decision of the Zoning Commission with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

(E) Site Plan Review Criteria

In reviewing the site plan, the Township Zoning Inspector shall determine whether the proposed development meets all requirements of the Zoning Resolution, including but not limited to, those of the particular zoning district in which the development would be located and those criteria presented below:

1. General

- a. The proposed development shall reflect all Township plans and policies affecting the site, and any concept plans, planned development plans, or planned business plans previously adopted for adjacent properties.
- b. The proposed development shall be consistent with the statement of intent for the zoning district in which it is located or proposed.

2. Open Space and Green Areas

- a. To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance its visual character.
- b. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings and pavement.

3. Grading and Drainage

- a. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.
- b. Drainage shall be designed and constructed so as to not detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants' usable lot areas from water damage, flooding, and erosion.
- c. The site plan should conform to the requirements of the Clermont County Storm water and Sediment Control Regulations.

4. Circulation

- a. The street, access and parking system shall provide for the smooth, safe, convenient, and functional movement of vehicles and pedestrians both on and off site.
- b. Circulation shall minimize the conflict between pedestrian and vehicular traffic; and
- c. Circulation shall minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points.

5. Vehicular Access

- a. Acceleration, deceleration and / or left turn lanes may be required if the Township finds that they are necessary to preserve safety and / or the traffic caring capacity of the existing street based on the recommendations of a traffic impact study and recommendation of the Clermont County Engineer.
- b. The Township may require the applicant to provide a traffic impact study as requested by the Clermont County Planning Commission or the Clermont County Engineer.
 - i. If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten (10) percent or more.
 - ii. If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic.
 - iii. The scale or use of the proposed development might cause deterioration of service levels on the street and / or deterioration of safety or service levels at intersections in the vicinity.
 - iv. The proposed development is in the vicinity of a street or intersection with a history of safety and / or accident problems; and
 - v. The geometry of existing or proposed improvements might cause a safety hazard.

6. Pedestrian Circulation

Sidewalks and / or pedestrian paths shall be constructed and located on order to provide a convenient, safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or a bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

7. Lighting

- a. On site exterior lighting should provide illumination adequate to permit safe nighttime activities.
- b. All roadway street, parking lot, and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line,

8. Screening and Buffering

- a. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
- b. Where vegetative and / or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

(F) Revisions of Site Plan After Approval

No changes, erasures, modification, or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Zoning Inspector. In determining whether to permit revision of the site plan after approval, the Zoning Inspector shall proceed as follows:

1. Minor modifications are defined as a ten (10) percent change in approved building floor area height, setbacks, and any change regarding open space, green areas, grading and drainage, circulation, lighting, or buffering. The Zoning Inspector may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners.
2. Major modifications shall include all other changes not addressed in subsection (1) above and shall require the applicant to submit a new site plan for review in accordance with the procedures in Article 3, Section (4) of this Resolution.
3. For developments that are designed to be built in phases and for which the final site plan was approved under this section, further review of the site plans shall be in accordance with this section.

(G) Expiration

If substantial construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan, said site plan shall be deemed null and void. The Zoning Inspector may extend the construction period if sufficient proof can be demonstrated that the applicant's control: and that prevailing conditions have not changed appreciably to render the approved site plan obsolete.

(5) APPEALS, VARIANCES, AND CONDITIONAL USES

(A) Procedure

1. Step 1 - Application

- a. An application, in cases in which the Board of Zoning Appeals has original jurisdiction under the provisions of this Resolution, may be made by any property owner, including a tenant, or by a governmental officer, department, board or bureau.
- b. Appeals
 - i. An appeal to the Board of Zoning Appeals may be taken by any person aggrieved by a decision of the Zoning Inspector, Zoning Commission, or by any other officer of the Township. Such appeal shall be taken within twenty (20) days after the decision in question, by filing with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.
 - ii. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would in his opinion, cause imminent peril to life or property, in which case proceedings shall not be granted by the Board of Zoning Appeals or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- c. Such applications shall be filed with the Zoning Inspector on any applicable forms available at the Township Zoning Office.
- d. The Zoning Inspector shall transmit the application to the Board of Zoning Appeals.

2. Step 2 – Public Hearing

- a. The Board of Zoning Appeals shall fix a reasonable time for the hearing of an appeal, give public notice thereof, and at least ten (10) days' notice to parties in interest and decide upon the appeal within a reasonable time after it is submitted (Step 1). Each application or notice of appeal shall be accompanied by the fee payable to Monroe Township, which will be credited to the Township Zoning Fund; herein specified. At this hearing, any party may appear in person or by attorney.
- b. The hearing of the Board of Zoning Appeals shall be public.

- c. Upon the day for hearing any application or appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice, as it deems proper to be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified, and persons already heard need not to be notified of the time of resumption of said hearing unless the Board of Zoning Appeals so decides.

3. Step 3 - Decisions

- a. Within thirty (30) days after the final hearing (Step 2), the Board of Zoning Appeals shall make a decision on all applications and appeals.
- b. A certified copy of the Board of Zoning Appeals' decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever the Board of Zoning Appeals authorizes a permit.
- c. A decision of the Board of Zoning Appeals shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board of Zoning Appeals shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- d. For appeals, The Board of Zoning Appeals may, in conformity with the provisions of this Article, 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.
- e. In exercising the above-mentioned powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order requirements decision or determination appealed from, an may make such order, requirement, decision or determination as ought to be made and to that end shall leave all powers of the Inspector from whom the appeal is taken.
- f. Failure to comply with the conditions of a variance shall be deemed a violation of this Zoning Resolution.

(B) Variance Criteria

- 1. No such variance in the provisions or requirements of this Resolution shall be authorized by the Board of Zoning Appeals unless the Board of Zoning Appeals finds, beyond reasonable doubt, that all the following facts and conditions exist:

- a. That there are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property that do not apply generally to the other properties or classes of uses in the same zoning district.
 - b. That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same zoning District and in the same vicinity.
 - c. That the authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purposes of this Resolution or the public interest.
2. No grant of a variance shall be authorized unless the Board of Zoning finds that such variance from the provisions or requirements of this 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 Resolution would cause undue unnecessary hardship. The Board of Zoning Appeals 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 Resolution and in the public interest.
 3. No variance shall be considered or granted by the Board of Zoning Appeals, 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.

(6) CONDITIONAL USE CRITERIA

In review of a conditional use, the Board of Zoning Appeals shall conduct a public hearing after notice of said hearing has been given. The Zoning Inspector shall issue a Zoning Certificate for the conditional use following the public hearing and upon the Board of Zoning Appeals recommending approval that the use is consistent with the following standards.

- (A)** The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare.
- (B)** The proposed conditional use is to be located in a district, wherein such use may be permitted subject to any other applicable regulations of this Resolution including any additional use regulations set forth in Article 9.

ARTICLE 4: GENERAL PROVISIONS

(1) ONE PRINCIPAL BUILDING ALLOWED

Only one principal building and its customary accessory buildings shall be hereinafter erected on any lot except in the "R-2" Multi-Family District.

(2) OBSTRUCTIONS TO VISION AT STREET INTERSECTIONS PROHIBITED

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way lines of an intersecting street and a railroad or the right-of-way lines of two intersecting right-of-way lines, there shall be no obstructions to vision between a height of two and one-half (2 1/2) feet and height of ten (10) feet above the average grade of such street or railroad. This requirement applies to fences, wall, shrubbery, signs, marquees, and other obstructions to vision, but it does not prohibit a necessary retaining wall.

(3) FRONT YARD REQUIREMENTS FOR CORNER LOTS

Corner lots shall meet the front yard requirements of the district or districts in which they are located on both streets considered as the front street and the street considered as the side street.

(4) FRONT YARD REQUIREMENTS FOR DOUBLE FRONTAGE LOTS

Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both streets upon which they front.

(5) REQUIRED YARD NOT TO BE USED BY ANOTHER BUILDING

No part of a yard required about any building for the purpose of complying with the provisions of this Resolution shall be included as part of a yard required by this Resolution for another building.

(6) ENVIRONMENTAL PERFORMANCE STANDARDS**(A) Purpose**

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

(B) Applicability and Compliance

The Environmental Performance Standards are applicable to all land uses in all zoning districts in the Township, and both initial and continued compliance is

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

(C) Noise

In accordance with Ohio Revised Code O.R.C. 505.172, Monroe Township adopts the following Noise Control Regulations:

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

MAXIMUM PERMITTED EXTERIOR SOUND LEVELS

SOURCE PROPERTY		RECEIVING PROPERTY		
NOISE SOURCE	TIME	RESIDENTIAL	COMMERCIAL	INDUSTRIAL
Residential	Daytime ¹	65 dBA	65 dBA	65 dBA
	Nighttime ²	55	55	55
Commercial	Daytime ³	65	70	70
	Nighttime ⁴	55	60	60
Industrial	Daytime ¹	65	70	75
	Nighttime ²	55	65	75

(D) Exemptions

1. The following noise levels shall be exempt from the noise provisions during the daytime only:
 - a. Firearms discharge.

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

² Nighttime shall be considered as the hours between 10:00 p.m. and 7:00 a.m.

³ Commercial daytime shall be considered as the hours between 7:00 a.m. and 11:00 p.m.

⁴ Commercial nighttime shall be considered as the hours between 11:00 p.m. and 7:00 a.m.

- a. Firearms discharge.
 - b. Legal blasting.
 - c. Temporary construction activity and equipment.
 - d. Installation of utility equipment.
 - e. Lawn mowers, chain saws and similar equipment.
2. The following noise sources shall be exempt from the noise provisions at all times:
- a. Aircraft.
 - b. Railroads.
 - c. Emergency vehicles and equipment.
 - d. Weather or other natural disaster warning devices.
 - e. Bells, chimes or carillons operating continuously for not more than five minutes.
 - f. The repair of essential utility services.
 - g. Officially sanctioned parades or other events.
 - h. Agricultural related activities.
 - i. School sponsored activities.
 - j. Sporting events.

(E) Vibrations

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

(F) Glare

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

(G) Odor

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

(H) Air and Water Pollutants

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

(I) Hazardous Materials

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

(J) Electrical Disturbances

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

(K) Radioactivity

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

(L) Waste Receptacles

Trash receptacles, dumpsters or other containers intended for the temporary holding of trash, refuse, garbage, or other discarded materials until it is hauled away, shall be setback from agricultural or residential properties as follows:

1. Waste receptacles smaller than 32 gallons in size shall have not have to meet any setback requirements.
2. Waste receptacles that are 32 gallons or larger in size shall be setback a minimum of ten (10) feet from any agricultural or residential property.

(7) STORAGE IN VEHICLES

Mobile homes, trailers, or other vehicles shall not be used for the storage of equipment or materials in any district.

(8) OPEN STORAGE OF DISABLED VEHICLES AND OTHER MATERIAL

No abandoned, wrecked, dismantled or disabled vehicle(s), single or double wide mobile homes, trucks, trailers, semi-tractor trailers or aircraft; discarded furniture or appliances; unlicensed motor vehicle or miscellaneous materials or junk as defined in the Definitions section of this Resolution, shall be permitted to remain in an unenclosed area on the premises in any zoning district for a period of more than thirty (30) days. This section shall not prohibit the continued storage of any of the above items, which exist as a lawful non-conforming use of property, provided a non-conforming use certificate was obtained by the property owner. No additional items as described above may be stored on the property.

(9) TEMPORARY DWELLINGS

(A) Authorization/Application: Temporary dwellings are prohibited except as authorized by this Section. Such temporary dwellings shall be subject to approval by the Zoning Inspector. Application for and authorization of temporary dwellings under this Section shall follow all provisions of Article 7 (3). A full site plan shall clearly identify the proposed location of the permanent and temporary dwelling showing all setbacks.

(B) Basis for Temporary Dwelling: No temporary dwelling application shall be approved except for the following purposes:

1. Emergency Housing: To allow a recreational vehicle to be placed on the lot while the permanent dwelling on the same lot is under repair for which a Zoning Building Permit has been issued, where such repair is due to destruction by fire, collapse, explosion, Acts of God, or acts of a public enemy, to the extent that it is no longer safe for human occupancy.
2. New Home Under Construction: To allow a recreational vehicle to be placed on the lot while the permanent dwelling on the same lot is under construction and for which a Zoning Building Permit has been issued.
3. Garage Home for Emergency Housing or New Home Under Construction: As an alternative to the use of a recreational vehicle under subsection (B)(1) and (2) above, a temporary dwelling may include a garage fitted with cooking, sleeping, and plumbing facilities.

(C) Standards: Temporary dwellings authorized by this Section shall be served by potable water and sewage disposal facilities in compliance with County Board of Health Department rules and regulations and, in the case of a recreational vehicle, shall not be located closer than twenty-five (25) feet to a lot line.

(D) Permit Duration and Removal: No permit issued under this Section shall be issued for a duration exceeding twelve (12) months. In the case of a recreational vehicle, the vehicle shall be removed from the lot no later than the termination date of the permit. In the case of a garage serving as the temporary dwelling, all cooking, sleeping, and plumbing facilities shall be removed no later than the termination date of the permit.

ARTICLE 5: VIOLATIONS AND PENALTIES

(1) VIOLATIONS AND PENALTIES

- (A)** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use any building or land in violation of any regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Monroe Township.
- (B)** No recreational vehicle shall be used for the purpose of permanent habitation, living, or housekeeping purposes.
- (C)** Any person, firm, or corporation violating any regulation in or any provision of this Resolution or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than that as provided for by law.
- (D)** Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or uses continues, may be deemed a separate offense.

(2) VIOLATIONS REMEDIES

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, maintained or used, or any land is or is proposed to be used in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, the County Prosecutor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunctions, mandamus, abatement, or any other appropriate action, actions, proceedings or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance or use.

ARTICLE 6: ZONING DISTRICTS

(1) PURPOSE

The purpose of this Article is to establish zoning districts in order to:

- (A)** Realize the general purpose set forth in Article 1 of this Zoning Regulation.
- (B)** To classify, regulate and restrict the location of industries, residences, recreation, trades and other land uses and the location of building designated for specified uses.
- (C)** To regulate and limit the percentages of lot areas which may be occupied
- (D)** Set back buildings lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- (E)** To regulate the density of population within Monroe Township.

(2) ESTABLISHMENT OF ZONING DISTRICTS

(A) The following zoning districts are hereby established for Monroe Township, Ohio:

- 1. "A-1" – Agricultural District
- 2. "R-1" – Rural Residential District
- 3. "R-2" – Multi-Family Residential District
- 4. "M-1" – Manufactured Housing Park District
- 5. "B-1" – Neighborhood Business District
- 6. "B-2" – General Business District
- 7. "I-1" – Industrial District

(3) ZONING DISTRICT MAP

- (A)** The boundaries of these zoning districts are indicated upon the Official Zoning Map for Monroe Township.
- (B)** This map is made a part of this Resolution.
- (C)** The Official Zoning District Map of Monroe 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.
- (D)** The district Map is properly attested and is on file in the offices of the Monroe Township Trustees.

- (E) Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Zoning Resolution to provide the flexibility in its administration to allow for future expansion and emendation.

(4) INTERPRETATION OF DISTRICT BOUNDARIES

The district boundary lines of said map are intended to follow either streets or alleys or lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley such boundary is otherwise indicated on the map. The district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

(5) 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 extend districts.

(6) ZONING MAP AMENDMENTS

- (A) Within 15 days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector shall notify the Clermont County Planning Commission.
- (B) The Zoning Inspector shall note on the Official Zoning Map, located in the Township zoning office, any zone changes until the County provides a fully amended map.

ARTICLE 7: AGRICULTURAL AND RESIDENTIAL DISTRICTS

(1) DISTRICTS AND SPECIFIC PURPOSE STATEMENTS

(A) A-1 Agricultural District

The purpose of the "A-1" Agricultural District is to preserve and protect the supply of available land in Monroe Township for agricultural uses: to conserve the rural character in Monroe Township for agricultural uses: to conserve the rural character of the township and: to control the indiscriminate mixing of land uses which could conflict with agricultural pursuits.

(B) R-1 Rural Residential District

The purpose of the "R-1 " Rural Residential District is to provide areas for low density single-family detached housing in those areas of Monroe Township which are not served by public or private water systems and must depend on on-site individual water collection and sewage disposal.

(C) R-2 Multi-Family Residential District

The purpose of the "R-2" Multi-Family Residential District is to provide for the development of attached housing projects as an alternative to single-family detached housing where appropriate infrastructure is available.

(D) M-1 Manufactured Housing Park District

The purpose of the "M-1" Manufactured Housing Park District is to provide areas in Monroe Township for the establishment of Mobile Home Parks which meet all the requirements of the Ohio Revised Code and Sanitary Code.

(2) PERMITTED USES

Table 7-2-1 below sets forth the uses allowed within the relevant zoning district. The abbreviations used in the table are described as follows:

(A) Principal Uses

A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Principal uses are subject to all other applicable regulations of this Resolution, including, but not limited to provisions in Articles 4, 11, and 12.

(B) Principal Uses with Conditions

A "P/C" 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 reference sections. Principal uses with conditions are subject to all other applicable regulations of this Resolution, including, but not limited

to provisions in Articles 4, 11, and 12.

(C) Conditional Use

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a Conditional Use, in accordance with the Conditional Use review procedures of Article 3, Section (5).

(D) Accessory Uses

An “A” in a cell indicates that a use category is allowed as an accessory use in the respective zoning district if it meets all of the accessory use regulations outlined in Article 9.

(E) Prohibited Uses

A blank cell indicates that a use is prohibited in the respective zoning district.

(F) Numerical References

The numbers contained in the Additional Regulations 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.

Table 7-2-1

Uses	Districts				Additional Regulations
	A-1	R-1	R-2	M-1	
<i>Agricultural Uses</i>					
Animal husbandry and veterinarian establishments	P/C				Art. 9, Sec. (1)(B)
General agriculture	P	P			
Farm markets	P/C	P/C		P/C	Art. 9, Sec. (1)(G)
<i>Residential Uses</i>					
Adult family homes	P	P			
Single family dwellings	P	P			
Manufactured housing park				P	
Multi-family dwellings			P/C		Art. 9, Sec. (1)(Q)
<i>Business Uses</i>					
Bed and breakfast establishments	P/C	P/C			Art. 9, Sec. (1)(C)
Commercial recreational uses	C				Art. 9, Sec. (1)(D)
Extraction of sand, soil, gravel, or fill	C				Art. 9, Sec. (1)(F)
Outdoor Advertising Signs (Billboards)	P				Art. 13, Sec. (10)
<i>Public/Quasi-Public Uses</i>					
Active public park and recreational areas	C	C			

Table 7-2-1

Uses	Districts				Additional Regulations
	A-1	R-1	R-2	M-1	
Commercial recreational uses	C				Art. 9, Sec. (1)(D)
Educational facilities	C	C			Art. 9, Sec. (1)(E)
Elderly housing		C			
Forests and conservation areas	P	P			
Hospitals	C	C			Art. 9, Sec. (1)(I)
Passive public park and recreational areas	P	P			
Public buildings	C	C			
Religious places of worship	C	C			
Accessory Uses					
Employee housing	A				Art. 9, Sec. (2), (3), and (5)
Common storage units for residents			A	A	
General farm buildings	P		A		Art. 9, Sec. (2), (3), and (5)
Home occupations	A	A	A	A	Art. 9, Sec. (3)
Laundry facilities for residents			A	A	
Recreational areas for residents	A	A	A	A	
Agricultural and Residential accessory uses	A	A	A	A	Art. 9, Sec. (2), (3), and (5)
Signs	A	A	A	A	Article 13

(3) SITE DEVELOPMENT STANDARDS

All buildings and lots shall meet the minimum site development standards set forth in Table 7-3-1 unless otherwise specified in the Additional Regulations identified in Table 7-2-1.

Table 7-3-1

Standards	Districts			
	A-1	R-1	R-2	M-1
Minimum Lot Area (square feet)				
Lot Area	87,120 (2 acres)	43,560 (1 acre)	See Maximum Density	217,800 (5 acres)
Maximum Density in R-2				
The maximum gross density for multi-family dwelling uses in the R-2 District shall be as follows:				
One bedroom units – 8 units per acre – Maximum of 2 principal buildings per acre				
Two bedroom units – 6 units per acre – Maximum of 2 principal buildings per acre				
Three bedroom units – 6 units per acre – Maximum of 2 principal buildings per acre				
Lot Width (feet)				
Lot Width	200	150	200	200
Minimum Yard Setbacks (feet)				
Front Yard	70	50	50	Not applicable
Side Yard	30	20	25	Not applicable
Rear Yard	50	40	50	Not applicable
Minimum Floor Area (feet)				
Minimum Floor Area	1,350	900	600 for 1 bedroom 800 for 2 bedrooms 1,200 for 3 bedrooms	1,350

Earth Sheltered Homes – the bottom edge of an earth berm abutting a wall or roof of a dwelling shall meet the setback requirements for the district in which it is located.

(4) ADDITIONAL REQUIREMENTS FOR PERMANENTLY SITED MANUFACTURED HOMES

- (A)** The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- (B)** The site shall have manufactured skirting installed around the perimeter of the mobile homes and to be installed within thirty days of final disposition of said homes.

ARTICLE 8: BUSINESS AND INDUSTRIAL DISTRICTS

(1) DISTRICTS AND SPECIFIC PURPOSE STATEMENTS

(A) B-1 Neighborhood Business District

The purpose of the "B-1 " Neighborhood Business District is to provide land for neighborhood oriented businesses with a variety of commercial uses which are a convenience to residents of Monroe Township. Because they are often located within close proximity to areas zoned for agricultural and residential uses, Neighborhood Business Districts require maximum restrictions to avoid possible conflicts in land-use relationships.

(B) B-2 General Business District

The purpose of the "B-2" Highway Business District is to provide lands for area wide and highway commercial activities that are high generators of vehicular traffic and offer goods or services that attract clients from a wide service area.

(C) I-1 Industrial District

The purpose of the I-1 Industrial District is to provide lands for various light industrial, manufacturing and warehouse uses which are compatible with the rural nature of Monroe Township and which place only limited demands on the street and utility systems.

(2) PERMITTED USES

Table 8-2-1 below sets forth the uses allowed within the relevant zoning district. The abbreviations used in the table are described in Article 7, Section (2):

Table 8-2-1

Uses	Districts			Additional Regulations
	B-1	B-2	I-1	
Agricultural Uses				
Farm markets	P/C	P/C	P/C	Art. 9, Sec. (1)(G)
Business Uses				
Adult Cabarets		C		Art. 9, Sec. (1)(A)
Assembling			P	
Bars and taverns	P	P		
Commercial recreational uses		P	P	Art. 9, Sec. (1)(D)
Financial Institutions	P	P		
General manufacturing			C	Art. 9, Sec. (1)(H)
Hotels and motels		P		
Kennels	C	C		Art. 9, Sec. (1)(Jl)
Laboratories			P	
Light manufacturing within an enclosed structure			P	
Lumber and building material sales		P		
Motor vehicle fuel sales		P		Art. 9, Sec. (1)(K)
Motor vehicle sales, rental, and repair		P		
Shopping centers		C		Art. 9, Sec. (1)(L)
Night clubs, pool or billiard halls, and bowling alleys		P		
Nursery Schools and Day Care Facilities	P	P		Art. 9, Sec. (1)(M)
Offices	P	P		
Outdoor Advertising Signs (Billboards)	P	P	P	Art. 13, Sec. (10)
Outdoor theaters		C		Art. 9, Sec. (1)(N)
Personal services	P	P		
Printing services		P	P	
Retail commercial uses	P	P		
Restaurants with Drive-Through facility		P		
Restaurants without Drive-Through facility	P	P		
Self-storage facilities		C	P	Art. 9, Sec. (1)(O)
Service commercial uses	P	P		
Storage of raw materials			C	Art. 9, Sec. (1)(P)
Truck and distribution terminals			P	
Warehousing			P	
Similar Uses	C	C	C	
Public/Quasi-Public Uses				
Active public park and recreational areas	P	P	P	
Forests and conservation areas	P	P	P	
Hospitals	P	P	P	Art. 9, Sec. (1)(l)

ARTICLE 8: BUSINESS AND INDUSTRIAL DISTRICTS

Passive public park and recreational areas	P	P	P	
Public buildings	P	P	P	
Accessory Uses				
Business and industrial accessory uses	A	A	A	Art. 9, Sec. (2), (4), and (5)
Employee housing	A	A		Art. 9, Sec. (2), (4), and (5)
Signs	A	A	A	Article 13
Temporary outdoor promotional sales	A	A		Art. 9, Sec. (2), (4), and (5)

(3) SITE DEVELOPMENT STANDARDS

All buildings and lots shall meet the minimum site development standards set forth in Table 8-3-1 unless otherwise specified in the Additional Regulations set forth in Table 8- 2-1.

Table 8-3-1

Standards	Districts		
	B-1	B-2	I-1
Minimum Lot Area (square feet)			
Lot Area	37,500	43,560 (1 acre)	87,120 (2 acres)
Lot Width (feet)			
Lot Width	125	150	200
Front Yard	50	60	60
Front Yard – Signs and Fuel Pumps	25	30	
Side Yard	25	25	30
Rear Yard	45	30	50

ARTICLE 9: USE REGULATIONS

(1) USE SPECIFIC REGULATIONS**(A) Multi-Family Dwelling Units**

1. No multi-family dwelling unit shall exceed 45 feet in height.
2. Multi-Family dwelling units shall only be permitted where public sanitary sewer and Clermont County or Tate-Monroe water service is available.
3. A proposed multi-family dwelling development shall be located along a paved "local street residential rural," as designated by the Clermont County Engineer, that has a minimum pavement width of 20 feet.

(B) Animal Husbandry or Veterinarian Establishments

Within a platted subdivision or in any area approved under O.R.C. Section 711.131 as defined in Section 519.21 (B) on lots of less than five (5) acres but greater than one (1) acre such uses are also permitted, provided that all structures housing animals are located not less than one hundred (100) feet from any adjoining line, and within platted subdivisions or in any area approved under O.R.C. S 711.13 as defined on Section 519.21 (B) on lots of less than one (1) acre such uses are prohibited.

(C) Bed and Breakfast Establishments

1. All parking areas shall be located in the rear yard of the property.
2. Off-street parking shall be provided with 1.5 spaces for each guest room to ensure that no patrons, guest, or other users of the property park on the street, or on abutting property.
3. Parking areas shall be located no closer than 25 feet from any adjacent property line, and if within 50 feet of any adjacent property line, shall be effectively screened by landscaping or attractive fencing.
4. The inn must be operated by members of the household living on the premises,
5. A maximum of one Bed and Breakfast Inn shall be permitted on any parcel.
6. The inn shall have no more than four guest rooms.
7. The inn shall not require any alteration or change in the essential residential character of the dwelling.
8. One sign for the business shall be permitted on the premises not to exceed 12 square feet. Sign has to be permanently affixed to the ground and may not be illuminated in any manner whatsoever.

(D) Commercial Recreational Uses

1. Commercial recreational uses shall not be conducted any closer than one hundred feet (100') to any adjoining property line.
2. Commercial recreational uses shall not be conducted any closer than five hundred feet (500') feet from any residential or manufactured housing district.
3. Where a commercial recreational use is proposed on a property adjacent to a R-1 or M-1 District, a solid privacy fence shall be constructed of at least six (6) feet in height along that portion of the property line that abuts the R-1 or M-1 District. Such fencing shall comply with all fencing regulations of Article 12, Buffering.
4. Lighting of any commercial recreational use shall be directed so as to not glare or shine directly on any adjacent property.
5. No commercial activity that creates noise or light that can be sensed from adjacent properties shall take place after 11 P.M. in the evening or prior to 7 A.M. in the morning.

(E) Educational Facilities

1. No structure shall exceed sixty (60) feet in height unless otherwise demonstrated to the Board of Zoning Appeals that additional height is necessary for the proposed use.
2. All structures, activity areas, and access drives shall be located a minimum of one hundred and fifty (150) feet from any adjacent property line. This provision shall not apply to off-street parking areas that shall not be located any closer than fifty (50) feet to any adjacent property line.
3. All access drives shall be located as far as practically possible from the intersection of two major roadways to minimize congestion at the intersection.

(F) Extraction of Sand, Soil, Gravel, or Fill

1. Operations shall not be conducted any closer than one hundred feet (100') to any adjoining property line.
2. Operations shall not be conducted any closer than five hundred feet (500') feet from any residential or manufactured housing district.
3. Haul roads within the site must be provided with a dustless, non-oiled surface of not less than twenty-two feet (22') in width.

(G) Farm Markets / Roadside Stands – shall be regulated per ORC 519.21 and as follows:

1. 50% or more of the gross income received from the market / stand must

be derived from produce raised on the farms owned or operated by the market operator in a normal crop year.

2. Buildings or structures used for farm markets / roadside stands shall not exceed 500 square feet in total floor area.
3. All buildings, structures, displays or vehicles from which items are sold, displayed or exchanged shall be set back from the road right-of-way a minimum of 50 feet.
4. A minimum of four (4) parking spaces, excluding parking spaces for employees, shall be provided.
5. The entrance or exits to the parking area shall be located a minimum of 50 feet from any street intersection,

(H) General Manufacturing

1. Noises shall be muffled or otherwise controlled so as not to become objectionable due to intermittence, beat, frequency, hammering, screeching, or shrillness. Sirens, whistles, or other devices maintained solely for safety reasons or to serve a public welfare are exempt from the above regulations relating to noise.
2. Vibrations will not be permitted which are discernible in adjoining residential area, (without instruments).
3. All general manufacturing uses shall meet county, state, and federal standards for air and water quality.
4. No business shall emit odorous matter such as to cause an objectionable odor.
5. No persons shall cause or permit the discharge from any sources whatsoever such quantities of air contaminants or other materials which cause injury, detriment, nuisance, or annoyance to any considerable number of persons or the public which cause or have a tendency to cause injury or damage to business or property.
6. Direct or sky-reflected glare will not be permitted. This restriction will not apply to signs permitted in this resolution.

(I) Hospitals

1. The minimum lot size for any hospital shall be five (5) acres.
2. Buildings shall occupy no more than ten percent (10%) of the area of the lot.

(J) Kennels

1. All structures used for this purpose shall be located at least one hundred

2. (100) feet from any property line.
3. Exercise runways shall be located at least one hundred (100) feet from any property line.

(K) Motor Vehicle Fuel Sales

1. All fuels for sale are stored in underground tanks that meet the minimum State requirements.
2. The sale of fuel shall be clearly incidental to the main retail activity conducted on the premises.

(L) Neighborhood Shopping Centers

1. Ingress and egress to the center is limited to two points and shall be located no closer than seventy-five (75) feet apart or closer than twenty-five feet (25) to any adjoining property line.
2. Parking areas shall be located no closer than twenty-five (25) feet to any public right-of-way or have direct access to or from any public street.

(M) Nursery Schools and Day Care Facilities

Must be licensed by the State of Ohio.

(N) Outdoor Theaters

1. The screen shall be located so as not to be visible from adjoining streets or residentially zoned areas.
2. The screen shall be located not less than two hundred feet (200) from any public road right-of-way.
3. There shall be separate entrance and exit ways that shall be not less than sixty (60) feet apart and no closer than twenty-five (25) feet to any adjoining property line.

(O) Self-Storage Facilities

1. All one-way driveways shall provide for one ten (10) foot parking lane and one fifteen (15) foot travel lane.
2. All two-way driveways shall provide for one ten (10) foot parking lane and two twelve (12) foot travel lanes.
3. Parking lanes may be eliminated when driveways do not directly serve storage cubicles.
4. No advertising signs will be permitted on the property. Signs identifying the nature of the mini warehouse itself shall not exceed fifteen (15) feet in height nor forty (40) square feet in area. Signage shall be limited to one

sign for each property line abutting a street right-of-way.

5. All storage on the property shall be kept within enclosed buildings.
6. No business activities other than rental of storage units shall be conducted on the premises.

(P) Storage of Raw Materials

1. Storage areas shall be no closer than seventy-five (75) feet to any adjoining property line (exclusive of property lines on which the principal activity is conducted).
2. All storage areas shall be screened on the perimeter by a solid fence, wall or natural vegetation not less than six (6) feet in height.

(Q) Multi-Family Dwelling Units

1. No multi-family dwelling unit shall exceed 45 feet in height.
2. Multi-Family dwelling units shall only be permitted where public sanitary sewer and Clermont County or Tate-Monroe water service is available.
3. A proposed multi-family dwelling development shall be located along a paved "local street residential rural," as designated by the Clermont County Engineer, that has a minimum pavement width of 20 feet.

(2) ACCESSORY USE STANDARDS

Standards for permitted accessory uses shall be as follows:

- (A)** An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or similar structure.
- (B)** An accessory building or structure may be detached from the principal building.
- (C)** Accessory uses may be located in any yard provided that it meets all setback requirements of the principal building.
- (D)** There shall be no more than two (2) detached accessory buildings or structures on a lot within a residential district. Only one (1) of these accessory uses shall be a private garage.
- (E)** Accessory structures and uses shall be located in the rear yard and not less than ten (10') from the rear or side lot lines unless otherwise specified.
- (F)** On a corner lot, any accessory building or part thereof shall be setback a minimum of fifteen (15) feet from the side lot line.
- (G)** Any accessory building located within a side yard shall be an integral part, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard requirements of the principal building.

(3) PERMITTED AGRICULTURAL AND RESIDENTIAL ACCESSORY USES**(A) General Provisions**

1. Any structure or use that is ancillary or incidental to an agricultural use is exempt from zoning. Owners intending to build a structure that is accessory to an agricultural use shall apply to the Township Zoning Office for a zoning waiver form.
2. Accessory structures and uses in all zoning districts except for the A-1 district shall be located in the rear yard and not less than ten (10') from the rear or side lot lines unless otherwise specified.
3. Accessory structures and uses in the A-1 district that are not incidental to an agricultural use may be located in the side or rear yard unless otherwise specified.
4. Accessory structures on flag or panhandle lots may be permitted in the front yard provided the structure is setback a minimum of one hundred
5. (100) feet from the street right-of-way.
6. No accessory building may occupy more than thirty percent (30%) of the required rear yard.

(B) Permitted Accessory Uses

1. Employee Housing
 - a. All employee housing units must meet the yard setback requirements for the zoning district in which it is located.
 - b. Only one dwelling unit, in addition to the principal dwelling unit, may be permitted on any lot.
 - c. In the B-1 Neighborhood Business District, the dwelling unit shall be available only to the owner or proprietor of the related business.
2. Home Occupations
 - a. General Provisions
 - i. Not more than one (1) person, who is not a resident of the premises, may participate in the home occupation as an employee or volunteer.
 - ii. Not more than one (1) home occupation shall be permitted within a single dwelling unit.
 - iii. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants.

- iv. The use shall not utilize more than 25 percent of the gross floor area provided; however, this limitation does not apply to child day care.
 - v. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area. Such sign shall be non-illuminated and mounted flat against the wall of the principal building.
 - vi. There shall be no outside storage of any materials, equipment, or vehicles used in the home occupation.
 - vii. No home occupation shall be conducted in any accessory building.
 - viii. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood.
 - ix. No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to home occupational use, shall be created.
 - x. Deliveries of any materials necessary for a home occupation shall be limited to automobiles, light duty pick- up trucks, or vans.
 - xi. Hours of operation for a home occupation that entails visits by clients or incoming deliveries shall be restricted to no earlier than 8:00 a.m. and no later than 8:00 p.m. each day of the week with the exception of day care centers which may operate at any hour of the day.
 - xii. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot if the occupation.
 - xiii. Retail sales shall not include the sales of household products, personal care products, door to door sales or party sales.
- b. Prohibited home occupations:
- i. Veterinary hospital or clinic,
 - ii. Barbershops, beauty shops or other personal services.
 - iii. Medical clinics.
 - iv. Dancing schools.
 - v. Nursery schools with more than five (5) children.

- vi. Repair or service shops.
- vii. Research activities.
- viii. Antique or gift shop.
- ix. Retail sales or personal services.

3. Microwave Antenna and Satellite Dishes

Microwave antenna and satellite dishes shall be permitted provided that such items are not located in the front yard and are smaller than eighteen (18) inches in diameter. Where such use exceeds eighteen (18) inches in diameter, the following shall apply:

- a. A permit is required to be issued by the Zoning Inspector.
- b. The microwave antenna or satellite dish may not be constructed on a residential or business structure.
- c. The use may not be located in the front yard.
- d. The microwave antenna or satellite dish may not exceed fifteen (15) feet in height from the ground to the highest point of the antenna or dish; and
- e. The antenna or satellite dish may not exceed ten (10) feet in diameter.

4. Private Garages.

5. Tool Sheds and other similar structures.

6. Laundry, recreational areas, parking, or other uses related, but accessory, to multi-family dwelling developments.

7. Any outdoor swimming pool, lake, bathhouse, tennis court, or other recreational facility designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements.

- a. Indoor pools are excluded from these regulations.
- b. The facility shall not be located in any front yard and shall be no closer than ten (10) feet from the required side or rear lot line.
- c. The swimming pool, lake, or the entire property, on which said pool or lake is located, shall be walled, or fenced to prevent uncontrolled access by children from the street or adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good conditions with a gate and a lock.

- d. The fencing for an above ground pool under four (4) feet tall may be located on the outer pool wall.
 - e. Above ground pools that have a wall height of four (4) feet or higher shall not be required to have a wall surrounding the pool or property.
 - f. The facilities shall be located on the same zoning lot as the principal building, structure, or use.
 - g. Any pool for the use of the occupants of a multi-family dwelling containing over three (3) apartments shall meet the structural and sanitary requirements of the Ohio Department of Health.
 - h. The pool or lake will be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
8. Outdoor stoves and furnaces shall be considered accessory uses to permitted residential uses. Due to the potential for the emission of excessive smoke and noxious odors beyond the property line, and to prevent such nuisance situations, outdoor stoves and furnaces shall be prohibited on lots totaling less than three (3) acres unless Conditional Use approval is granted by the Board of Zoning Appeals. Setbacks and Guidelines shall be as follows:
- a. The outdoor stove or furnace shall be situated no closer than 100 feet to any property line. If located within 200 feet of any residential dwelling on an adjoining property, the stove's chimney must be no less than 2 feet higher than the peak of the roof of the neighboring residence(s).
 - b. Permitted and Prohibited Fuels Fuel burned in any new or existing outdoor stove or furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas, or propane backup. The following fuels are strictly prohibited in new or existing outdoor wood furnaces:
 - 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.

9. Non-conforming Use Outdoor stoves or furnaces that were installed prior to the effective date of this amendment shall be permitted to continue. However, if the existing outdoor stove or furnace does not meet the standards of this Section, the outdoor stove or furnace shall be considered a non-conforming use subject to the non-conforming use provisions of this zoning resolution (**See Article 10 Non-Conforming Uses**)

(4) PERMITTED BUSINESS AND INDUSTRIAL ACCESSORY USES

- (A) In Business and Industrial Districts, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principal use that meets the definition of an accessory use, and which complies with the applicable standards of the district in which it is located, shall be permitted.
- (B) Temporary outdoor promotional sales, including sales of Christmas trees, may be permitted on any lot used for retail business with temporary storage and sales display outside of an enclosed building. Such sales shall be permitted for a period not to exceed thirty (30) days in any one calendar year.

(5) PROHIBITED ACCESSORY USES

The following accessory uses shall be prohibited in all districts:

- (A) Truck parking, except temporary parking for the delivery of goods and/or services, and the outdoor storage of trucks over 7,500 pounds, gross vehicle weight and eight (8) feet in height, other than those used for daily business use, busses, mobile homes, and semi-tractor trailers shall not be permitted as an accessory use.
- (B) Outdoor storage, including, but not limited to junk, wood, lumber, building materials, parking of inoperative or unlicensed motor vehicles or similar items of property, unless specifically permitted in Articles 4 or 9.

(6) FENCES, WALLS, AND HEDGES

- (A) Fences, walls, and hedges constructed in front of the front building line shall not exceed four (4) feet in height.
- (B) Fences, walls, and hedges constructed in the side or rear yards of a lot shall not exceed eight (8) feet in height in R-1 or M-1 districts and ten (10) feet in the B-1, B-2, or I-1 districts.
- (C) No fence shall be constructed as to interfere with visibility as provided for in Article 4, Section (2).
- (D) Opacity - No fence located in a required front yard shall be greater than fifty

(50%) percent opaque. This restriction also applies to fences located within required front yard setbacks on corner lots.

- (E) Walls and Fences shall not be constructed in the public right-of-way (R.O.W.).
- (F) No fence, wall or hedge shall be closer than two (2) feet to any right-of-way line.
- (G) Walls and fences shall be designed to orient the best or most aesthetic (finished) side toward the agricultural, residential district, right-of-way or adjacent lot.

(7) SANITARY LANDFILLS, GARBAGE, WASTE DUMPS, DISPOSAL SITES, AND INCINERATORS

- (A) No use of facilities or real estate as a sanitary landfill, garbage, waste dump, disposal site, or incinerator shall be allowed in Monroe Township.

ARTICLE 10: NON-CONFORMING USES

(1) PURPOSE

Within the districts established by this Resolution, or by amendments thereto that may be adopted later, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the adoption 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. Furthermore, nothing contained in this Resolution shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or combination thereof, for which a zoning certificate became effective prior to the effective date of this Resolution or any amendment thereto. Nevertheless, while it is the intent of this Resolution that such nonconforming uses be allowed to continue until removed, they should not be encouraged to survive. Therefore, nonconformities shall not be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except where otherwise specifically provided for in this Zoning Resolution.

(2) EXISTING BUILDINGS AND USES NOT AFFECTED

Any building, structure, or use existing at the time of the enactment of this Resolution may be continued, even though such building, structure or use does not conform to the provisions of this Resolution. However, if any such nonconforming use is voluntarily discontinued for two years or more, any future use of said land or structure shall be in conformity with the zoning regulations of the district in which the land and/or structure is located.

(3) 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 single lot of record at the effective date of this Resolution or amendment thereto.
- (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 district provided that yard and setback requirements other than those applying to lot area, lot width, or lot depth, shall conform to the to the district where the property is located. Any variance of yard or setback requirements shall be obtained through the action of the Board of Zoning Appeals.

(4) NONCONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots, or a combination of lots and portions of lots with continuous frontage in a single ownership are of record at the time this Resolution becomes effective, and if

all or part of the lots with no buildings do not meet the requirements established for lot area, lot width, or lot depth, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Resolution, and not portion of such parcel shall be used or sold in a manner which diminished compliance with lot area, lot width, or lot depth requirements established by this Resolution, not shall any division of any parcel be made which creates a lot that does not meeting the minimum requirements established in this Resolution.

(5) NONCONFORMING USES OF LAND

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

- (A)** No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Zoning Resolution.
- (B)** No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment if this Zoning Resolution.
- (C)** If any such nonconforming uses of land are 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 district in which such land is located.
- (D)** No additional structure not conforming to the requirements of this Zoning Resolution shall be erected in connection with such nonconforming use of land.

(6) NONCONFORMING STRUCTURES OR USES OF STRUCTURES

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

- (A)** No existing structure devoted to a use not permitted by this Zoning Resolution in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- (B)** Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Resolution, but no such use shall be extended to

occupy any land outside such building.

- (C) If no structural alterations are made, any nonconforming use of a structure or the structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district that the existing nonconforming use. In permitting such changes, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance.
- (D) Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

(7) TERMINATION OF NONCONFORMING USES

(A) Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two (2) 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.

1. Non-conforming Mobile Homes shall be permitted to be removed and replaced with a new Mobile Home if a special Variance Waiver Request is approved for the parcel in which the old Mobile Home was situated. It is the responsibility of the owner to submit the approved Special Variance Waiver Request along with an application to a permit for a new mobile home when requesting to place a new mobile home on the approved parcel.
2. The Special Variance Waiver shall be valid in perpetuity for the Mobile Home.

(B) Termination of Use by Damage or Destruction

1. 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 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 (6) months of such destruction or damage, and provided further that such restoration or construction commences within one (1) year of the date that such notice is given to the Zoning Inspector.
2. In the event that such notice is not filed, then the nonconforming use in question shall be deemed to be abandoned. Such restoration shall not

cause any new nonconformity, nor shall it increase the degree of nonconformance or noncompliance prior to such damage or destruction.

(8) REPAIR AND MAINTENANCE

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 cubic content existing when it became nonconforming shall not be increased. 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.

ARTICLE 11: OFF-STREET PARKING AND LOADING REGULATIONS

(1) 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.

(2) APPLICABILITY

(A) New and Expanded Uses

The off-street parking and loading requirements of this Article shall apply to the following:

1. A permit application for the erection of a new building; or
2. For an alteration, addition, or change of use of an existing building; or
3. For an alteration or change of land use that requires more parking.

(B) Existing Uses

The off-street parking and loading requirements of this Article 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 subsection (A) above.

Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below these requirements in the future.

(C) 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.

(D) Plan Review

For any off-street parking area required under this Article with five (5) or more parking spaces, a plan shall be submitted with the application for a Zoning Certificate to the Monroe Township Zoning Inspector to review for compliance with these and other applicable regulations. Any such plan shall clearly illustrate the following:

1. Number of parking spaces;
2. The arrangement of parking aisles;

3. The location of driveway entrances;
4. Provisions for vehicular and pedestrian circulation;
5. The location of sidewalks, wheel stops, lighting, and curbs on or adjacent to the property;
6. The location of utilities, barriers, shelters, and signs; and
7. Any additional information as requested by the Zoning Inspector or the Zoning Commission.

(3) EXEMPTIONS

Single-family dwellings shall be exempt from all of the provisions of this Article except for Section (5), Required Parking Spaces.

(4) RULES FOR COMPUTING PARKING SPACES

The following rules shall apply when computing parking spaces:

(A) 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.

(B) 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.

(C) Area Measurements

Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of the building.

(D) Occupancy- or Capacity- Based Standards

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.

(E) Unlisted Uses

ARTICLE 11: OFF-STREET PARKING AND LOADING REGULATIONS

Upon receiving a development application for a use not specifically listed in the off-street parking schedule below, the Zoning Inspector shall apply the off-street 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.

(F) Enclosed Parking Spaces

Parking spaces within an enclosed garage shall count toward the number of required parking spaces.

(5) REQUIRED PARKING SPACES

(A) Except as otherwise specified in this Article, off-street parking spaces for each use on a parcel shall be provided according to the units of measurement indicated for that use in Table 11-5-1, Schedule of Off-Street Parking Requirements.

(B) The number of parking spaces required for the disabled shall be provided in accordance with the provisions of the Ohio Basic Building Code.

Table 11-5-1

Use		Number of Required Parking Spaces
<i>Agricultural Uses</i>		
Farm Markets		Four (4) spaces plus one (1) space per fifty (50) square feet.
<i>Residential Uses</i>		
Single family dwellings		Two (2) spaces per dwelling unit.
Manufactured housing park		One (1) space per dwelling unit.
Multi-family dwellings		One and a half (1.5) spaces per one-bedroom dwelling unit. Two and a half (2.5) spaces per two- and three-bedroom units.
<i>Business Uses</i>		
Assembling		One (1) space per 300 square feet of office space, plus one (1) space per 200 square feet of indoor sales area, plus one (1) space per 1,000 square feet of outdoor storage or sales, plus one (1) space per 500 square feet of area used for manufacturing, assembly, or other industrial areas.
Bed and breakfast establishments		One and one-half (1 ½) space per guest room plus two(2) spaces for owners or permanent residents.
Outdoor Advertising Signs (Billboards)		One (1) parking space
Bowling Alley		Five (5) spaces per alley.
Financial institutions		Four (4) spaces per 1,000 square feet plus two (2)

ARTICLE 11: OFF-STREET PARKING AND LOADING REGULATIONS

Use	Number of Required Parking Spaces
	vehicle stacking spaces per drive-through.
General manufacturing	One (1) space per 300 square feet of office space, plus one (1) space per 200 square feet of indoor sales area, plus one (1) space per 1,000 square feet of outdoor storage or sales, plus one (1) space per 500 square feet of area used for manufacturing, assembly, or other industrial areas.
Hotels and motels	One (1) space per room or suite.
Kennels or veterinarian establishments	One (1) space per 400 square feet.
Laboratories	One (1) space per 400 square feet
Light manufacturing	One (1) space per 300 square feet of office space, plus one (1) space per 200 square feet of indoor sales area, plus one (1) space per 1,000 square feet of outdoor storage or sales, plus one (1) space per 500 square feet of area used for manufacturing, assembly, or other industrial areas.
Lumber and building material sales	One (1) space per 200 square feet plus one (1) space per 750 square feet of outdoor storage and sales.
Motor vehicle fuel sales	One (1) space per 200 square feet of sales, office or waiting area, plus one (1) space per fuel pump or service bay.
Motor vehicle sales, rental, or repair	One (1) space per 100 square feet of indoor sales or office space, plus one space per 500 square feet of outdoor sales area.
Neighborhood shopping centers	One (1) space per 200 square feet.
Night clubs, pool or billiard halls	One (1) space per 50 square feet.
Nursery schools or day care facilities	One (1) space for each staff member, plus one (1) space per one and one-half (1 ½) students.
Offices	One (1) space per 200 square feet.
Personal services	One (1) space per 100 square feet.
Retail commercial uses	One (1) space per 200 square feet.
Restaurants with drive-through	One (1) space per 50 square feet or one (1) space per two (2) seats, whichever is greater. In addition, a minimum of six (6) vehicle stacking spaces shall be provided for the drive-through
Restaurants without drive-through	One (1) space per 50 square feet or one (1) space per two (2) seats, whichever is greater.
Self-storage facilities	One (1) space per 200 square feet of office space, plus one (1) space per two storage units.
Service commercial uses	One (1) space per 200 square feet.
Taverns	One (1) space per 50 square feet or one (1) space per two (2) seats, whichever is greater.
Truck and distribution terminals	One (1) space per 500 square feet.
Warehousing	One (1) space per 2,000 square feet.
All other commercial uses	One (1) space per 200 square feet.

Use	Number of Required Parking Spaces
All other industrial uses	One (1) space per 400 square feet.
<i>Public/Quasi-Public Uses</i>	
Active parks and recreational areas	One (1) space per 3 patrons, plus one (1) space per employee.
Cemeteries	One (1) space per four (4) seats in a chapel or place of assembly.
Commercial recreational areas	One (1) space per 3 patrons, plus one (1) space per employee.
Educational facilities	One (1) space for each staff member, plus one (1) space for each five (5) students over the age of 16, plus parking for all other facilities such as auditoriums or stadiums.
Elderly housing	One (1) space per dwelling unit.
Hospitals	One (1) space per bed
Passive parks and recreational areas	One (1) space per 3 patrons, plus one (1) space per employee.
Religious places of worship	One (1) space per three (3) seats.

(6) DESIGN OF PARKING SPACES AND AISLES

(A) 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 following minimum dimensions:

Table 11-6-1

Angle of Parking (degrees)	One-Way Maneuvering Lane Width (Feet)	Two-Way Maneuvering Lane Width (Feet)	Parking Stall Width (Feet)	Parking Stall Length (Feet)
0 – Parallel	12	18	9	23
30 – 53	13	20	9	19
54 – 75	18	22	9	19
76 – 90	24	24	9	19

(B) Maneuverability Areas

The following provisions shall be followed to maintain efficient maneuverability:

1. Turn Around Area
Where more than 3 parking spaces are served by a single driveway, a turnaround area shall be provided, or other provision made, to permit cars to exit the parking lot without backing onto any street or sidewalk.
2. Back-Up Area

ARTICLE 11: OFF-STREET PARKING AND LOADING REGULATIONS

Each parking space shall be provided with a sufficient back-up area to permit egress in one maneuver, consisting of one backward and forward movement.

(C) Surface

1. All off-street parking areas and aisles in agricultural and single-family residential districts shall be graded and surfaced so as to be dust free and properly drained.
2. Parking areas and aisles in all other districts shall be paved with an asphalt or concrete surface.
3. No area of any parking area, excluding entry drives, shall have a slope in excess of five percent (5%). Entry drives that connect parking area shall not have a slope in excess of ten percent (10%).
4. Paving of parking areas may be waived for up to 12 months by the Zoning Commission to allow new parking areas to settle or because of the season. Failure to complete the paving after the time permitted by the Zoning Commission shall be considered a violation of this Zoning Resolution.

(D) Wheel Stops and Continuous Curbs

Wheel stops or continuous curbs shall be provided, located, and designed to protect screening, buffering, landscaping, and pedestrian ways from damage or encroachment of vehicles and provided necessary traffic control in the parking area.

1. **Wheel Stops**
Each wheel stop shall be a singular block of reinforced concrete, stone or other durable material with a minimum height of 6 inches, a minimum width of 6 inches and a minimum length of 8 feet. Wheel stops are to securely attached to the ground and may be used only at the end of parking stalls.
2. **Continuous Curbs**
Continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a minimum height of 6 inches and a minimum width of 6 inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuverability areas that are not protected by wheel stops.
3. **Placement**
Wheel stops and/or continuous curbs shall be located a minimum of 4 feet from any structures, buildings, walls, or plant material, excluding ground cover, to prevent a vehicle from driving onto the landscaped area or hitting any structure or plant material at the edge of a parking area.

(7) LOCATION OF PARKING SPACES

(A) Off-Street Parking

1. Off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve.
2. As specified in Section (6), all off-street parking shall be properly surfaced. No off-street parking requirements may be met on an unpaved surface.

(B) Residential Parking

1. No off-street parking area or maneuvering area shall be permitted in the required front yard of any residential parcel or district.
2. This restriction shall not apply to the driveway that provides access from the street to the parking area or garage.

(8) OFF-STREET LOADING REQUIREMENTS

(A) Applicability

The application of these loading requirements shall be limited to the same applicability as defined in Section (2) of this Article.

(B) Exemptions

All single-family and manufactured housing shall be exempt from these off-street loading requirements.

(C) Number of Off-Street Loading Spaces Required

Off-street loading spaces shall be provided in accordance with the schedule set forth in Table 11-8-1, Schedule of Off-Street Loading Requirements and shall not conflict or overlap with any areas used for parking.

Table 11-8-1

Gross Floor Area of Structure (square feet)	Number of Required Loading Spaces
0-10,000	0
10,001-50,000	1
50,001-100,000	2
100,001-200,000	3
200,001-400,000	4
Each additional 200,000	1

(D) General Design Standards

ARTICLE 11: OFF-STREET PARKING AND LOADING REGULATIONS

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 of a more restrictive district while the vehicle is being loaded or unloaded.
2. **Dimensions**
No required loading space shall be less than twelve (12) feet in width or thirty-five (35) feet in length or have a vertical clearance of less than fourteen (14) feet.
3. **Access**
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.
4. **Surface and Drainage**
Every loading space shall meet the surface and drainage requirements of Section (6)(C) of this Article.
5. **Screening**
All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened. The screening material shall be at least six (6) feet in height and 100 percent opaque.

ARTICLE 12: BUFFERING

(1) PURPOSE

The purpose of this Article is to 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, and artificial light glare by providing the installation and maintenance of buffers between residential and non-residential districts and uses.

(2) APPLICABILITY

- (A)** This Article shall apply to new property development and any collective, substantial expansion of existing structures, except for single-family dwellings and two-family dwellings.
- (B)** Substantial expansion of existing structures shall be defined based on the criteria established in Table 12-2-1, Substantial Building Expansion.

Table 12-2-1 Substantial Building Expansion

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

(3) REQUIREMENTS FOR SUBMISSION

- (A)** Any property to which this Article applies shall illustrate all proposed buffers, including the proposed landscaping material, on the site plan or on a separate buffer plan.
- (B)** All plans shall include a table listing the existing plant material that will be retained and all proposed plant materials within the buffer yards. This shall include the common and botanical names, sizes, and other remarks as appropriate to describe the plant material selection.
- (C)** Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the buffer areas.

(4) APPROVAL OF BUFFER PLAN

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

- (A)** No site plan required under this Zoning Resolution shall receive final approval unless a buffer plan has been submitted as part of the site plan and has been approved.

- (B)** Failure to implement the buffer plan within twelve (12) months of the issuance of a zoning certificate shall be deemed a violation of this Resolution.

(5) LANDSCAPING MATERIALS AND STANDARDS

New development shall provide buffers as provided in Section (6), Required Buffers. Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for screening used individually or in combination with each other provided they create a dense screen, subject to review and approval by the Zoning Inspector.

(A) Walls and Fences

1. When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy these buffer requirements.
2. Walls and fences shall be designed to orient the best or most aesthetic side toward the agricultural or residential district.

(B) Plants

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 plants as bare root as well as balled and burlapped or from containers.

1. **Deciduous Trees**
Deciduous trees shall have a minimum caliper of at least two and one-half (2 1/2) inches 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.
2. **Evergreen Trees**
Evergreen trees shall be a minimum of six (6) feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of fifteen (15) feet on center to provide an effective buffer.
3. **Shrubs and Hedges**
Shrubs and hedges shall be at least thirty-six (36) inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective buffer of at least five (5) feet within a period of

four (4) years after planting.

4. **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 (1) foot on center to provide seventy-five percent (75%) complete coverage after two (2) growing seasons.

(C) 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:

1. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Inspector to ensure that proper erosion control and prevention practices are utilized.
2. Berms and earth forms shall be designed with physical variations in height and alignment throughout their length.
3. 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.
4. Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
5. No part of any berm or earth mound that is elevated more than eighteen (18) inches above the natural grade shall be located within twenty (20) feet of any right-of-way or property line.
6. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
7. No mounded or other similar on-site wastewater treatment system shall count toward the buffering requirement.

(6) REQUIRED BUFFERS

Table 12-6-1, Required Buffers shall define the minimum buffer requirements. Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.

Table 12-6-1 Require Buffers

When...	Is proposed to abut...	The minimum buffer shall be....	With the following plant material
<u>Any multi-family dwelling, as permitted in the R-2 district</u>	Any A-1 or R-1 district	20 foot wide buffer	6 foot fence, wall, earth mound or berm AND 3 evergreen trees plus 3 deciduous trees plus 6 shrubs for every 75 lineal feet of buffer yard. OR 10 evergreen trees, planted in an offset manner as to create a solid buffer plus 12 shrubs for every 75 lineal feet of buffer yard.
Any use permitted in the B-1 district	Any A-1, R-1, or M-1 district or land use	10 foot wide buffer	6 foot fence, wall, earth mound or berm AND 3 evergreen trees plus 3 shrubs for every 60 lineal feet of buffer yard. OR 6 evergreen trees, planted in an offset manner as to create a solid buffer plus 6 shrubs for every 60 lineal feet of buffer yard.
Any use permitted in the B-2 district	Any A-1, R-1, or M-1 district or land use	20 foot wide buffer	6 foot fence, wall, earth mound or berm AND 3 evergreen trees plus 3 deciduous trees plus 6 shrubs for every 75 lineal feet of buffer yard. OR 10 evergreen trees, planted in an offset manner as to create a solid buffer plus 12 shrubs for every 75 lineal feet of buffer yard.
Any use permitted in the I-1 district	Any A-1, R-1, R-2, or M-1 district or land use	30 foot wide buffer	6 foot fence, wall, earth mound or berm AND 8 evergreen trees plus 4 deciduous trees plus 8 shrubs for every 100 lineal feet of buffer yard. OR 14 evergreen trees, planted in an offset manner as to create a solid buffer plus 16 shrubs for every 100 lineal feet of buffer yard.

(7) EASEMENTS, RIGHT-OF-WAYS, AND SETBACKS

Required buffers may be placed wholly or partially within utility or other easements providing all requirements can be fulfilled and the holder of the easement grants approval. Planting of trees directly under utility wires shall be avoided.

(8) 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) Unhealthy and dead plants that are required as part of these requirements shall be replaced within one-year, or by the next planting season, whichever comes first.
- (C) Violation of these maintenance practices shall be a violation of this Zoning Resolution.

ARTICLE 13: SIGNS

(1) PURPOSE

The purposes of these sign regulations are:

- (A)** To encourage the effective use of signs as a means of communication in the Township.
- (B)** To maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth.
- (C)** To improve pedestrian and traffic safety; and
- (D)** To minimize the possible adverse effect of signs on nearby public and private property.

(2) 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 permits and a payment of fees. No permit is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.
- (C)** Governmental signs are excluded from the scope of these regulations.

(3) 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 in any form, shape, or manner that is in violation of Clermont County's or Ohio's Building or Fire Codes.

(4) COMPUTATIONS

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

(A) Computation of the Area of Individual Signs

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) Computation of the Area of Multifaced Signs

EXAMPLES OF MEASURING SIGN AREA



1. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point.
2. 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 twenty-four (24) inches apart, the sign are shall be computed by the measurement of one of the faces.

(C) Computation of Height

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.

(5) SIGNS IN THE RIGHT-OF-WAY; OBSTRUCTING VISION OR TRAFFIC

(A) No signs shall be placed in any public right-of-way except:

1. Publicly owned signs, such as traffic control signs, township identification signs, and directional signs.
2. Projecting, canopy, and awning signs may project over a public right-of-way if they are in conformity with Section (9), Regulation of Signs by Zone.

3. No signs may be placed on public property without the express permission of the Township Trustees.

(B) No sign or other advertising structure as regulated by this Article shall be erected:

1. At the intersection of streets in such a manner as to obstruct free and clear vision; or
2. At any location where, by reason of the position, shape or color, it may interfere with traffic, obstruct the view of traffic, or be confused with the use of words such as "stop," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

(6) ILLUMINATION

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.

(7) PROHIBITED SIGNS

The following types of signs are prohibited in all districts:

(A) Abandoned Signs

1. Any 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 one year 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 thirty (30) days after notification to the owner from the Zoning Inspector.
3. All signs shall be in conformance with Section (11) regarding the maintenance of all signs.

(B) No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention for commercial or advertising purposes except where otherwise permitted in this Article.

(C) Air activated graphics or balloons used for commercial, or advertising reasons shall not be permitted except where otherwise permitted in this Article.

- (D) No person shall erect any sign or continue in the operation of any sign, which rotates, revolves, or otherwise moves unless otherwise expressly permitted under this Article.
- (E) No persons shall erect any additional attractions devices or objects or continue in the operation of such signs for the purpose or result of which is to attract attention to a business or business services and/or which serves to divert the attention of the public whether such devices or objects are stationary, mobile, or otherwise revolve, rotate, or move.
- (F) 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.
- (G) Signs imitating or resembling official traffic or governmental signs or signals.
- (H) No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter.
- (I) Signs that consist of lights that revolve, or flash are prohibited in all districts with the exception of electronic information signs.
- (J) Roof signs.

(8) SIGNS NOT REQUIRING A PERMIT

The following sign types shall be exempted from permit requirements but shall be in conformance with all other requirements of this Article:

- (A) Construction signs of six (6) square feet or less.
- (B) Directional signs of four (4) square feet or less.
- (C) One (1) nonilluminated nameplate indicating a home occupation or profession of four (4) square feet or less.
- (D) Signs denoting the name and address of the occupants of the premises provided the sign does not exceed two (2) square feet.
- (E) Public signs or notices, or any sign relating to an emergency.
- (F) Any sign advertising the sale, lease, or rental of the premises upon which the sign is located provided that the sign does not exceed twelve (12) square feet in area except in the R-1, R-2, R-3, and M-1 district where the sign shall not exceed six (6) square feet in size.
- (G) Any sign advertising a commercial enterprise, including real estate developers or subdividers, in the R-1, R-2, R-3, and M-1 districts provided that the sign does not exceed six (6) square feet in area and shall only advertise the owners, trade

names, products sold and/or the business or activity conducted on the premises where such a sign is located.

(H) Political Signs

1. The signs may only be erected on the property on which the owner has given permission.
2. The signs are not located in the public right-of-way.

(I) Signs identifying farms, estates, or buildings other than dwellings of four (4) square feet or less.

(J) Warning signs including "no hunting," "no trespassing," "keep off grass," "no dumping," or signs of a similar nature provided that they do not exceed four (4) square feet in area.

(K) Window signs not to exceed fifty percent (50%) of the window surface.

(L) One temporary sign not exceeding twenty-four (24) square feet in area on the premise of an institutional use, announcing special public events, such as fairs, carnivals, festivals, or social or charitable events when the sign is located on the premises of the institutional use.

(9) REGULATION OF SIGNS BY ZONE

(A) Signs Permitted in All Zoning Districts

1. All signs not requiring a permit per Section (8).
2. Signs or bulletin boards customarily incidental to any institutional use provided that the sign does not exceed fifteen (15) square feet in area and is located on the premises of such institution.

(B) Signs Permitted in any Agricultural or Residential Zoning District

The following signs may be permitted in the A-1, R-1, R-2, or M-1 zoning district:

1. All signs not requiring a permit per Section (8);
2. One (1) permanent residential identification sign per public roadway access point from outside of the proposed subdivision provided that the sign meets the following requirements:
 - a. The sign is setback fifteen (15) feet from the public right-of-way and from any adjacent property lines. Written approval shall be obtained from the Township Trustees if the sign is to be located within the public right-of-way.
 - b. The sign does not exceed twenty-four (24) square feet in area.

- c. No such sign or any portion of the structure shall exceed six (6) feet in height from the average grade.
- d. Such signs are to be illuminated through indirect lighting only.
- 3. One (1) identification sign for an institutional use provided that the sign meets the following requirements:
 - a. The sign is setback ten (10) feet from the public right-of-way and from any adjacent property lines. Written approval shall be obtained from the Township Trustees if the sign is to be located within the public right-of-way.
 - b. The sign does not exceed thirty-two (32) square feet in area.
 - c. No such sign or any portion of the structure shall exceed six (6) feet in height from the average grade.
 - d. Such signs are to be illuminated through indirect lighting only.

(C) Temporary and Portable Signs Permitted in A-1, R-1, R-2, or M-1 Districts

- 1. Size

Temporary and portable signs shall not exceed twenty-four (24) square feet in area.
- 2. No such sign shall be permitted in the right-of-way.
- 3. Temporary and portable signs shall be setback twenty (20) feet from any adjoining property.
- 4. A temporary, non-portable, sign announcing the erection of a building, the architect, builders, and/or contractors may be erected for a period of sixty (60) days plus the construction period.
- 5. Any temporary or portable sign used for advertising purposes shall be:
 - a. Permitted for a period of no more than fourteen (14) consecutive days.
 - b. Renewable for not more than two (2) times per year for a sign to be located on the same property.

(D) Signs Permitted in any Business or Industrial Zoning District

The following signs may be permitted in the B-1, B-2, or I-1 zoning district:

1. All signs not requiring a permit per Section (8);
2. One (1) pole or ground sign per parcel, lot, or site provided the pole or ground sign meets the following requirements:
 - a. The height of the sign may not exceed thirty (30) feet.
 - b. The total sign area permitted shall be based on the lot frontage of the street where the sign shall be located.
 - c. The total sign areas permitted shall be as defined in Table 13-9-1, Maximum Sign Area for Pole or Ground Signs.

Table 13-9-1

Lot Frontage	Maximum Sign Area
0 to 60 feet	36 Square Feet
61 to 120 feet	72 Square Feet
121 to 180 feet	100 Square Feet
Over 180 feet	150 Square Feet

3. Wall Signs
 - a. Each business or tenant within a business or industrial district shall be permitted one (1) wall sign for each side of the building that faces a public roadway.
 - b. The wall signs shall not extend more than twelve (12) inches as measured from the face of the building.
 - c. The sign area of the wall sign for any single business or tenant shall be equivalent to one and one-half (1½) square feet per each lineal foot of building width, or width of the portion of the building of which the business occupies.
 - d. The total sign area of all wall signs shall not exceed forty (40) square feet in the B-1 district or one hundred (100) square feet in the B-2 and I-1 districts.
4. Electronic Information Signs
 - a. 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.
 - b. Bulbs with automatic dimmers and glare screens shall illuminate all such signs.

- c. Any sign under this Section shall meet all other zoning requirements.

(E) Temporary and Portable Signs Permitted in any Business or Industrial Zoning District

1. Size
 - a. Temporary and portable signs in the B-1 district shall not exceed twenty-four (24) square feet in area.
 - b. Temporary and portable signs in the B-2 and I-1 districts shall not exceed thirty-six (36) square feet in area.
2. No such sign shall be permitted in the right-of-way.
3. Temporary and portable signs shall be setback twenty (20) feet from any adjoining property.
4. A temporary, non-portable, sign announcing the erection of a building, the architect, builders, and/or contractors may be erected for a period of sixty (60) days plus the construction period.
5. Any temporary or portable sign used for advertising purposes shall be:
 - a. Permitted for a period of no more than fourteen (14) consecutive days.
 - b. Renewable for not more than four (4) times per year by the same business.
6. For the purpose of this Article, temporary signs consisting of banners, posters, pennants, ribbons, streamers, spinners, or other moving devices including strings of lights as well as air activated balloons or graphics shall be:
 - a. Permitted for a period of no more than fourteen (14) consecutive days.
 - b. Renewable for not more than two (2) times per year by the same business.

- (F)** Not more than one (1) temporary or portable sign shall be permitted at any one time on any individual lot.

(10) OUTDOOR ADVERTISING SIGNS

- (A)** Outdoor Advertising Signs shall be classified as a business and shall be permitted in the following districts subject to the provisions of Section (10) (B) through (I) below:

1. A-1 – Agricultural District.
2. B-1 – Neighborhood Business District.
3. B-2 – General Business District; or
4. I-1 – Industrial District.

- (B) No outdoor advertising sign shall be located on a parcel that contains another principal structure or use.
- (C) All outdoor advertising signs shall meet the lot area and setback requirements of the zoning district where it is located.
- (D) The maximum signs areas shall be 350 square feet per side with no more than two (2) sides.
- (E) The height of an outdoor advertising sign shall not exceed 40 feet.
- (F) Outdoor advertising signs shall be located a minimum of 300 feet from any recorded subdivision or any residential district.
- (G) Outdoor advertising signs shall be located a minimum of 300 feet from any educational institution, hospital, day care facility, public recreation area, religious place of worship, or other similar public uses.
- (H) No outdoor advertising signs shall be located within 500 feet of any other outdoor advertising sign.
- (I) No outdoor advertising sign shall having moving or rotating parts that change position more than four (4) times per minute.

(11) MAINTENANCE

- (A) All signs shall be properly maintained.
 1. Exposed surfaces shall be clean and painted if paint is required.
 2. Defective parts shall be replaced.
 3. The Zoning Inspector shall have the right to order the repair or removal of any sign that is defective, damaged, or substantially deteriorated.
- (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 questions.

(12) NONCONFORMING SIGNS

(A) Determination of Legal Nonconformity

Existing signs that do not conform to the specific provisions of this Article may be eligible for the designation of "legal non-conforming" provided that they are not in violation of either of the following:

1. The Zoning Inspector determines that such signs are properly maintained and do not in any way endanger the public or constitute a nuisance.
2. The sign was covered by a valid permit or variance or complies with all applicable laws on the date of the adoption of this Article.

(B) Loss of Legal Nonconforming Status

A legal nonconforming sign loses this designation if:

1. The sign is relocated or replaced; or
2. 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 or changing of copy.

(C) Maintenance and Repair of Nonconforming Signs

The legal nonconforming sign is subject to all requirements of this Resolution regarding safety, maintenance, and repair. However, if the sign suffers more than fifty percent (50%) appraised damage or deterioration, it shall be brought into conformance with this resolution or removed.

ARTICLE 14: CELLULAR OR WIRELESS COMMUNICATION SYSTEMS

(1) PURPOSE

The purpose of this Article is to minimize adverse visual effects of communication towers and support structures; avoid potential damage to adjacent residential properties; and to encourage the joint use of any new or existing communication tower in regulated areas of Monroe Township.

(2) EXEMPTIONS

Cellular or wireless communication systems are exempt from these zoning regulations when they are to be located in an agricultural, business, industrial, or other non- residential district.

(3) APPLICABILITY

Cellular or wireless communication systems are subject to the regulations of this Article when:

- (A)** The use is proposed for a residential zoning district; and
- (B)** Objections are noted from property owners or from the Township Trustees following notification as required in Section 519.211 (B)(3), Ohio Revised Code.

(4) GENERAL PROVISIONS

- (A)** A site plan shall be required for the development of a telecommunications tower or structure and shall meet all requirements of Article 3, Section (4), Site Plan Review.
- (B)** The telecommunications company shall demonstrate, why the telecommunications antenna or tower must be place in the proposed location in order to serve its necessary function in the company's grid system. Part of this demonstration shall include a drawing showing the boundaries of the area around the proposed location that would permit the telecommunications antenna to function properly in the company's grid system. This area shall be considered the allowable zone.
- (C)** If the telecommunications company proposed to build a telecommunications tower (as opposed to mounting the antenna on an existing structure), the company shall be required to demonstrate that it has contacted the owners of all nearby tall structures within the allowable zone, asked for the permission to install the telecommunications antenna on those structures, and was denied for either non-economic reasons or that a clearly unreasonable economic demand was made by the property owner, based on prevailing market values. Tall structures include, but not be limited to, smokestacks, water towers, building over 35 feet in height, antenna support structures, or other communication towers even if owned by other communication companies.

ARTICLE 14: CELLULAR OR WIRELESS COMMUNICATION SYSTEMS

- (D) An applicant must demonstrate that technically suitable and feasible sites are not available in an area zoned for non-residential uses and that the site is located in the least restrictive district that includes a technically suitable and feasible site.
- (E) No telecommunications tower shall be permitted on any lot on which any nonconforming building or structure is located nor upon which any nonconforming use or activity is occurring without first obtaining a variance from the Township Board of Zoning Appeals.
- (F) No telecommunications tower or structure shall be constructed, replaces, or altered without first obtaining an applicable building permit.
- (G) If it is determined that any provision of this Resolution is inconsistent with Section 519.211 of the Ohio Revised Code, then the Resolution shall be interpreted and applied in a manner most consistent with Section 519.211 of the Ohio Revised Code.

(5) TELECOMMUNICATIONS TOWER/ANTENNA HEIGHT

- (A) The applicant shall demonstrate that the antenna/tower is the minimum height required to function satisfactorily and to accommodate the co-location requirements as set out in Section (8) of this Article.
- (B) No antenna/tower that is taller than the minimum height required shall be approved.
- (C) Communication towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

(6) TELECOMMUNICATIONS TOWER SAFETY

- (A) All telecommunications towers shall be fitted with anti-climbing devices as approved by the manufacturers. Furthermore, the applicant shall demonstrate that the proposed telecommunications tower and its antenna are safe and that the surrounding properties will not be negatively affected by tower failure, falling ice or other debris, electromagnetic fields, or radio frequency interference. However, if the specific safety issue in question is determined to be regulated by either the Federal Communications Commission (FCC) or applicable building codes, and the operation and construction is in compliance with such regulations, then these requirements shall be deemed to have been met.
- (B) Subsequent to the installation of a telecommunications tower, if it is determined by the Board of Trustees, upon presentation of proper and sufficient documentation, and after and public hearing, that the operation of a telecommunications tower is inherently dangerous or is a demonstrable health hazard, the telecommunications tower shall be declared to be a nuisance and all operation shall cease. The telecommunications tower or antenna shall also be removed as provided under Section (12) of this Article. However, no order of removal shall be made if inconsistent with applicable FCC regulations.

(7) SCREENING

ARTICLE 14: CELLULAR OR WIRELESS COMMUNICATION SYSTEMS

- (A) For reasons of aesthetics and public safety, telecommunications facilities shall be effectively screened on each side. Screening shall consist of a solid masonry wall or solid fence, not less than four (4) or more than six (6) feet in height, or a tight screen of hardy evergreen shrubbery, natural, or existing screening not less than four (4) feet in height.
- (B) The use of razor or barbed wire is prohibited.
- (C) Screening walls and fences shall be located not less than thirty (30) feet from each property line.
- (D) Spaces between any screening device and adjacent property lines shall be buffered by the use of landscape plant materials including, but not limited to, grass, hardy shrubs, evergreen ground cover, etc.
- (E) All screening devices and landscape materials shall be maintained in good condition.

(8) LIMITING THE NUMBER OF TELECOMMUNICATIONS TOWERS

- (A) For the purposes of encouraging co-location of cellular or wireless antenna and other uses, telecommunications towers shall be designed, engineered, and constructed as follows:
 - 1. Towers less than seventy-five (75) feet in height shall be designed, engineered, and constructed to support communication antennas installed by one (1) or more telecommunications service users; and
 - 2. Towers more than seventy-five (75) feet in height but less than one hundred and fifty (150) feet shall be designed, engineered, and constructed to support communication antennas installed by two (2) or more telecommunications service users; and
 - 3. Towers more than one hundred and fifty (150) feet in height shall be designed, engineered, and constructed to support communication antennas installed by three (3) or more telecommunications service users.
- (B) As used in the above paragraphs, the term users shall include the telecommunications antenna of police, fire, and emergency service departments. In addition, an applicant must demonstrate that the area acquired by lease or otherwise acquired for the use and construction of the telecommunications tower and accessory structures is sufficient in size to accommodate any additional structures that may be required if additional users are added to the telecommunications tower.

(9) LICENSING

- (A) The telecommunications company must demonstrate to the Township that the tower and their antenna are licensed by the FCC. No approval will be granted to any applicant unless proof of a current FCC license for the proposed use of the telecommunications tower is provided.

- (B) The owner of the telecommunications tower must also provide the Township with a list of all users of the telecommunications tower and a copy of each user's FCC license on January 1 of each year.

(10) REQUIRED PARKING

- (A) If the telecommunications site is fully automated, adequate parking shall be required for maintenance workers.
- (B) If the site is not fully automated, the number of parking spaces shall equal the number of employees working on the largest shift.
- (C) All parking specifications and requirements shall be consistent with the applicable parking requirements as established in Article 11.

(11) APPEARANCE

- (A) Telecommunications towers under two hundred (200) feet in height shall be painted silver, or have a galvanized finish retained, or be finished with a neutral color matching its background in order to reduce visual impact.
- (B) The applicant shall demonstrate that the proposed telecommunications tower is the least aesthetically intrusive facility for the neighborhood and function.
- (C) It is further recommended that all buildings and structures be architecturally compatible with the architecture of the adjacent buildings and structures.
- (D) Telecommunications towers shall meet all Federal Aviation Administration (FAA) regulations. No telecommunications tower may be artificially lighted except when required by the FAA. Furthermore, no telecommunications tower/antenna and accessory buildings and structures shall contain any signage.
- (E) All utility lines service the telecommunications tower shall be underground, unless there is demonstrated safety hazard created by underground installation.

(12) MAINTENANCE

- (A) Any owner of property used as a telecommunications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds, and other debris.
- (B) Any owner of a telecommunications tower that has determined to cease operation, discontinue service, or transfer ownership, shall be required to give written notice to the Zoning Inspector of such intent not less than thirty (30) days prior to the cessation of business, discontinuance of service, or transfer of ownership.
- (C) Facilities shall be removed from the site within six (6) months of ceasing operation. Resale or renting of facilities is permissible only to other licensed telecommunications companies subject to the issuance of a zoning certificate by

ARTICLE 14: CELLULAR OR WIRELESS COMMUNICATION SYSTEMS

the Monroe Township Zoning Commission.

- (D)** Any telecommunications tower removed from service for a period in excess of six (6) continuous months and has not been removed shall be deemed a nuisance.
- (E)** Whenever, upon inspection, it appears that a telecommunications tower has been abandoned or its use discontinued, the Zoning Inspector shall notify, either by personal delivery or certified mail, the owner of the property on which the tower is located that the tower must be removed. If the telecommunications tower is not removed after appropriate notification, the Zoning Inspector may take appropriate steps that have the tower facilities removed and recover costs of such removal jointly and severally from the property owner and telecommunications company.

ARTICLE 15: YARD SALES

(1) PURPOSE:

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety, convenience and general welfare and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this article is to eliminate perpetual, prolonged and extended garage and yard sales in the A-1, R-1, R-2 and M-1 districts of Monroe Township. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and violate the zoning regulations of Monroe Township. The provisions of this article arise from the need to limit, regulate, restrict and control garage and yard sales.

(2) DEFINITIONS:

As used in this article, the following terms shall have the meanings indicated:

(A) Yard Sale:

1. The sale or offering for sale of new, used or secondhand items of personal property at any one(1) residential premises at any one(1) time.
2. Includes all sales in residential areas entitled "garage sale," "yard sale," "tag sale," "porch sale," "lawn sale," "attic sale," "basement sale," "rummage sale," "flea market sale" or any similar casual sale of tangible personal property.

(B) Goods:

Any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

(C) Persons:

Individuals, partnerships, family groups, voluntary associations and corporations.

(3) PERMIT REQUIRED; FEE; CONDITIONS FOR SALES:

- (A)** It shall be unlawful for any person to conduct a yard sale within the geographic boundaries of Monroe Township without first obtaining a yard sale permit, at no charge, from the Monroe Township zoning department after filing an application containing the information hereinafter specified.
- (B)** It shall be unlawful to participate in more than two (2) yard sales in any calendar year. These sales can only be held from May 1st through October 31st in any one (1) calendar year.
- (C)** Not more than two (2) yard sale permits shall be issued for any one (1) person for one (1) calendar year-May 1st through October 31st .

- (D) Not more than two (2) yard sale permits shall be issued for any one (1) premises for one (1) calendar year-May 1st through October 31st .
- (E) Yard sales shall be limited in time to no more than the daylight hours of three consecutive days.
- (F) It is a requirement of yard sale permits that the names and addresses of all participating persons be listed on the application. The yard sale permit must be posted at a visible location to the traveling public for the duration of the sale.
- (G) It shall be unlawful to conduct any yard sale with a duration exceeding three (3) consecutive days.
- (H) Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard, but only in such areas. No personal property offered for sale at a yard sale shall be displayed in any public right-of-way.
- (I) Inclement weather. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the Zoning Department may issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No permit fee is required.
- (J) Third sale permitted: A third yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Zoning Department of Monroe Township.
- (K) Any and all items that remain from the yard sale after the third day must be removed or stored in an enclosed area within 48 hours after said yard sale.

(4) SIGNS:

- (A) Only the following specified signs may be displayed in relation to a pending yard sale:
 - 1. Two (2) signs permitted. Two signs of not more than six (6) square feet each are permitted to be displayed on the property of the residence where the yard sale is being conducted.
 - 2. Directional signs. Two (2) signs of not more than four (4) square feet each are permitted, provided that the premises upon which the yard sale is conducted is not on a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be posted.
- (B) No sign or other form of advertisement shall be exhibited for more than seven (7) days prior to the day such sale is to commence.
- (C) Signs must be removed at the close of the yard sale activities or by the end of

daylight, whichever first occurs.

(5) RESPONSIBILITIES OF PERMIT HOLDER AND OWNER:

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Departments of Monroe Township and the Clermont County Sheriff's Department in order to maintain the public health, safety and welfare. A police officer, zoning inspector, fire prevention inspector or any other official designated by Monroe Township to make inspections shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection.

(6) PARKING:

All parking of vehicles shall be conducted in compliance with all applicable laws.

(7) REVOCATION AND REFUSAL OF PERMIT:

- (A)** Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the zoning inspector if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.
- (B)** If any individual is convicted of an offense under this article, the zoning inspector is instructed to cancel any existing yard sale permit held by the individual convicted and not to issue such individual another yard sale permit for a period of two (2) years from the time of conviction.

(8) EXEMPTIONS:

This article shall not be applicable to:

- (A)** Persons selling goods pursuant to an order or process or a court of competent jurisdiction.
- (B)** Persons acting in accordance with their powers and duties as public officials.
- (C)** Any person selling a single item of personal property which is specifically named or described in an advertisement offering the item for sale.
- (D)** Any publisher of a newspaper, magazine or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been met.
- (E)** Any sale conducted by any legitimate business or commercial or industrial

establishment on property zoned for that business under the zoning regulations of Monroe Township with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited.

- (F) Any public auction conducted by a licensed auctioneer.

ARTICLE 16: PLANNED UNIT DEVELOPMENT – PUD

(1) GENERAL PROVISIONS**(A) 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 Monroe 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 Monroe Township. The Township's character is related to physical attributes of the Township including its land use patterns and natural resources. The PUD district(s) are 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. Respect the character of surrounding developments by providing appropriate buffers as a transition to higher density uses.
7. 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.

8. 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) Definitions

The terms in Article 16 shall have the definitions set forth in Article 19 of this Resolution.

(C) Establishment of Growth Districts

Monroe Township is hereby established as a Growth District.

(D) Establishment of Planned Unit Development Districts.

The following types of PUD districts are hereby established and may be proposed through an amendment to the Zoning Resolution:

1. "PUD-R" Planned Residential District
2. "PUD-MU" Planned Mixed-Use District
3. "PUD-B" Planned Business District (Commercial and/or Industrial)

(E) Planned Unit Development District Purposes

The PUD districts shall have the following purposes:

1. Planned Residential Districts.

For residential uses within a PUD district, 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 Districts.

For nonresidential and residential combined uses within a PUD district, the objective is to encourage the creation of Local/Neighborhood Business with a mix of residential housing and multifamily in a planned community type that retain natural resources, provide adequate landscaping and open space areas, and are compatible with the

character of adjoining land uses, create streetscapes that emphasize landscaping, coordinated sign control, and uniform architectural character.

3. Planned Business Districts.

For nonresidential uses within a PUD district of commercial, light industrial and industrial uses. The objective is to create streetscapes that emphasize landscaping, coordinated traffic and sign control, and uniform architectural character. Proposed buildings should have architectural features that provide a sense of identity and emphasize the most important use with visual elements.

(F) Location of PUD Districts

Permitted Uses. The Zoning Resolution may be amended to establish PUD districts in any areas of the Township that have been established as a Growth District.

(G) Minimum Performance Standards

Except as otherwise authorized by the Board of Trustees, PUD districts shall comply with the following performance standards:

1. Utility Standards

A PUD may only be approved in areas of the Township where public or private sewer exists, or can be made to exist, and public water, either by tapping into existing water and/or sewer mains, or by extending existing water and/or sewer mains to the proposed development, or by providing for a private sewer system as may be approved by the Clermont County Sewer District, and/or the Ohio EPA.

2. Density Standards

A PUD shall comply with the standards set forth herein.

a. Area

A PUD must have a minimum land area as follows:

- i. PUD-R: must have a minimum land area of 6 (six) acres, being a single parcel or the assemblage of multiple parcels, so long as any one of the assembled parcels is not a Lot in a previously platted subdivision.
- ii. PUD-MU : no minimum land areas are specified. PUD-MU's will be reviewed on a case-by-case basis as to land area and density.

PUD- MU's must meet all other criteria for a PUD set forth in this Article.

- iii. PUD-8 : no minimum land areas are specified. PUD-B's will be reviewed on a case-by-case basis as to land area and density. PUD-B's must meet all other criteria for a PUD set forth in this Article.

b. Density

The density of a PUD-R shall not exceed 4 units per acre for single family residence, or 12 units per acre for multi-family residence.

c. Lot Sizes

Lot sizes are to be determined by the building area, and overall design and layout best fitting the property.

d. Setbacks

The applicant for a PUD shall show building setbacks best fitting the design and layout of the proposed PUD taking into consideration the type of building, proposed lot size, proper engineering standards, and adequate public safety.

e. Design Standards

A PUD may contain various housing types.

f. Building Heights

Building heights may not exceed 40 feet.

g. Resource Protection Standards

The natural resources of the Township are resources that are sensitive to development and need to be protected. The proposed PUD development plan shall delineate all natural resources such as flood plains, wetlands, steep slopes, unstable soils and woodlands, and clearly outline how the proposed development will protect or mitigate all such resources.

h. Streets

All streets in a PUD shall be public streets with a dedicated right- of- way conforming to the Clermont County Subdivision Regulations (latest edition) and the Subdivision Street Design and Construction Standards for Clermont County (latest edition). No private streets will

be allowed in a PUD.

i. Storm Water Runoff

Storm water runoff design shall meet Clermont County Water Management and Sediment Control (WMSC) Regulations (latest edition) for both Phase 1 (Storm Water Quantity), and Phase 2 (Storm Water Quality).

3. Open Space.

Open space shall be required of all PUD's. (See Section 16.2 of this Article.) The development plan shall clearly define areas and amounts of open space on the proposed PUD plan as follows:

- a. For PUD of 6 to 10 acres - 10%; 10 to 25 acres -15% greater than 25 acres - 25% of the total land area.
- b. Portions of proposed lots may be used to calculate open space, provided individual lots are:
 - i. Two acres or larger in size.
 - ii. If there are less than 10 (ten) lots in the proposed PUD.
- c. Open space in private ownership shall be protected by a conservation easement shown on the final development plan and deed restrictions prohibiting in perpetuity the development and/or subsequent subdivision of the resource protection areas or their use for purposes other than those specified on the final development plan.

4. Buffer

If a natural buffer that meets these regulations does not exist, a buffer shall be constructed along all borders of a PUD district. The buffers are intended to screen the housing from streets and adjoining properties that are different in character. Buffer shall be provided as follows:

- a. Buffer shall be constructed in all areas of a PUD district bordering on external roads in order to screen residential uses from streets.
- b. The Township may, upon review of the plans and the potential impact of the proposed PUD on adjoining use, require the buffers to be modified in accordance with the following:

- i. Where the units to be constructed adjoining the property line are quite similar in lot size and building mass, the buffer may be reduced.
- ii. Where the units to be constructed adjoining the property line are significantly smaller in lot size, where the building mass will be significantly greater, or where orientation or design of the uses will have an adverse impact, the buffer may be increased.
- iii. Where existing natural vegetation, or some other feature, can provide screening of similar opacity.
- iv. Narrow open spaces between clusters of development shall be a minimum of thirty (30) feet in width and may be attached to adjoining lots as part of a conservation easement.
- v. Areas designated as natural resource areas shall be retained in their natural state except for areas upon which pedestrian trails are located.
- vi. Recreational open spaces are to be mowed and maintained with a lawn ground cover.
- vii. Trees and shrubs shall be of native species that are adapted to the soils on which they are to be planted.

(H) Approval of Planned Unit Development Districts

The Board of Township Trustees, upon receipt of the recommendation by the Zoning Commission, may approve an application to establish a PUD district by amendment to the Zoning Resolution, upon making specific findings that all applicable requirements have been satisfied and that the following specific conditions have been met:

- 1. The PUD is consistent with the purpose of this Article, and will not jeopardize the public health, safety and general welfare.
- 2. The proposed development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.
- 3. The internal streets and primary and secondary roads that are proposed are adequate to serve the proposed development and properly interconnect with the surrounding existing road network as designated on the Clermont County Thoroughfare Plan. The plan must demonstrate that improvements or other actions have been or will be taken to mitigate those traffic problems identified in the impact analysis that may be

required by the Clermont County Engineer that are attributable to the proposed development.

4. Traffic control signals will be provided when the Clermont County Engineer determines that such signals are required to prevent traffic hazards or congestion in adjacent streets.
5. The proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and properly interconnect with existing public facilities.
6. The proposed uses, location and arrangement of structures, lots, parking areas, walks, open spaces, landscaping, lighting and accessory facilities are compatible with the surrounding land uses.
7. Proposed covenants, easements and other provisions meet development standards and protect the public health, safety and general welfare.
8. Required resource protection land and open space areas are identified and provisions have been made for the care and maintenance of such areas.
9. The PUD is designed to minimize the impact on the natural environment and complies with the performance standards set forth in herein.

(I) Application Procedures

The following procedures shall be followed in applying for rezoning to a PUD district.

1. Informal Consultation. Applicants may engage in informal consultations with the staffs of Monroe Township Zoning Commission and Clermont County Planning Commission prior to preparing any plans; however, no statement or representation by members of either staff shall be binding upon either the Commission or upon any zoning body.
2. Concept Plan Application Submission. An applicant shall be required to submit a "Concept Plan" to be reviewed at a regular public meeting with the Monroe Township Zoning Commission. No formal decision or recommendation shall be made during the public meeting. The meeting is intended to be informational only and shall allow the Township Zoning Commission to ask questions and provide general feedback regarding the concept plan. The "Concept Plan Application" shall require a separate application from the "Preliminary Plan Application" submission.
3. Concept Plan Requirements.

The "Concept Plan" shall include in text and map form:

- a. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development. If the applicant is not the landowner-of-record, a notarized statement from the landowner in support of the PUD application shall be additionally submitted.
- b. Base mapping of the property showing the physical features, including, but not limited to 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.
- c. Boundaries and easements of the tract to be zoned as a PUD district.
- d. 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.
- e. 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 may be accomplished in a general diagram, sketch, or other drawing to illustrate the concept behind the proposal without requiring detailed street design, or other engineering drawings.

(J) Preliminary Plan Application Submission

Once an applicant has submitted a concept Plan Application" and met with the Township Zoning Commission the applicant then may submit an application requesting that the Zoning District Map be amended to rezone a site as a PUD district. Such amendment shall be processed, noticed, and heard in the manner prescribed in this Section and in accordance with the provisions of this Article and of this Zoning Resolution and O.R.C. §519.12. No Preliminary Plan Application Submission shall be accepted by the Township without the applicant having met with the Township Zoning Commission as part of the Concept Plan Application.

(K) Review by the Township Zoning Commission

The Township Zoning Commission shall hold a public meeting on the "Concept Plan" where the applicant may request feedback on the Plan and where the Township Zoning Commission may ask questions of the applicant. The Township

Zoning Commission will make no formal decision or recommendation at this meeting. Discussions that occur during the public meeting are not binding on the Township and do not constitute official assurances or representations by the Township regarding any aspects of the plan or application discussed.

(2) PRELIMINARY DEVELOPMENT PLAN REQUIREMENTS

The "Preliminary Development Plan" shall include in text and map form:

- (A)** Plat of Survey of the tract to be developed, providing a mete 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 and buildings within two hundred (200) feet of the subject site.
- (B)** A list of names and addresses of all owners of property within two hundred (200) feet of the subject site.
- (C)** Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all ownership and beneficial interests in the tract of land and the proposed development. If the applicant is not the landowner-of- record, a notarized statement from the landowner in support of the PUD application shall be additionally submitted.
- (D)** Time schedule of projected development, if the total site is to be developed in phases or if construction is to extend beyond a two (2) year time period.
- (E)** 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 wooded 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.
- (F)** Boundaries and easements of the tract to be zoned as a PUD district.
- (G)** 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.
- (H)** A drainage analysis that includes a description of soil conditions and proposed method of compliance with the Clermont County Water Management and Sediment Control Regulations (latest edition).
- (I)** 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.

- (J) Calculations of density, open space and resource protection land.
- (K) Proposed treatment of existing topography, drainage ways, tree cover, and proposed landscaping and buffer plantings.
- (L) 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.
- (M) When required by the Zoning Commission, a traffic impact analysis 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 at a minimum addresses the following elements:
 - 1. Existing roadway conditions, including existing deficiencies and proposed improvements.
 - 2. Trip generation based upon the development characteristics.
 - 3. Distribution and assignment of trips based upon existing and future roadways.
 - 4. Background traffic projections.
 - 5. Capacity (level of service) analysis methodology for roadways and intersections.
 - 6. Types and costs of roadway and intersection improvements needed to mitigate the traffic impacts directly attributable to the proposed development. A traffic impact analysis shall be provided in addition to any information required by Clermont County Engineer.
- (N) Additional information as reasonably necessary to address the foregoing issues.

(3) ACTION BY THE TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall hold a public hearing on the "Preliminary Development Plan" as provided by this Resolution and O.R.C: §519.12. Within thirty (30) days after the last public hearing on such plan the Commission shall prepare and transmit to the Board of Township Trustees and to the applicant recommendations to the Township Trustees with respect to the action to be taken on the "Preliminary

Development Plan". The Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

(4) ACTION BY THE BOARD OF TRUSTEES

The Board of Township Trustees shall hold a public hearing on the "Preliminary Development Plan" as provided by Section 16.11 of this Resolution and O.R.C. §519.12. If the application is granted, the area of land involved shall be rezoned to a PUD district by resolution and such resolution shall incorporate the Plan, including any condition(s) or restriction(s) that may be imposed by the Board of Township Trustees.

(5) SUBMISSION OF FINAL DEVELOPMENT PLAN

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 public health and safety. The "Final Development Plan" shall include in text and map form:

- (A)** 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.
- (B)** 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.
- (C)** A statement of the anticipated open space, gross density and net density.
- (D)** For uses other than single family detached housing, footprints, floor plans and exterior elevations and types of building materials.
- (E)** Landscaping plans 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.
- (F)** Specific engineering plans, including site grading, street improvements, drainage

and utility improvements and extensions as necessary.

- (G) When a development is to be constructed in phases, a schedule for the development of such phases shall be submitted.
- (H) 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.
 - 1. Evidence that the applicant has sufficient control over the tract to affect the proposed plan, including a statement of all the ownership and beneficial interests in the tract of land and the proposed development. If the applicant is not the landowner-of-record, a notarized statement from the landowner in support of the PUD application shall be additionally submitted.
 - 2. 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.
 - 3. 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.
 - 4. The required amount of common space land reserved under a planned unit development shall either be held in corporate ownership by owners of the projected areas, for the use of each owner who buys property within the development or 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. 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.

5. Copies of any restrictive covenants that are to be recorded with respect to property included in the PUD.

(6) ACTION BY THE TOWNSHIP ZONING COMMISSION

The Township Zoning Commission shall evaluate the "Final Development Plan" at a regular public meeting. An applicant shall give the Township Zoning Inspector at least ten (10) days written notice of its intent to submit a "Final Development Plan", at the same time submitting the names and addresses of property owners with lot lines common to the area within such Plan. Such property owners shall be given seven (7) days advance written notice of this public meeting, said notice being given by regular mail. The Monroe Township Zoning Commission shall hold a public meeting on the "Final Development Plan", considering all aspects of the "Final Development Plan". The Commission shall prepare and transmit to the Board of Township Trustees and to the applicant specific findings of fact with respect to the extent to which the "Final Development Plan" complies with the standards set forth in this Article and the district in which the property is located, together with its recommendations to the Township Trustees with respect to the action to be taken on the "Final Development Plan". The Commission may recommend disapproval, approval, or approval with amendments, conditions, or restrictions. Copies of the findings and recommendations of the Commission shall be made available to any other interested persons.

(7) ACTION BY THE BOARD OF TRUSTEES

The Board of Township Trustees shall hold a public meeting on the "Final Development Plan" within thirty (30) days of receipt by the Board of Trustees. Property owners with lot lines common to the area within the "Final Development Plan" shall be given seven (7) days advance written notice of this public meeting said notice being given by regular mail. At the public meeting, the Board of Trustees will review the "Final Development Plan" for substantial conformance with the approved "Preliminary Development Plan". Based on this review, the Board of Township Trustees shall disapprove, approve, or approve the "Final Development Plan" with amendments, conditions or restrictions. If the "Final Development Plan" is approved, the plan shall be incorporated into the Zoning Resolution and that Zoning District for which the Plan is proposed, including any condition or restriction that may be imposed by the Board of Trustees.

(8) ZONING CERTIFICATE

No Zoning Certificate shall be issued for any property for which PUD rezoning is requested and no construction shall begin until an approved "Final Development Plan" is in effect for that phase of the development.

(9) SUBDIVISION PLAT REQUIRED

A zoning certificate 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.

(10) EXPIRATION DATE FOR DEVELOPMENT PLAN APPROVAL AND EXTENSION OF TIME

(A) Preliminary Development Plan

"Preliminary Development Plans" shall expire one (1) year from the date of approval of the plan unless a complete "Final Development Plan" has been submitted to the Board of Trustees for its consideration prior to expiration of the "Preliminary Development Plan". The Board of Trustees shall give ten (10) days' notice to the applicant prior to the expiration of the "Preliminary Development Plan". Following expiration of the Preliminary Development Plan", the Board of Trustees may revoke "Preliminary Development Plan" approval and revoke the PUD district zoning designation.

(B) Multi-Phase Final Development Plans

When the recording of the subdivision plan for any phase fails to meet the schedule submitted under Article 16.13.G, following a public hearing pursuant to Article 16.15, the "Final Development Plan" shall become null and void for that portion of the tract for which no subdivision plat shall have been recorded. If a "Preliminary Development Plan" was approved for the PUD district, that portion of the tract shall revert to the "Preliminary Development Plan" stage and shall be subject to the submittal time frame set forth in Article 16.13.

(C) Review of Status of PUD District and Development Plans

If an applicant fails to comply with any of the provisions of Article 16, 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:

1. The Board of Trustees may hold a public hearing to review the status of any approved development plan and, at the conclusion of the hearing, may by resolution.
 - a. extend any applicable time period; or
 - b. modify or revoke the "Preliminary" and/or "Final Development Plan" approval.
2. The Board of Township Trustees may, in accordance with the provisions of the Monroe Township Zoning Resolution and O.R.C. §519.12, revoke the PUD district zoning designation, and rezone the property to the zoning in place prior to approval of the PUD district.

(11) MODIFICATION

An approved "Preliminary" or "Final Development Plan" may be amended by following the procedures described in this Article.

(A) Minor Adjustments

The Township Zoning Commission may authorize minor adjustments in the "Final Development Plan" which become necessary because of field conditions, detailed engineering data, topography or critical design criteria pertaining to drives, curb cuts, retaining walls, swimming pools, tennis courts, fences, walls, building locations, and building configurations, parking area locations or other similar project particulars. These minor adjustments may be permitted, provided that they do not increase density, decrease the number of parking spaces or allow buildings closer to perimeter property lines, and appear necessary in light of technical or engineering considerations.

(B) Major Adjustments

Major adjustments to any "Preliminary" and/or "Final Development Plan" that substantially alters the concept or intent of the approved "Preliminary" and/or "Final Development Plan", may be approved only by the Board of Township Trustees, after a review and recommendation by the Zoning Commission, upon a petition to amend the "Preliminary" and/or "Final Development Plan", pursuant to the procedures for plan approval set forth in this Article.

ARTICLE 17: SEXUALLY ORIENTED BUSINESSES

(1) PURPOSE

It is the purpose and intent of the Article to regulate sexually oriented businesses to promote the health, safety, and morals of the citizens of the Township and to establish reasonable and uniform regulations to prevent any deleterious location and concentration of sexually oriented businesses within the Township, thereby reducing or eliminating the adverse secondary effects from such sexually oriented businesses. The provisions of this Article have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative material or expression, including sexually oriented materials. Similarly, it is not the intent nor effect of this Article to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of the Article to condone or legitimize the distribution of obscene material.

(2) ESTABLISHMENT AND CLASSIFICATION OF BUSINESSES REGULATED

- (A)** Sexually oriented businesses include the following: adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theatre, massage parlor, sexual encounter establishment, escort agency, or nude model studio.
- (B)** The establishment of a sexually oriented business shall be permitted only in the "B-2" Business Zone and shall be subject to the following restrictions:
 - 1. No person shall cause or permit the establishment of any sexually oriented business within one thousand feet of another sexually oriented business or within one thousand feet of any religious institution, school, or public park, or within one thousand feet of a residential district.

(3) LOCATION RESTRICTIONS AND REQUIREMENTS FOR SEXUALLY ORIENTED BUSINESSES

The Monroe Township Zoning Resolution hereby requires that sexually oriented businesses shall be permitted only as provided in Section 17(2). A zoning certificate shall be required prior to the establishment of a sexually oriented business. In addition, any sexually oriented business shall be subject to the following restrictions:

- (A)** No sexually oriented business shall be operated within one thousand feet of: (1) any religious institution; (2) any school; (3) any public park; (4) any residential district.
- (B)** No sexually oriented business shall be operated within one thousand feet of another such business, which will include those stated in Subparagraph 17(2)(A).
- (C)** Nothing in this Article shall prohibit a person from appearing in a state of nudity for a modeling class operated:

1. By a proprietary school, licensed by the State of Ohio; a college, junior college, or university supported entirely or partly by taxation.
2. 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.
3. In a structure:
 - a. Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing.
 - b. Where in order to participate in a class a student must enroll at least three days in advance of the class.
 - c. Where no more than one nude model is on the premises at any one time.

(4) 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 residential district, 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 district as established by the Monroe Township Zoning Map. 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.

(5) ZONING CERTIFICATE REQUIRED

- (A) No sexually oriented business shall be permitted to operate without a valid Zoning Certificate for a sexually oriented business issued by the Township. Upon request, the Zoning Inspector or his/her designee shall provide an applicant for a sexually oriented business an application for a commercial zoning certificate, which shall serve as the required application form.
- (B) An application for a zoning certificate must be made on a form provided by the Township. Any person desiring to operate a sexually oriented business shall file with the Township an original and two copies of all materials required for submission.
- (C) An application fee shall also be submitted in accordance with the schedule determined by the Board of Trustees.
- (D) All property included in a sexually oriented business must meet all the underlying conditions applicable in a "B-2" Highway Business District.
- (E) The completed application shall also contain the following information and shall be accompanied by the following documents:
 - 1. A map, drawn to scale and marked to show the location of all land uses and zoning districts within one thousand feet of the principal building or tenant space in which the sexually oriented business is to be located. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.
- (F) Approval of Application.
 - 1. The Zoning Inspector or his/her designee, shall approve the application for a zoning certificate unless:
 - a. An applicant has failed to provide information required by this Article or the application for the issuance of a zoning certificate.
 - b. The applicant has falsely answered a question or request for information on the application form.

- c. The application fee required by this Article was not paid.
- d. The proposed business does not comply with the zoning locational requirements for a sexually oriented business.

(G) If the Zoning Inspector or his/her designee denies the application, he/she shall notify the applicant of the denial and state the reason(s) for the denial. The applicant shall be given an opportunity to correct identified deficiencies.

- 1. The Zoning Inspector shall issue the Zoning Certificate or provide notice and reasons of denial within ten days of the submission of the application.

(6) NONCONFORMING USE

Any sexually oriented business lawfully operating on the effective date of this Article that is in violation of this 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 one thousand 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.

(7) APPEAL OF DENIAL OR REVOCATION

After denial of an application or revocation of a zoning certificate, the applicant or permittee may seek prompt review of such administrative action through the Board of Zoning Appeals. The Board of Zoning Appeals shall hear and decide the appeal within thirty days of the date the appeal is filed.

(8) 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 under Subparagraph 17(8)(4).
- (B)** No displays or exhibits of materials and/or performances at such sexually oriented business shall be allowed in any advertising which is visible outside the premises. This prohibition shall not extend to advertising of the existence or location of such sexually oriented business.
- (C)** The permittee shall not allow any portion of the interior premises to be visible from outside the premises.
- (D)** Pursuant to Article 13, each conforming sexually oriented business shall be permitted both wall and freestanding signs which announce the names of the business. No off-premises or portable signs shall be permitted.
- (E)** All off-street parking areas and premise entries of the sexually oriented business shall meet the requirements for parking under Article 11 of this Resolution and

shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one foot candle of light on the parking surface and/or walkways. This required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premise.

- (F) Nothing contained in this Section of the Article shall relieve the operator(s) of a sexually oriented business from complying with other requirements of this Resolution as it may be amended from time to time, or any subsequently enacted resolutions.

(9) DEFINITIONS

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

- (A) Sexually Oriented Businesses are those businesses defined as follows:

1. Adult Arcade means an establishment where for any form of consideration, one or more still or motion picture projectors, slide projectors or similar machines, or other image producing machines, for viewing by five or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas.
2. Adult Bookstore, Adult Novelty Store or Adult Video Store means an establishment which derives fifty percent or more of its revenue from, or maintains fifty percent or more of its in-store inventory (either measured by display area or retail value) in, one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction of specified sexual activities or specified anatomical areas.
 - b. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or related to specified sexual activities.
3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing specified sexual activities or specified anatomical areas, and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe specified anatomical areas or

specified sexual activities and one or more of the fifty percent thresholds in Subparagraph 17(9)(A)1 above are met.

4. Adult Cabaret means a nightclub, bar, restaurant, bottle club, or similar commercial establishment, whether or not alcoholic beverages are served, in which persons appear in a state of nudity in the performance of their duties.
5. Adult Motel means a motel, hotel, or similar commercial establishment which:
 - a. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas and which specifically advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premises advertising including but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
 - b. Offers a sleeping room for rent for a period of time less than ten hours; or
 - c. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than ten hours.
6. Adult Motion Picture Theater means a commercial establishment used for a principal purpose of presenting motion pictures characterized by their emphasis on portrayals of specified anatomical areas or specified sexual activities.
7. Adult Theater means a theater, concert hall, auditorium, or similar building used for a principal purpose of presenting live acts characterized by their emphasis on individuals in a state of nudity or specified sexual activities.
8. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration. Escort means a person who, for any form of consideration, agrees or offers to act as a companion or date for another person, to privately model lingerie or to privately perform a striptease for another person, or to provide specified sexual activities for another person.
9. Massage Parlor means any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of or in connection with specified sexual activities, or where any person providing such treatment, manipulation, or service related thereto, exposes his or her specified anatomical areas.

The definition of sexually oriented businesses shall not include the practice of massage in any licensed hospital, nor by a licensed chiropractor or osteopath, nor by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor, or osteopath, nor by trainers for any amateur, semiprofessional or professional athlete or athletic team or school athletic program.

10. Nude Model Studio means any place where a person, who regularly appears in a state of nudity or displays specified anatomical areas is provided for money or any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons.
11. Sexual Encounter Establishment means a business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort for the purpose of specified sexual activities or the exposure of specified anatomical areas or activities when one or more of the persons is in a state of nudity or semi-nude. The definition of sexually oriented businesses shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

(B) Establishment means and includes any of the following:

1. The opening or commencement of any such business as a new business.
2. The conversion of an existing business, whether or not a sexually oriented business, to any of the sexually oriented businesses defined in this Article.
3. The addition of any of the sexually oriented businesses defined in this chapter to any other existing sexually oriented business; or
4. The relocation of any such sexually oriented business.

(C) Nudity or State of Nudity means the showing of either of the following:

1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
2. The female breast with less than a fully opaque covering on any part of the nipple.

(D) Operator means and includes the owner, permit holder, custodian, manager, operator or person in charge of any sexually oriented business.

(E) Person means an individual, proprietorship, partnership, corporation, association, or other legal entity.

- (F) Public Park means public land which has been designated for park or recreational activities including a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, open space, wilderness areas, or similar public land within the Township which is under the control, operation, or management of the Township Board of Trustees, the County Commissioners, the State of Ohio, or the U.S. Government.
- (G) Religious Institution means any church, synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities.
- (H) Residential District means the Agricultural or Residential zoning districts as defined in the Monroe Township Zoning Resolution and shown on the Monroe Township Zoning Map.
- (I) School means any public or private educational facility including child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, special education schools, junior colleges, and universities. School includes the school grounds but does not include the facilities used primarily for another purpose and only incidentally as a school.
- (J) Sexually Oriented Business means an adult arcade, adult bookstore, adult novelty shop, adult video store, adult cabaret, adult motel, adult motion picture theatre, adult theater, massage parlor, sexual encounter establishment, escort agency or nude model studio.
- (K) Specified Anatomical Areas means and includes any of the following:
1. The human male or female genitals, pubic area, or buttocks with less than a fully opaque covering.
 2. The female breast with less than a fully opaque covering on any part of the nipple.
- (L) Specified Sexual Activities means and includes any of the following:
1. The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts.
 2. Sex acts, normal or perverted, actual, or simulated, including intercourse, oral copulation, or sodomy.
 3. Masturbation, actual or simulated.
 4. Human genitals in a state of sexual stimulation, arousal, or tumescence.
 5. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (4) of this Subparagraph.

- (M)** Tenant Space means a securable area separated from other areas by walls and doors that is available for lease or rent within a multi-tenant building, such as tenant spaces typically found within a shopping mall or strip center.

ARTICLE 18: ALTERNATE ENERGY

(1) PURPOSE

The requirements of this Resolution shall apply to all alternate energy facilities and structures as defined in this Article. No Wind Energy Conversion System, or private stand-alone solar panel, or commercial solar panel installation, or any components thereof shall be constructed, erected, installed, or located within Monroe Township, Clermont County until prior siting approval has been obtained pursuant to the Monroe Township Zoning Resolution.

(2) THE POWER TO REGULATE WIND ENERGY SYSTEMS

Ohio Revised Code (ORC) section 519.213 confers power on the board of trustees or board of zoning appeals with respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any small wind farm, whether publicly or privately owned, or the use of land for that purpose, which regulations may be more strict than the regulations prescribed in rules adopted under division (B)(2) of section 4906.20 of the Revised Code.

(3) REGULATIONS – RESIDENTIAL WIND ENERGY SYSTEMS

Residential wind energy systems shall be a conditional use in all zoning districts and shall be designed for, or capable of, operation at an aggregate capacity of less than five megawatts. A residential wind energy system shall be considered as an accessory use that is intended to primarily serve the needs of the consumer at that site. All proposed residential wind energy systems shall be subject to certain requirements as set forth below and after review by the Board of Zoning Appeals. Upon review by the Board of Zoning Appeals, additional restrictions or conditions may be added as warranted.

- (A)** Site Approval Application: In all districts, the applicant shall submit a zoning permit application which meets the following standards:
- (B)** Minimum Parcel Size: One Acre
- (C)** Tower Height: For property sizes between 1 and 5 acres the tower height shall be limited to 65 feet including the highest point of the turbine blades. For property sizes of 5 acres or more, tower heights shall be limited to a height of 80 feet, including the highest point of the turbine blades, except as may be imposed by FAA regulations.
- (D)** Clearance of Blade: No portion of the wind energy system blade sweep shall extend within twenty feet of the ground. No blade sweep may extend over parking areas, driveways, property lines, or any type of building.
- (E)** Set-Backs: Setbacks for the system tower shall be no closer from the property line than the height of the tower, provided that that setback also complies with any applicable fire setback requirements. All towers must be located 1.5 times the tower height from the public right of way. Guy wire anchor points may extend

10 feet from the property line. Building mounted systems shall be setback 30 feet from the property line.

- (F) Automatic Over-speed Controls: All wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over speed controls to limit the blade rotation speed to within the design limits of the residential wind energy system. Turbine blade systems shall be rated to wind speeds of no less than 110 MPH measured at sea level.
- (G) Sound: Residential wind energy systems shall not exceed 55 dBA, as measured at the closest property line to the tower. The level, however, may be exceeded during short-term events such as utility outages and/or severe windstorms.
- (H) Approved Wind Turbines: Residential wind turbines must be approved by a small wind certification program recognized by the American Wind Energy Association.
- (I) Compliance with FAA Regulations: Residential wind energy systems must comply with applicable FAA regulations.
- (J) Utility Notification: No residential wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer's intent to install an interconnected, net metered customer-owned generator. Off-grid systems shall be exempt from this requirement.

(4) REGULATIONS – UTILITY GRID WIND ENERGY SYSTEMS

A Utility Grid Wind Energy System (UGWES) is designed and built to commercially provide electricity to the electric utility grid. A UGWES shall only be permitted in the Agricultural and Industrial Districts as a conditional use requiring approval from the Board of Zoning Appeals.

- (A) Site Approval Application: The applicant must have the site plan(s) approved by the Zoning Inspector, as outlined in Article 3, Section 4 and shall include the following information:
 1. Evidence the applicant is the owner of the property or has written permission of the owner to make such application.
 2. Location of existing and proposed structures including such structures as anemometer and SCADA towers.
 3. Fencing shall be a continuous barrier extending from the surface of the ground to a uniform height of 8 feet, constructed of steel, or other metal, or any substance of a similar nature and strength. Any fencing and/or screening installed in connection with the Solar Facility shall be harmonious and compatible with the surrounding properties and uses. Fencing shall be always maintained in good repair and in an aesthetic manner as per Article 9, Paragraph 6.

4. Proposed safety fencing to prevent trespassing. Knox boxes and keys shall be provided at locked gated entrances for emergency personnel access.
 5. Utility interconnection data and a copy of written notification to the utility of the proposed connection.
 6. Specific information of the type, size, height, rotor material, rated power output, performance, safety, and noise characteristics of each Wind Turbine Generator (WTG) model, tower, and electrical transmission equipment.
 7. A soil boring report.
 8. Prior to receiving site approval under this Resolution, the applicant, owner, and/or operator shall formulate a Decommissioning Plan to ensure that the UGWES and all facilities in the project are properly decommissioned after their useful life. Decommissioning of wind towers must occur in the event they are not in use for twelve (12) consecutive months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition permit from the Clermont County Building Department shall also be required before removal of any towers, debris, access roads, electrical cabling, or structures. The Board of Zoning Appeals may require the posting of a surety bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.
- (B) Compliance with the Federal Aviation Administration: The applicant shall comply with all applicable Federal Aviation Administration (FAA) requirements. If lighting is required by the FAA the light shall not be strobe lighting or any other intermittent white lighting fixtures, unless expressly required by the FAA. Such intermittent lighting shall be alternated with steady red lights at night if acceptable to the FAA. No additional lighting permitted beyond the FAA minimum.
- (C) Environment: The site plan and other documents and drawings shall show mitigation measures to minimize potential impacts on the natural environment including, but not limited to wetlands and other fragile ecosystems, historical and cultural sites, and antiquities.
- (D) Climb Protection: All UGWES towers must be unclimbable by design or protected by anti-climbing devices.
- (E) Setbacks: All UGWES towers shall be set back a distance of no less than 1.5 times the UGWES tower height from any other building or structure. The setback

distance shall be measured from the point of the building or structure foundation closest to the UGWES tower to the center of the UGWES tower.

All UGWES towers shall be set back a distance of at least 1.5 times the UGWES combined tower height and highest point of the turbine blades from any public right of way. The distance for the indicated setback shall be measured from the edge of the public right of way to the center of the UGWES tower foundation.

All UGWES towers shall be set back a distance of at least 1.5 times the combined tower height and highest point of the turbine blades from any adjacent property line.

- (F) Signage: A sign of no less than four square feet must be displayed in a easily noticed area from a public road indicating an address for the site, the owner/company name and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls. No UGWES tower or any part thereof, no fence surrounding the UGWES site, or any building or structure located upon the UGWES site may include or display any advertising sign, banner, insignia, graphics, or lettering.
- (G) Local Fire Department: The applicant, owner or operator shall submit to the local fire department a copy of the site plan. Upon request of the local fire department, the owner or operator shall cooperate with the fire department to develop an emergency response plan. Training shall be provided along with the necessary supplies needed for such a response.
- (H) Noise Levels: Noise levels from each UGWES tower of UGWES project shall follow the standards as set forth in Article 4, Paragraph 6 of the Monroe Township Zoning Resolution.
- (I) Wind Access Buffer: A wind access buffer of a minimum of nine hundred (900) feet must be observed to protect the wind rights of landowners adjacent to, but not participating in, the permitted project.
- (J) Birds: A qualified professional such as an ornithologist or wildlife biologist, shall conduct an avian habitat study, as part of the siting approval application process, to determine if the installation of the UGWES project will have a substantial adverse impact on birds.
- (K) Shadow Flicker: Site plan and other documents and drawings shall show mitigation measures to minimize potential impacts from shadow flicker. Shadow flicker shall not exceed 30 hours per year.
- (L) Liability Insurance: The owner or operator of each UGWES tower shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars per occurrence.
- (M) Road Use Maintenance Agreement: Prior to the start of construction, the applicant or owner/operator shall enter into a Road Use Maintenance Agreement (RUMA) with the Clermont County Board of Commissioners and the Monroe

Township Board of Trustees to assure repairs to public roads which may be damaged by the construction of the UGWES project.

- (N) Engineering Certification: The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the Wind Turbine Towers is within accepted professional standards, given local soil and climate conditions.
- (O) Compliance with Other Standards: All power and communication lines running between UGWES towers, any adjacent structures, and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Monroe Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.
- (P) Schedule of Fees, Charges and Expenses: Any UGWES project shall abide by all applicable fees, charges and expenses as stated in the Monroe Township Fee Schedule.

(5) REGULATIONS – SOLAR ENERGY

Solar Panels, either free-standing or roof mounted, shall be a conditional use in all districts with zoning requirements related to visual appearance and appropriate safeguards. A residential solar energy system shall be considered as an accessory use that is intended to primarily serve the needs of the consumer at that site. All proposed residential solar energy systems shall be subject to certain requirements as set forth below and after review by the Board of Zoning Appeals. Upon review by the Board of Zoning Appeals, additional restrictions or conditions may be added as warranted.

- (A) Site Approval Application: In all districts, the applicant shall submit to the Zoning Inspector, along with a zoning permit application, the following information:
 1. Maps, plans and/or detailed sketches showing the proposed location of the proposed solar panels.
 2. Measurements of setbacks from all property lines and the public-right-of-way.
 3. Distances from structures on all adjacent properties.
- (B) In the Residential or Business Districts all solar panels exceeding two square feet in area are prohibited in any front yard, on any face of a primary building or structure facing a street unless integrated with the ordinary construction of said building or structure, or in view of any adjacent street, except roof-mounted solar panels as set forth below.
- (C) Glare – Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways as per the Environmental Performance Standards in Article 4, Paragraph 6 of this Resolution.
- (D) Ground mounted solar panels shall:
 1. Be considered an accessory use.

2. Be located in the side or rear yards only and adhere to accessory use setback requirements.
3. Zoning approval for ground mounted solar energy equipment which do not meet established setback requirements for accessory use structures may only be approved by the Monroe Township Board of Zoning Appeals as a Variance.
4. Not be installed without a valid permit from Monroe Township and the Clermont County Building Department.

(E) Roof mounted solar panels shall:

1. Solar panels installed on a building or structure with a sloped roof surface shall not project vertically above the peak of the roof to which it is attached, or project more than five (5) feet above a flat roof installation.
2. In the Residential and Business Districts roof mounted solar panels shall be located on a rear or side facing roof, as viewed from any adjacent street, unless such installation is proven to be ineffective or impossible. The removal of potential obstructions such as interceding vegetation shall not be sufficient cause for permitting a front facing installation.
3. Roof mounted solar panels shall be located so as to not increase the total height of the structure above the maximum allowable height of the structure on which it is located, in accordance with the applicable zoning regulations.
4. Not be installed without a valid permit from Monroe Township and the Clermont County Building Department.

(6) REGULATIONS – UTILITY GRID SOLAR ENERGY SYSTEMS

A Utility Grid Solar Energy System (UGSES) is designed and built to commercially provide electricity to the electric utility grid. A UGSES shall only be permitted in the Agricultural and Industrial Districts and shall be a conditional use with zoning requirements related to visual appearance and appropriate safeguards.

(A) Site Approval Application: The applicant must apply as defined in Article 3, Section 4 of this Resolution to the Zoning Inspector for review and approval by the Monroe Township Zoning Commission and shall include the following additional information:

1. Evidence the applicant is the owner of the property involved or has written permission of the owner to make such application.
2. Fencing shall be a continuous barrier extending from the surface of the ground to a uniform height of 8 feet, constructed of steel, or other metal, or any substance of a similar nature and strength. Any fencing and/or screening installed in connection with the Solar Facility shall be harmonious and compatible with the surrounding properties and uses.

Fencing shall be always maintained in good repair and in an aesthetic manner as per Article 9, Paragraph 6.

3. Proposed safety fencing to prevent trespassing. Knox boxes and keys shall be provided at locked gated entrances for emergency personnel access.
4. Glare – Solar panels shall be placed or arranged in a manner so as not to reflect unreasonable glare onto adjacent buildings, properties, or roadways as per the Environmental Performance Standards in Article 4, Paragraph 6 of this Resolution.
5. Damage to field drain tiles will be repaired by the Solar Company at their cost.
6. Manufacturer's specifications and recommended installation methods for all major equipment, including solar panels, mounting systems, and foundations for poles or racks.
7. The number of panels to be installed.
8. A description of the method of connecting the array to a building or substation.
9. Utility interconnection data and a copy of written notification to the utility of the proposed connection.
10. If the solar energy facility consists of batteries or the storage of batteries, adequate design and operations must be implemented to ensure that all local, state, and federal requirements regulating outdoor battery storage have been met.
11. Specific information of the type, size, height, rated power output of each proposed unit, performance, safety, and glare characteristics of each solar unit and accompanying equipment, if any.
12. A soil boring report.
13. Noise – The noise from a solar farm shall not exceed the maximum permitted sound levels at the receiving property line as per the Environmental Performance Standards in Article 4, Paragraph 6 of this Resolution.
14. Any additional information as normally required by this Article or the Monroe Township Zoning Resolution.
15. Prior to receiving site plan approval under this Resolution, the applicant, owner, and/or operator shall formulate a Decommissioning Plan to ensure that the UGSES and all facilities in the project are properly decommissioned after their useful life. Decommissioning of solar panels must occur in the event they are not in use for twelve (12) consecutive

months. The plan shall include provisions for removal of all structures and foundations, restoration of soil and vegetation and a plan ensuring financial resources will be available to fully decommission the site. Disposal of structures and/or foundations shall meet the provisions of the Clermont County Building Department and the requirements of the Ohio Environmental Protection Agency for solid waste disposal. A valid demolition permit from the Clermont County Building Department shall also be required before removal of any panels or structures. The Monroe Township Board of Zoning Appeals may require the posting of a surety bond, letter of credit or the establishment of an escrow account to ensure proper decommissioning.

- (B) Signage: A sign of no less than four square feet must be displayed in an easily noticed area from a public road indicating an address for the site, the owner/company name and toll-free telephone number, answered by a person twenty-four hours per day, seven days per week, for emergency calls. No UGSES panel or any part thereof, no fence surrounding the UGSES site, or any building or structure located upon the UGSES site may include or display any advertising sign, banner, insignia, graphics, or lettering.
- (C) Local Fire Department: The applicant, owner or operator shall submit to the local fire department a copy of the site plan. Upon request of the local fire department, the owner or operator shall cooperate with the fire department to develop an emergency response plan.
- (D) Climb Protection: All UGSES platforms must be unclimbable by design or protected by anti-climbing devices.
- (E) Liability Insurance: The owner or operator of each UGSES facility shall maintain a current general liability policy covering bodily injury and property damage with limits of at least three million dollars per occurrence.
- (F) Schedule of Fees, Charges and Expenses: Any UGSES project shall abide by all applicable fees, changes and expenses as stated in the Monroe Township Fee Schedule.
- (G) Road Use Maintenance Agreement: Prior to the start of construction, applicant or owner/operator shall enter into a Road Use Maintenance Agreement (RUMA) with the Clermont County Board of Commissioners, and the Monroe Township Board of Trustees to assure repairs to public roads which may be damaged by the construction of the UGSES project.
- (H) Engineering Certification: The manufacturer's engineer or another qualified engineer shall certify that the foundation and design of the solar panels is within accepted professional standards, given local soil and climate conditions.
- (I) Compliance with Other Standards: All power and communication lines running between banks of solar panels and to electric substations or interconnections

with buildings shall be buried underground. Exemptions may be granted by the Monroe Township Board of Zoning Appeals in instances where shallow bedrock, water courses, or other elements of the natural landscape interferes with the ability to bury lines.

(7) DEFINITIONS

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

Abandonment – To give up, discontinue, or withdraw from. Any Solar Energy System or Wind Energy Conversion System that ceases to produce energy on a continuous basis for twelve (12) months will be considered abandoned.

Access Roads – Road which provides construction and service access to each Solar Energy System or Wind Energy Conversion System.

Adverse Visual Impact – An unwelcome visual intrusion that diminishes the visual quality of an existing landscape.

Adjoining Lot Line – The property boundary lines between the real property for the proposed siting of a wind turbine generator or anemometer tower and real property owned by another person, persons, or entity.

Anemometer – The instrument for measuring and recording the speed of wind.

Anemometer Tower A free-standing or guyed structure, including all accessory facilities on which an anemometer is mounted for the purposes of documenting whether a site has wind resources sufficient for the operation of a wind turbine generator. May also be referred to as a meteorological tower.

Decibel – A logarithmic unit of measurement that expresses the magnitude of sound pressure and sound intensity.

Db(A) – The sound pressure level in decibels. Refers to the “a” weighted scale defined by the American National Standards Institute (ANSI). A method for weighting the frequency spectrum to mimic the human ear.

Hub Height – The distance measured from ground level to the center of a wind turbine hub.

Electrical Collection System – Consists of underground and overhead cables that carry electricity from and within groups of wind turbines and transmits it to a collection substation and point of interconnection switchyard, which transfers the electricity generated by the project to the regional power grid.

Electromagnetic Fields (EMF) – A combination of invisible electric and magnetic fields of force. They can occur both naturally or due to human constructions.

Electromagnetic Radiation (EMR) – A wavelike pattern of electric and magnetic energy moving together through space.

Nacelle – The structure on a Wind Turbine tower that houses all the generator components including, but limited to, the gearbox and the drive train. Megawatt – A unit used to measure power, equal to one million watts.

SCADA Tower – A freestanding tower containing instrumentation that is designed to provide present moment wind data for use by the supervisory control and data acquisition (SCADA) system.

Sensitive Environmental Areas – Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

Shadow Flicker – The effect caused by the sun's casting shadows from moving wind turbine blades.

Solar Energy System - A system and associated facilities that collect solar energy. The following are terms associated with a Solar Energy System.

Ground Mounted Solar Energy System - A solar energy system that mounts a solar panel or panels and facilities on or above the ground.

Integrated Solar Energy System - A solar energy system that is incorporated into or replaces standard building materials and does not have mounting equipment. For example, these systems may include materials that replace traditional roofing, shingle, or siding materials, glycol systems, awnings, canopies, skylights, or windows.

Large Solar Facility - A solar energy system and/or installation of electric generating plants that consist of solar panels and associated facilities designed for operation at a capacity of fifty (50) megawatts or more. Large Solar Facilities are required to submit an application with the Ohio Power Siting Board (OPSB) the Public Utilities Commission of Ohio (PUCO), are required to meet OPSB regulations, and per Ohio Revised Code are not regulated by township zoning regulations.

Rooftop Solar Energy System - A solar energy system that is mounted to a structure or building's roof on racks.

Small Solar Facility - A solar energy system and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than fifty (50) megawatts.

Solar Energy - Radiant energy (direct, diffused, or reflected) received from the sun that can be collected and converted into thermal or electrical energy.

Solar Panel - A single photovoltaic panel or a group of photovoltaic panels that convert solar energy to electricity.

Utility Grid Solar Energy System – an energy generation facility or area of land principally used to convert solar energy to electricity for resale at a profit.

Utility Grid Wind Energy System - an energy generation facility primarily consisting of Wind Turbines principally used to convert wind energy to electricity for resale at a profit.

Wetlands – Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

Wind Access Buffer – The distance from adjacent landowners' properties to the nearest wind turbine generator. In a Utility Grid Wind Energy System, this term also applies to the distance between any two or more wind turbine generators.

Wind Energy Conversion Systems - Wind Turbines and associated facilities for generating electric power from wind with a interconnection to the common electrical grid, or an on-site single building, or a series of buildings.

Wind Turbine – Consists of three major mechanical components: tower, nacelle, and rotor.

ARTICLE 19: DEFINITIONS

(1) ZONING TEXT INTERPRETATION

For the purpose of this Zoning Resolution, certain terms or words used shall be interpreted as follows:

- (A)** The word “person” includes an individual, firm, association, organization, partnership, trust, company, corporation, or any other similarly defined interest.
- (B)** The present tense includes the future.
- (C)** The singular includes the plural, and the plural number includes the singular.
- (D)** The word “shall” is mandatory; the word “may” is permissive.
- (E)** The words “used” or occupied” includes the words “intended,” “designed,” or “arranged to be used or occupied.”
- (F)** The word “lot” includes the words “plot” or “parcel.”
- (G)** The word “building” includes the word “structure.”

(2) DEFINITIONS

For the purpose of this Zoning Resolution, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- 1. Abandoned
Deserted, given up entirely, left unrestrained.
- 2. Abutting or Adjoining
Abutting or Adjoining shall mean to physically touch or border upon; or to share a common property line or border.
- 3. Accessory Building
Accessory Building shall mean any building, other than the principal building, directly incident to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this Zoning Resolution.
- 4. Acre
Acre shall mean a gross measure of land area equivalent to 43,560 square feet.
- 5. Active Public Parks and Recreational Facilities
Active Public Parks and Recreational Facilities shall mean any park or recreational facility, owned, and operated by a public agency, that

requires grading of the land, the construction of facilities, lighting, or is developed for recreational facilities.

6. Adjacent
Adjacent shall mean the same as "Abutting or Adjoining."
7. Adult Family Homes
Adult Family Homes shall mean a residence providing accommodations for three to five unrelated adults as regulations under Chapter 3722 of the Ohio Revised Code.
8. Alley
Alley shall mean a strip of land, dedicated to public use, primarily to provide vehicular service access to the side or rear of properties otherwise abutting on a street.
9. Amended Date of Resolution
Amended Date of Resolution shall mean the most recent date when an amendment to the Monroe Township Zoning Resolution became effective subsequent to the November 18, 1987, Effective Date of Resolution.
10. Amendment
Amendment shall mean any addition, deletion, or revision of the text of this Resolution or to the Official Zoning Map adopted after public hearings.
11. Barndominium
A home that is built from a new or previously existing metal barn. They are built using something called a post frame structure. A metal post frame structure uses posts that are driven into the ground instead of built and supported by each other. Most barndominiums use a concrete slab foundation that is laid beforehand, and the metal building is built on top. The metal pole barn is then framed up on the interior just like a regular house.
12. Bars and Taverns
Bars and Taverns shall mean 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 to the serving of the aforementioned drinks.
13. Bed and Breakfast Establishments
Bed and Breakfast Establishments shall mean any place of lodging that provides 4 or fewer rooms for rent for more than 10 nights in a 12-month period, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.
14. Billboards
See, "Outdoor Advertising Sign"

15. Board of Zoning Appeals
Board of Zoning Appeals shall mean the Monroe Township Board of Zoning Appeals, Clermont County, Ohio.
16. BZA
See, "Board of Zoning Appeals."
17. 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.
18. Carport
An automobile shelter, either built as a roof at the side of a building or is free standing. A carport is considered an Accessory building.
19. Cemetery
Cemetery shall mean land used or intended to be used for the burial and/or interment of the dead and dedicated for cemetery services.
20. Commercial Recreational Uses
Commercial Recreation Uses shall mean any park or recreational facility, owned and operated by a private person, agency, or organization, that requires grading of the land, the construction of facilities, lighting, or is developed for recreational facilities. Commercial Recreational Uses shall also mean any use that requires players, participants, or others to "pay to play," or charges a fee of to participate in the use.
21. Contiguous
See "Abutting or Adjoining."
22. County
County shall mean Clermont County, Ohio.
23. Deciduous
Deciduous shall mean trees and shrubs that lose their leaves at the end of each growing season and develop new ones the following season.
24. Deck
Deck shall mean a platform, either freestanding or attached to a building that is supported by pillars or posts.
25. Dense Screen
Dense Screen shall mean an opaque buffer of neighboring properties from negative land use impacts such as noise, air, and light.
26. Development
Development shall mean the carrying out of any building or construction activity, extraction or excavation operations, or the making of a

substantial material change in the use or appearance of a structure or lot. Development shall not include the dividing of land into two or more parcels.

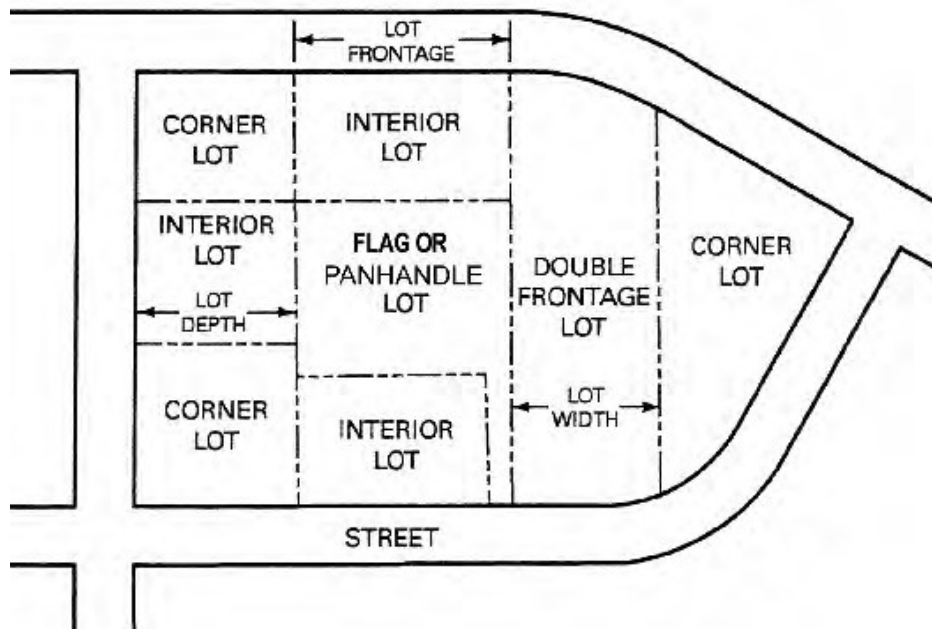
27. Disabled Vehicle
See, "Vehicle, Disabled."
28. Discontinued
Discontinued shall mean that the use or structure has not been properly maintained, has been abandoned, is unused, or has ceased the daily activities or operations which had occurred.
29. Drive Through Facility
Drive Through Facility shall mean an establishment that encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.
30. Driveway
Driveway shall mean a private roadway providing access to a street or highway from a building or structure.
31. Dumpster
Dumpster shall mean a receptacle for common household or business waste as well as for recyclable goods.
32. Dwelling
Dwelling shall mean any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, cabin, trailer coach, boarding or rooming house, a room in a hotel or motel, or other temporary or transient structure or facility.
33. Dwelling, Single Family
Dwelling, Single Family shall mean a detached, independently standing building occupied or design to be used exclusively for residential purposes by one family or housekeeping unit. Dwelling, Single Family shall also mean any permanently sited manufactured home as defined in this Article.
34. Dwelling, Multi-Family
Dwelling, Multi-Family shall mean a building designed to contain two (2) or more dwelling units and designed so that only one family or housekeeping unit may occupy each of the dwelling units as an independent dwelling. Multi-Family Dwellings may include apartment style units, two-family units, three-family units or townhouse units.
35. Dwelling Unit
Dwelling Units shall mean one room, or a suite of two (2) or more rooms, designed for or used by one family or housekeeping unit for living and sleeping purposes and which includes permanently installed cooking and lawfully required sanitary facilities.

36. Earth-Sheltered Home
Bermed – may be built above ground or partially below grade. With earth covering one or more walls.
Underground – is built below grade or completely underground.
37. Educational Facilities
Educational Facilities shall mean buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, high schools, colleges, vocational schools, and other similar uses.
38. Effective Date of Resolution
Effective Date of Resolution shall mean November 18, 1987 when the Monroe Township Zoning Resolution was first adopted and became effective. See also “Amended Date of Resolution”.
39. Elderly Housing
Elderly Housing shall mean a dwelling unit or units designed and constructed to be occupied by elderly persons. An elderly person is a person who is 62 years of age or older on the date such person intends to occupy the premises, or a family, the head of which, or his spouse, is an elderly person as defined herein.
40. Employee Housing
Employee Housing shall mean a dwelling unit used by a person or persons who is employed to work on the property where the unit is located and/or is the owner or proprietor of a business on the subject property.
41. Evergreen
Evergreen shall mean trees and shrubs that generally have needles rather than leaves, bear cones, and typically remain green throughout the year.
42. Family
Family shall mean a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit.
43. Farm Buildings, General
Farm Buildings, General shall mean buildings associated with agricultural uses, the raising of crops or the raising of animals and may include barns, silos, sheds, and storage bins intended for permitted agricultural uses.
44. Farm Market
Farm Market shall mean building or land used for the sale of produce where a minimum of 50% of the gross income received is from produce raised on farms owned and operated by the market operator.
45. Fence
Fence shall mean an artificial barrier or divider constructed to prevent escape or intrusion, to mark a boundary, to protect privacy, to enclose an area, or to create a screen or buffer.

46. Financial Institution
Financial Institution shall mean any building, property, or activity of which the principal use or purpose of which is the provision of financial services including, but not limited to, banks, credit unions, savings and loan institutions, and mortgage companies.
47. Floor Area
Floor Area shall mean the sum of the gross horizontal areas of each floor of the structure measured from the exterior faces of the exterior walls or from the centerline of common walls separating two units. The floor area shall include all livable spaces including the basement floor area when more than one-half of the basement height is above the finished lot grade level at the front of the building, interior balconies and mezzanines, enclosed porches, and any floor area devoted to accessory uses shall also be included in the calculation of the floor area.
- Garages shall not be included in the floor area of a structure.
48. Frontage
See "Lot Frontage."
49. General Agriculture
General Agriculture shall mean uses that include, but are not limited to, 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.
50. Grade
Grade shall mean the average level of the finished surface of the ground adjacent to a sign or the exterior wall of the building to which the sign is affixed.
51. Gross Floor Area
See, "Floor Area."
52. Height of Structure
Height of Structure shall mean the vertical distance measured from the average finished grade at the front building line to the highest point of the structure.
53. Home Occupation
Home Occupation shall mean an accessory use of a dwelling unit for gainful employment in a limited number of traditional and customary occupations as provided for in Article (9), Section (3).

- 54. Hoop Building
Heavy duty metal frame and UV resistant fabric stretched tightly over the frame.
- 55. Hotels or Motels
Hotels or Motels shall mean a building in which lodging, with or without meals, is offered for compensation and in which there are more than 4 sleeping rooms.
- 56. Housekeeping Unit
Housekeeping Unit shall mean 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.
- 57. Junk
Junk a term collectively used for scraps or pieces or accumulation of paper, glass, metal, appliances, fixtures, furniture, abandoned, unusable or disabled vehicle(s) (vehicle as defined in this zoning resolution) and similar refuse.
- 58. Junk Motor Vehicles – storage of
As defined in the Ohio Revised Code section 505.173
- 59. Junk Yard
Junk Yard shall mean any land or structure used for a salvaging operation, including but not limited to the collection, dismantlement, storage and salvage of any disabled vehicles, waste, scrap, or discarded materials.
- 60. Line, Building
Line, Building shall mean a line that runs parallel and along the structure's front façade.
- 61. Loading Area
Loading Area shall mean an off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.
- 62. Lot
Lot shall mean a parcel of land, including all open spaces, under one ownership devoted to a common use or occupied by a single principal building plus accessory structure.
- 63. Lot, Corner
Lot, Corner shall mean a lot that abuts on two or more intersecting streets at their intersection. See Figure 15-2-1.
- 64. Lot, Double Frontage
Lot, Double Frontage shall mean a lot having frontage on two streets, not at an intersection, as distinguished by a corner lot. See Figure 15-2-1.

65. **Lot, Flag or Panhandle**
 Lot, Flag or Panhandle shall mean a lot whose only frontage on a street is through a narrow strip of land which is generally wide enough to accommodate a driveway but may be too narrow to accommodate any structures. The narrow strip of land is referred to as the flag or panhandle and the balance of the lot is referred to as the body. See Figure 15-2-1.
66. **Lot, Interior**
 Lot, Interior shall mean a lot with only one lot line abutting a street while the remaining lot lines abut the lot lines of the surrounding lots. See Figure 15-2-1.

Figure 15-2-1

67. **Lot Area**
 Lot Area shall mean the total gross amount of horizontal land area within all lot lines. Public rights-of-way and private streets shall not be used in the calculation of lot areas.
68. **Lot Depth**
 Lot Depth shall mean the average horizontal distance between the front and rear lot lines. See Figure 15-2-1 and Figure 15-2-2.
69. **Lot Frontage**
 Lot Frontage shall mean the dimension of a lot abutting a public street measured along the street right-of-way line. See Figure 15-2-1.
70. **Lot Lines**

Lot Lines shall mean the property lines bounding the lot.

71. Lot Line, Front

Lot Line, Front shall mean 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.

72. Lot Line, Rear

Lot Line, Rear shall mean an internal 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.

73. Lot Line, Side

Lot Line, Side shall mean an internal 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.

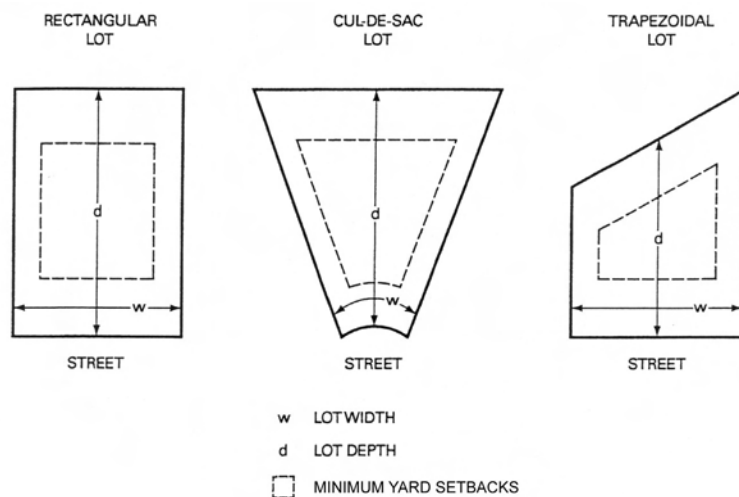
74. Lot of Record

Lot of Record shall mean a lot that is recorded in the office of the County Recorder prior to the effective date of this Zoning Resolution.

75. Lot Width

Lot Width shall mean the width of a parcel of land measured at the building setback line or required front yard setback. See Figure 15-2-1 and Figure 15-2-2.

Figure 15-2-2



76. Manufactured Home

Manufactured Home shall mean 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.

77. **Manufactured Home, Permanently Sited**
Manufactured Home, Permanently Sited shall mean a manufactured home that meets all of the following criteria:
 - a. The structure is affixed to a permanent foundation and is connected to appropriate facilities.
 - b. The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments.
 - c. The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering.
 - d. The structure was manufactured after January 1, 1995; and
 - e. The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.
78. **Manufactured Home Park**
Manufactured Home Park shall mean any site, or tract of land under single ownership, upon which three or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes: including any roadways, buildings, structures, vehicles, or enclosures used or intended for use as a part of the facilities of such park.
79. **Manufacturing, General**
Manufacturing, General shall mean the manufacturing, processing, or assembly of products where air, noise, or odor pollution may create excessive land use conflicts or where a portion of the use is located outside of an enclosed structure.
80. **Manufacturing, Light**
Manufacturing, Light shall mean the manufacturing, processing or assembly of products within a fully enclosed structure where noise, odor, light, or vibration is not noticeable from the adjacent properties.
81. **Metes and Bounds**
A system used in real estate to define the physical features and boundaries of a piece of property.

82. **Non-Conforming Structure**
Non-Conforming Structure shall mean a structure or use of any premises which does not conform with all provisions of this Zoning Resolution but which existed before its designation as nonconforming by the adoption or amendment of this Resolution.
83. **O.R.C.**
O.R.C. or ORC shall mean the Ohio Revised Code.
84. **Office**
Office shall mean a building or portion thereof wherein services are performed involving predominantly administrative, professions, or clerical operations including, but not limited to attorney, accountant, temp agencies, architectural offices.
85. **Official Zoning Map**
Official Zoning Map shall mean the zoning map of Monroe Township, together with all amendments subsequently adopted.
86. **Opacity**
The screening effectiveness expressed as the percentage of vision that the screen or fence blocks. How “open” a fence must be. It is measured “head on” or perpendicular to the fence.
87. **Open Space**
Open Space shall mean land areas not occupied by buildings, structures, parking areas, streets, driveways, or alleys. Open space shall not include upper floor decks and/or balconies.
88. **Outdoor**
Outdoor shall mean that which is not within a building.
89. **Passive Public Parks and Recreational Facilities**
Passive Parks and Recreational Facilities shall mean any park or recreational facility, owned and operated by a public agency, where there is **no** grading of the land, the construction of facilities, lighting, or is developed for ball fields.
90. **Permanent Foundation**
Permanent Foundation shall mean permanent masonry, concrete, or a locally approved footing or foundation, to which a manufactured or mobile home may be affixed.
91. **Personal Services**
Personal Services shall mean establishments that primarily engage in providing services generally involving the care of the person or the person’s possessions. Personal Services may include, but are not limited to, laundry and dry-cleaning, barbershops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait shops.

92. Planning Commission
Planning Commission shall mean the Planning Commission of Clermont County, Ohio.
93. Principal Building
Principal Building shall mean the structure that serves as the primary use on a property.
94. Public Building
Public Building shall mean any building necessary for the operation and maintenance of a utility or local, county, state, or federal agency.
95. Recovery Housing
Housing for individuals recovering from alcoholism or drug addiction which provides an alcohol and drug free living environment, along with peer support, assistance with obtaining alcohol and drug addiction services, and other alcoholism and drug addiction recovery assistance. Recovery Housing shall be approved but not licensed by the Ohio Director of Mental Health and Addiction Services in conjunction with the Clermont County Board of Alcohol Drug Addiction and Mental Health Services. Recovery Housing must satisfy the certification standards of the Ohio Director of Mental Health and Addiction Services, or National Association of Recovery Residences. If a Court having jurisdiction over one or more residents of a Recovery House orders that personal information concerning any such resident be provided to the Township, such information shall be retained the County Sheriff's department.
96. Recreational Vehicle
Often abbreviated as RV, is a motor vehicle or trailer that includes living quarters designed for accommodation. Types of RV's include motorhomes, campervans, coaches, caravans (also known as travel trailers and camper trailers), fifth-wheel trailers, popup campers, and truck campers.
97. Religious Places of Worship
Religious Places of Worship shall mean 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.
98. Required Rear Yard
See "Yard, Required Rear"
99. Restaurant
Restaurant shall mean 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.
100. Retail Commercial Uses
Retail Commercial Uses shall mean establishments primarily engaged in

the sale of goods and materials to the general public. Retail Commercial Uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

101. Rights-of-Way (R.O.W.)

A road right-of-way is a line that bounds usually both sides of a road and that represents an area of land that is reserved by a governing entity for the maintenance of the road and for the potential future expansion of that road.

102. Roadside Stand

See "Farm Market"

103. RUMA

A road use maintenance agreement.

104. Screening

Screening shall mean a method of visually shielding or obscuring one abutting or nearby use or structure from another by fencing, walls, earthen berms, change of grade, or densely planted vegetation or landscaping.

105. Service Commercial Uses

Service Commercial Uses shall mean 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 services.

106. Setback

Setback shall mean a line drawn parallel to a lot line at a distance equal to the depth of the required yard setback.

107. Sexually Oriented Business

An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, adult novelty store, adult theatre, adult video store, escort, escort agency, non-licensed massage parlor, nude model studio, or sexual encounter establishment as per Ohio Revised Code section chapter 2907.40, Illegally operating sexually oriented business.

108. Shopping Center

Shopping Center shall mean a commercial development, under unified control, consisting of two (2) or more commercial or office establishments sharing a common building, entrance way, and/or parking area.

109. Sign

Sign shall mean 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.

110. Sign, Abandoned

Sign, abandoned shall mean 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.

111. Sign, Awning

Sign, Awning shall mean a sign painted on, printed on, or permanently attached flat against the surface of a canopy or awning. See Figure 15-2-3.

112. Sign, Electronic Information

Sign, Electronic Information shall mean 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.

113. Sign, Ground

Sign, Ground shall mean any sign placed upon or supported by the ground independent of any other structure. See Figure 15-2-3.

114. Sign, Identification

Sign, Identification shall mean a sign whose copy is limited to the name and address of the building, institution, or person and/or activity or occupation being identified.

115. Sign, Nonconforming

Sign, Nonconforming shall mean 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.

116. Sign, Outdoor Advertising

Sign, Outdoor Advertising shall mean any sign that directs attention to a business, commodity, or commercial or non-commercial service or entertainment that is not conducted, sold or offered upon the premises where such sign is located or affixed. Such signs shall be classified as a business per Article 13, Section (10), Outdoor Advertising Signs.

117. Sign, Pole

Sign, Pole shall mean a sign that is mounted on a freestanding pole or other support so that the bottom of the sign is 10 feet or more above grade. See Figure 15-2-3.

118. Sign, Political

Sign, Political shall mean a temporary sign identifying a political candidate, issues, or party.

119. Sign, Portable

Sign, Portable shall mean a sign not permanently 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. See Figure 15-2-3.

120. Sign, Projecting

Sign, Projecting shall mean 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. See Figure 15-2-3.

121. Sign, Residential Identification

Sign, Residential Identification shall mean a sign that identifies the name and developer or manager of a subdivision or housing complex.

122. Sign, Roof

Sign, Roof shall mean 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. See Figure 15-2-3.

123. Sign, Temporary

Sign, Temporary shall mean a nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.

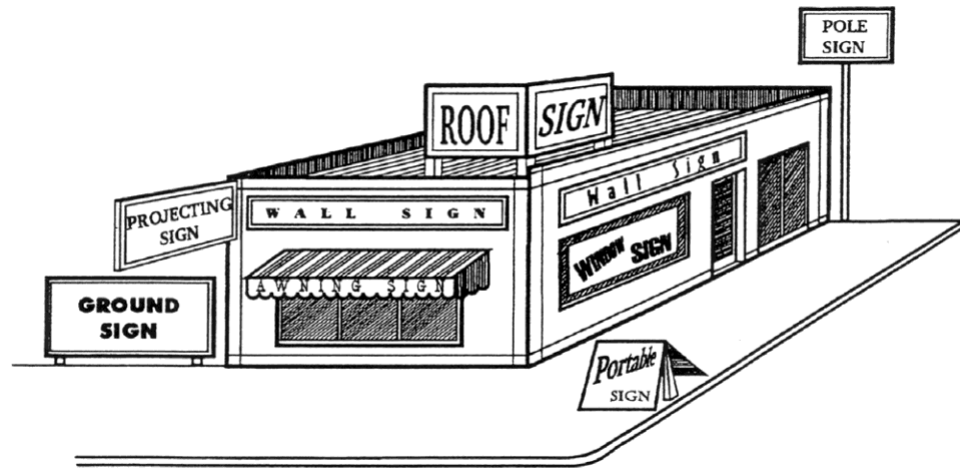
124. Sign, Wall

Sign, Wall shall mean 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. See Figure 15-2-3.

125. Sign, Window

Sign, Window shall mean 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. See Figure 15-2-3.

Figure 15-2-3



126. Sign Height

Sign Height shall mean the vertical distance measured from the highest point of the sign, to the grade of the adjacent street or the surface grade beneath the sign, whichever is less.

127. Street, Road, or Thoroughfare

Street, Road, or Thoroughfare shall mean a public way or part thereof used for vehicular traffic. References in this resolution to local, collector or arterial streets mean those streets specifically designated as such by the Official Clermont County Thoroughfare Plan.

128. Structural Alteration

Structural Alteration shall mean any construction or expansion of a structure that results in a modification to the base footprint of the existing structure.

129. Structure

Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to signs, outdoor advertising signs, billboards, back stops for athletic fields or courts and pergolas.

130. Structure, Nonconforming

Structure, Nonconforming shall mean a building or structure lawfully existing at the time of enactment of this Resolution or amendments thereto that does not comply with all of the applicable area, height, and placement regulations of this Resolution. Any such structure conforming in respect to use but not in respect to frontage, width, height, area, yard, parking, loading, or distance requirements shall be considered a nonconforming structure.

131. Swimming Pool

Swimming Pool shall mean an outdoor pool, pond, lake, or open tank

intended for bathing or recreational purposes, but not including farm ponds or fish pools. For the purposes of this Resolution, such use shall not be located within a completely enclosed building, and shall contain, or normally be capable of containing water to a depth at any point greater than one and one-half (1 ½) feet.

132. Telecommunications Antenna

Telecommunications Antenna shall mean any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services, and ground-wired communications systems including both direction antennas, such as panels, microwave dishes, omni-directional antennas, such as whips, satellite dishes not regulated by Article 9, Section (3) of this Resolution, and other equipment utilized to serve personal communication services.

133. Telecommunications Tower

Telecommunications Tower shall mean any freestanding structure to support cellular or wireless communications antenna.

134. Truck and Distribution Terminals

Truck and Distribution Terminals shall mean a building used for the temporary storage, loading, unloading, and transfer of goods and materials to and from trucks.

135. Trustees

Trustees shall mean the Board of Trustees, Monroe Township, Clermont County, Ohio.

136. Use

Use shall mean the activities that take place on any land or premises and also refers to the structures located thereon and designed for those activities.

137. Use, Accessory

Use, Accessory shall mean any use, other than the principal use, directly incident to or required for the enjoyment of the permitted use of any premises; also as specifically designed under the zoning district regulations of this Zoning Resolution.

138. Use, Conditional

Use, Conditional shall mean a use that is permitted in a district only if The Board of Zoning Appeals expressly authorizes a zoning certificate in accordance with Article 3, Section (5) of this Resolution.

139. Use, Nonconforming

Use, Nonconforming shall mean any building or land being lawfully used in a manner contrary to this Zoning Resolutions, such use having begun and having been a lawful use prior to the effective date of this Resolution.

140. Use, Principal

Use, Principal shall mean any building or land that is permitted in a district

by- right provided that it meets all other relevant requirements of this Zoning Resolution.

141. Use, Prohibited

Use, Prohibited shall mean a use that is not permitted anywhere within the basic or overlay district.

142. Variance

Variance shall mean a departure from the strict conformance with the dimension and area regulations that may be approved by the Board of Zoning Appeals where such variance shall not be contrary to the public interest and where, owing to conditions peculiar to the property and not as the result of the actions of the applicant, a literal enforcement of the Zoning Resolution would result in unnecessary and undue hardship.

143. Vehicle

Vehicle shall mean any self-propelled device used on land, in the sky or on waterways, including cars, trucks, motorcycles, tractors, construction equipment, recreation vehicles tractors, lawn mowers, aircraft and boats.

144. Vehicle, Disabled

Vehicle, Disabled shall mean any motorized vehicle that is not able to start running and power itself in the manner as designed by the original manufacture, while meeting the safety standards as set forth by the Ohio Revised Code and by any other governing entity such as the Department of Transportation (DOT), Coast Guard, FAA and or other authorized governmental agency.

145. Warehousing

Warehousing shall mean an establishment primarily engaged in the storage of merchandise, goods, and materials.

146. Wetlands

Lands on which water covers the soil or is present either at or near the surface of the soil or within the root zone, all year or for varying periods of time during the year, including during the growing season.

147. Yard

Yard shall mean the open space surrounding the principal building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Resolution.

148. Yard, Front

Yard, Front shall mean that portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which line shall be designated as the front yard line.

149. Yard, Rear

Yard, Rear shall mean that portion of the yard extending the full width of

the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

150. Yard, Required Rear

Yard, Required Rear shall mean that area of the rear yard that is calculated by multiplying the lot width times the minimum required rear yard setback as defined in the applicable zoning.

151. Yard, Side

Yard, Side shall mean those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building.

152. Zoning Commission

Zoning Commission shall mean the Monroe Township Zoning Commission, Clermont County, Ohio.

153. Zoning Inspector

Zoning Inspector shall mean the enforcer of the Monroe Township Zoning Resolution, Clermont County, Ohio as hired or appointed by the Monroe Township Trustees.