SYMMES TOWNSHIP
HAMILTON COUNTY, OHIO

ZONING RESOLUTION

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ZONING RESOLUTION

July 2, 1996
(Adopted by Symmes Township Board of Trustees)

November 21, 1996
(Effective Date of Zoning Resolution)

With Subsequent Revisions Through
January 2, 2013

SYMMES TOWNSHIP
HAMILTON COUNTY, OHIO

ZONING RESOLUTION
for
SYMMES TOWNSHIP

of
HAMILTON COUNTY, OHIO

Adopted by the Board of Trustees
of
Symmes Township, Ohio

SYMMES TOWNSHIP, HAMILTON COUNTY, OHIO

CONTENTS

Article	Section	Title	Page
I	11	Purpose	2
II	21	Title	2
III	31 et seq.	Definitions	3
IV	41 et seq.	Districts and Boundaries Thereof	30
V	51 et seq.	General Provisions	32
VI	61 et seq.	"A-A" Residence District Regulations	35
VI-A	65 et seq.	"A" Residence District Regulations	38
VI-B	69 et seq.	"A-2" Residence District Regulations	41
VII	73 et seq.	"B" Residence District Regulations	45
VII-A	77 et seq.	"B-2" Residence District Regulations	48
VIII	81 et seq.	"C" Residence District Regulations	51
IX	91 et seq.	"D" Residence District Regulations	54
IX-A	95 et seq.	"O" Residence District (with Subservient Office & Business Uses)	57
IX-B	99 et seq.	"MHP" Mobile Home Park District Regulations	61
X	101 et seq.	"E" Residence District (with Subservient Retail) Regulations	64
XI	111 et seq.	"F" Light Industrial District Regulations	67
XII	121 et seq.	"G" Heavy Industrial District Regulations	72
XII-A	125 et seq.	"EF" Excavation and Landfill District	74
XIII	131 et seq.	"H" Riverfront District Regulations	76
XIII-A	135 et seq.	"DD" Planned Multiple Residence District Regulations	79
XIII-B	136 et seq.	"OO" Planned Residence District (with Subservient Office & Business Uses)	82
XIII-C	137 et seq.	"EE" Planned Residence District (with Subservient Retail) Regulations	84
XIII-D	138 et seq.	"FF" Planned Light Industrial District Regulations	87
XIII-E	139 et seq.	"GG" Planned Heavy Industrial District Regulations	90
XIII-F	140 et seq.	General Development Plan Provisions	94
XIV	141 et seq.	Parking and Loading Regulations	95
XV	151 et seq.	Non-Conforming Uses	109
XVI	160 et seq.	Community Unit Plan	110
XVII	171 et seq.	Additional Use, Height and Area Regulations and Exceptions	112
XVII-A	173 et seq.	"FPM" Flood Plain Management Overlay District Regulations	114
XVIII	180 et seq.	Symmes Township Zoning Commission and Board of Zoning Appeals	116
XIX	191 et seq.	Zoning Certificates	123
XX	201 et seq.	Plats	125
XXI	211 et seq.	Boundaries of Districts	125
XXII	221 et seq.	Interpretation, Purpose and Conflict	127
XXIII	231	Amendments	127

CONTENTS Cont.

Article	Section	Title	Page
XXIV	241	Repeal	130
XXV	251 et seq.	Enforcement	130
XXVI	261	Applicable Provisions	131
XXVII	271	Validity	131
XXVIII	281 et seq.	Violations and Penalties	132
XXIX	291	Remedies	134
XXX	301	When Effective	135
XXXI	311 et seq.	Sign Regulations	136
XXXII	326 et seq.	Transition Buffer Yards	156
XXXIII	340 et seq.	Accessory Uses and Structures	163
XXXIV	360	Temporary Uses	170
XXXV	380	Conditional Uses	172
		Summary of Zoning Regulations	190

ZONING RESOLUTION
for
SYMMES TOWNSHIP
of
HAMILTON COUNTY, OHIO

RESOLUTION G-9537

Resolution of Intention to Proceed With Township Zoning

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, believes that it would be for the best interest of the Township and the inhabitants thereof to adopt a plan of Township Zoning for the unincorporated areas of the Township.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of Symmes Township, Hamilton County, Ohio, declares its intention to proceed with the Township Zoning under Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code.

ADOPTED AUGUST 1, 1995
Vote Record: Mrs. Grossman aye Mr. Page aye Mr. Burroughs no

RESOLUTION G-9627

Resolution Adopting Zoning and Ordering an Election

WHEREAS, the Board of Township Trustees for Symmes Township has determined the desirability of Township Zoning; and

WHEREAS, the Township Zoning Commission has recommended adoption of the Township Zoning Resolution, including text and map; and

WHEREAS, in accordance with Chapter 519 of the Ohio Revised Code, all public hearings and procedures of the Board of Township Trustees and Township Zoning Commission have been held and completed as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio that:

Section 1. Hereby adopts said Zoning Resolution, including text and map as certified by the Symmes Township Zoning Commission for zoning the unincorporated areas of Symmes Township.

Section 2. Hereby orders the question of whether or not the proposed plan of zoning shall be put into effect to be submitted to the electors residing in the unincorporated areas of the Township included in the proposed plan of zoning for their approval or rejection at the general election to be held November 5, 1996.

BE IT FURTHER RESOLVED, that the Clerk submit a certified copy of this Resolution to the Board of Elections of Hamilton County, Ohio.

ADOPTED JULY 2, 1996

Vote Record: Mr. Page aye Mrs. Grossman aye Mr. Minamyer aye

ARTICLE I
PURPOSE

Sec. 11 For the purpose of promoting health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the provisions of Section 519.01 et seq. of the Ohio Revised Code, it is hereby provided as follows:

ARTICLE II
TITLE

Sec. 21 This Resolution shall be known and may be cited and referred to as the "Zoning Resolution" to the same effect.

ARTICLE III
DEFINITIONS

Sec. 31.1 **Definitions Generally:** For the purposes of this Resolution, certain terms and words are defined and are used in this Resolution in that defined context. Any words not herein defined shall be construed as defined in the Hamilton County Building Code and in normal dictionary usage.

Sec. 31.2 **Additional Definitions:** Additional definitions relating to specific portions of this Resolution are found in Article XXXI.

Sec. 31.3 **Definitions:** for the purposes of this Resolution, the following terms shall have the following meanings:

Sec. 31.3-1 **Abutting:** Having a common border with, or being separated from such common border by an alley or easement.

Sec. 31.3-2 **Accessory Apartment:** A single dwelling unit apartment intended for use as a complete independent living facility that is in the same structure as, under the same ownership as, and subordinate to a residence constructed as a single-family residence, and with one of the two dwelling units occupied as the principal residence of the owner.

Sec. 31.3-3 **Accessory Use or Structure:** An accessory structure or use: (1) is subordinate to and serves a principal building or a principal use; (2) is subordinate in area, extent and purpose to the principal structure or principal use served; (3) contributes to the comfort, convenience or necessity of the occupants, business or industry of the principal structure or principal use served; and (4) is located on the same lot as the principal structure or principal use served, except as otherwise expressly authorized by the provisions of this Resolution. An accessory structure attached to a principal building in a substantial manner by a wall or roof shall be considered part of the principal building.

Sec. 31.3-4 **Administrative Official:** Primary responsibility for administering the duties of the Symmes Township Zoning Commission as required by this Resolution may be assigned to one or more individuals by the Township Administrator. The staff person or persons to whom such administrative functions are assigned shall be referred to in this resolution as the “Administrative Official”.

Sec. 31.3-5 **Aggrieved Party or Person:** Any owner of a legal or equitable interest in property on which development proposed under these regulations has been denied approval, or any person whose legal right has been invaded or infringed or whose pecuniary interest is directly affected, as distinct from any damages to the rest of the community, by a government act complained of.

Sec. 31.3-6 **Agriculture Rural:** (1) Farming, ranching or pasturage; (2) agriculture, aquaculture and fishing lakes, horticulture, ornamental horticulture, floriculture, viticulture and wine-making, olericulture, pomiculture; (3) production or cultivation of land for mushrooms, timber, nursery stock, sod, tobacco, field crops, and without limitation, other such agricultural and horticultural commodities; (4) dairying, and dairy production; (5) animal or poultry husbandry, and the production of poultry and poultry products, livestock, equine or forbearing animals, and wildlife native to this state including breeding, raising, shearing, grazing or other feeding; (6) beekeeping and related apiarian activities and the production of honey, beeswax, honeycomb, and related products; (7) any activities listed in (1) - (6) above when carried on by agriculturally oriented groups such as 4-H Clubs, Future Farmers of America; (8) on-site storing, handling, and processing

incidental to the production of the foregoing agricultural or horticultural products or commodities; (9) accessory uses and activities directly related to any of the activities listed in (1) - (8) above including wholesale selling of products, commodities and animals; (10) farm markets where fifty percent or more of the gross market income is derived from produce raised on farm(s) owned or operated by the market owner, in a normal crop year. The term "rural agriculture" shall not include suburban agriculture.

Sec. 31.3-7 **Agriculture, Suburban:** (1) Farming, pasturage, horticulture, floriculture, or viticulture on lots of one acre or less in platted subdivisions (or unplatted subdivisions with fifteen (15) or more contiguous lot splits) where at least thirty-five (35%) percent of the lots are developed; or (2) dairying and animal or poultry husbandry on lots of five (5) acres or less in platted subdivisions (or unplatted subdivisions with fifteen (15) or more contiguous lot splits) where at least thirty-five (35%) percent of the lots are developed.

Sec. 31.3-8 **Airport:** A facility intended and used as the place where one or more fixed-wing or rotary-wing aircraft is regularly stored, maintained, or repaired while not in flight with an area that the aircraft may use to take off and land.

Sec. 31.3-9 **Alley:** A public or private way, which is less than thirty (30) feet wide, is dedicated for public use by vehicles and pedestrians and which affords only a secondary means of access to abutting property.

Sec. 31.3-10 **Athletic/Play Field, Private:** An outdoor athletic field or play field operated by a nonprofit club, association, or other nonprofit organization.

Sec. 31.3-11 **Auditorium:** A room, hall, or building used for public gatherings.

Sec. 31.3-12 **Bar:** A use primarily functioning as an alcoholic beverage consumption establishment or tavern, serving customers on the premises.

Sec. 31.3-13 **Basement:** A story having no more than one-half (½) its height above grade. A basement is not counted as a story for the purpose of height regulation.

Sec. 31.3-14 **Bed and Breakfast:** A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for not longer than two continuous weeks. No kitchen facilities may be provided for use by guests.

Sec. 31.3-15 **Board:** The Board of Trustees of Symmes Township as created by this Resolution.

Sec. 31.3-16 **Boarding House:** A building other than a hotel where meals only or lodging and meals are provided for compensation for three (3) but not more than twenty (20) persons.

Sec. 31.3-17 **Board of Zoning Appeals (BZA):** The Symmes Township Board of Zoning Appeals as established by this Resolution.

Sec. 31.3-18 **Buffer or Bufferyard:** An area of healthy and viable vegetation, natural or planted, adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening and softening the effects of the land use. No part of this buffer is to be used for active recreation, parking, or interior access drives. A buffer may include a wall, fence or

berm, connecting driveways, underground utilities and permitted signage as provided in accordance with the provisions of Article XXXII or any other related Article.

Sec. 31.3-19 **Buffer, Boundary:** A linear area adjacent to the side and/or rear property line that is set aside for use as a screen for line of sight, noise suppression or other nuisance related purpose. The buffer may vary in width depending on the level of screening desired and required by this Resolution.

Sec. 31.3-20 **Buffer, Streetscape:** A linear area adjacent to the front property line extending from side lot-line to side lot-line. The purpose is to define the street space, coordinate visual direction to non-residential uses.

Sec. 31-3.20(A) **Buildable Area:** Space remaining on a lot after the minimum zoning requirements for yards, setbacks, coverage and allowances for panhandles, easements, and restrictions have been met. (STT Res. Z9705, eff. Dec. 4, 1997)

Sec. 31.3-21 **Building:** Temporary or permanent structure having a roof supported by walls and which can be used for the shelter, housing, or enclosure of persons, animals, motor vehicles, boats and other goods.

Sec. 31.3-22 **Building, Height of:** The vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

Sec. 31.3-23 **Building Line:** The line indicating the minimum horizontal distance required between the street line and the building or any projection thereof other than a step or uncovered porch.

Sec. 31.3-24 **Building, Principal:** A building containing the principal use of the lot.

Sec. 31.3-25 **Bulk:** The three dimensional space occupied by a structure or building, defined by its height, width, and depth.

Sec. 31.3-26 **Caliper:** A measurement of the size of a tree equal to the diameter of its trunk measured four (4) inches above natural grade for trees having calipers less than or equal to six (6) inches diameter; and measured twelve (12) inches above grade for tree calipers greater than six (6) inches diameter.

Sec. 31.3-27 **Campground:** Any land or open-air location where one or more persons erect or occupy a temporary shelter, such as a tent or recreational vehicle, providing outdoor recreational facilities, for a temporary period of time; included camps and summer camps.

Sec. 31.3-28 **Candlepower:** The total luminous intensity of a light source expressed in foot-candles measured at ground level. Maximum (peak) candlepower is the largest amount of footcandles emitted by any lamp, light source, or luminaries.

Sec. 31.3-29 **Cellar:** A story having more than one-half (½) of its height below grade. A cellar is counted as a story for the purpose of height regulation only if used for purposes other than storage, utilities or the quarters of a janitor or watchman employed on the premises.

Sec. 31.3-30 **Cemetery:** An area of land set apart for the sole purpose of the burial of bodies of dead persons or animals, and for the erection of customary markers, monuments, and mausoleums.

Sec. 31.3-30(A) **Cellular Telephone Communications Tower**: A structure that is intended for transmitting or receiving cellular telephone communications.

Sec. 31.3-30(B) **Cellular Communication Services:** Personal communications accessed by means of cellular equipment and services. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-31 **Certificate, Zoning:** A written certification that a structure, use or parcel of land is, or will be in compliance with the requirements of this Resolution.

Sec. 31.3-32 **Church/Place of Worship:** A building used principally for religious worship.

Sec. 31.3-33 **Clinic, Medical, Dental, or Optical:** A use or structure intended or used primarily for the testing and treatment of human medical, dental, or optical disorders, but not including retail sales or the overnight boarding of patients.

Sec. 31.3-34 **Club:** A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, recreational, charitable, political, patriotic or athletic purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Sec. 31.3-35 **Club, Private:** Lands and facilities operated by or for a group or association of persons, and their guests, which are not available for unrestricted public access or use.

Sec. 31.3-36 **College or University:** An institution of higher education authorized by the State to offer baccalaureate or graduate degrees.

Sec. 31.3-37 **Commercial Activity:** An occupation, employment or enterprise which is carried on for profit by the owner, lessee or licensee, except for activities carried on by a not-for-profit organization which utilized the proceeds of such activities solely for the purposes for which it is organized.

Sec. 31.3-38 **Commercial, Office:** A use or structure where business or professional services are made available to the public, including but not limited to financial institutions, tax preparation, accounting, architectural, legal services, medical laboratories, dental laboratories, psychological counseling, real estate and securities brokering, professional consulting services, and hotels and motels, but not including the cutting or styling of hair, or recreational facilities or amusements.

Sec. 31.3-39 **Commercial, Retail Business (Sales and Services):** A building, property, or activity, the principal use or purpose of which is the sale of goods, products, or merchandise directly to the consumer. In addition, it shall include the provision of personal services, including but not limited to barber shops, beauty parlors, laundry and dry cleaning establishments, tailoring shops, shoe repair shops and the like. "Retail sales and services" shall not include any use or other type of establishment which is otherwise listed as a Permissible Use for each category of zoning district or districts under this Resolution.

Sec. 31.3-40 **Common Access Drive:** A drive not within an access easement that has no parking spaces directly adjacent to it, or that serves more than thirty (30) residential units.

Sec. 31.3-41 **Compost Bin:** A fixed or movable structure made up of fencing or other material for the purpose of containing and cultivating compost.

Sec. 31.3-42 **Conditional Use:** A use permitted within a district other than a principally permitted use, requiring application for a Conditional Use certificate and approval by the Board of Zoning Appeals.

Sec. 31.3-43 **Construction Debris:** Those materials resulting from the alteration, construction, destruction, rehabilitation, or repair of any manmade physical structure, including but not limited to houses, buildings, industrial or commercial facilities, or roadways.

Sec. 31.3-44 **Continuing Care Retirement Facility:** A housing development that is planned, designed, and operated to provide a full range of accommodations and services for older adults, including independent living, congregate housing (self-contained apartments), and medical care. Residents may move from one level to another as their needs change.

Sec. 31.3-45 **Correctional Facility:** A facility providing housing and care for individuals legally confined for violations of law.

Sec. 31.3-46 **Cultural Facility:** Establishments providing cultural, historic, or educational services to the public and which are not operated for profit. Typical uses include museums, outdoor drama theaters (not drive-ins), botanical gardens, and zoos.

Sec. 31.3-46(A) **Day Care, Adult:** A place that provides community based programs designed to meet the health, social, and related needs of functionally impaired adults during daytime hours. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-47 **Day Care, Child:** Care provided for any part of the 24-hour day for infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians or relatives by blood, marriage, or adoption, in a place or residence other than the child's own home. For the purposes of this definition, places of worship during religious services are not included.

Sec. 31.3-48 **Day Care Center, Child:** Any place in which child day care is provided, with or without compensation, for thirteen (13) or more children at one time or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for seven (7) or more children at one time or four (4) or more children under two years of age at one time. For the purposes of this definition, any children under six years of age who are related to the provider of child day care and who are on the premises shall be counted.

Sec. 31.3-49 **Day Care, Child Type A:** A permanent residence of the administrator in which child day-care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if for the latter four (4) or more children are under two years of age. Any children under six years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

Sec. 31.3-50 **Day Care, Child Type B:** A permanent residence of the provider in which child day-care is provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two years of age at one time. Any children under six

years of age who are related to the provider and who are on the premises shall be counted.

Sec. 31.3-51 **Density, Gross:** The quotient of the total number of dwelling units divided by the gross area of a site (including public rights-of-way), expressed in gross dwelling units per acre.

Total Number of Dwelling Units ÷ Total Gross Acreage (Including R.O.W.) = Gross Density

Sec. 31.3-52 **Density, Net:** The quotient of the total number of dwelling units divided by the area of the site consisting of the gross area minus the area of public rights-of-way expressed in net dwelling units per acre. For calculation of preliminary plans where actual location and area of right-of-way is not yet determined, the net density shall be eighty-two (82%) percent of the gross area.

Total Number of Dwelling Units ÷ Total Gross Acreage (Less R.O.W.) = Net Density

Sec. 31.3-53 **Developer:** Any person seeking approval under these provisions for any form of development.

Sec. 31.3-54 **Development:** Any manmade change to improved or unimproved real estate that requires a Zoning Certificate or other approval under this Resolution, or the subdividing of land into two or more parcels. For the purposes this Resolution, the following activities or uses shall be considered "development":

a) The reconstruction, alteration of the size, or material change in the external appearance of a structure on land or water.

b) A change in the intensity of use of land such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

c) Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land.

d) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

"Development" includes all other activity customarily associated with it. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, is not development. Reference to particular types of operations is not intended to limit the scope of this definition.

Sec. 31.3-55 **Development Plan:**

a) Preliminary - A plan for the development and use of a parcel as a planned unit development submitted prior to the submission of a final development plan and indicting such items and features as are required.

b) Final - A plan for the specific development and specific use of a parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, all landscaped/streetscaped areas to be erected and maintained thereon, and other specifications, conditions and limitations as provided in the Zoning Resolution; and further explained by

such specifications, conditions, and limitations as may be imprinted on the plat, or contained in the Amendment or Supplement to the Resolution incorporating the development plan as an integral part of the Zoning regulations applicable to real estate. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-56 **Diameter at Breast Height (DBH):** A measurement of the size of a tree equal to the diameter of its trunk measured four and one-half (4 ½) feet above natural grade.

Sec. 31.3-57 **District:** A portion of the territory of Symmes Township established pursuant to Article IV within which certain regulations and requirements apply pursuant to the provisions of this Resolution.

Sec. 31.3-58 **Dormitory:** A building used as a group living quarters for a student body or religious order as an accessory use of a college, university, boarding school, orphanage, convent, monastery or other similar institutional use.

Sec. 31.3-59 **Drainage Way:** A minor watercourse identified by the presence of an intermittent or perennial waterway or by the presence of the following seasonally saturated soil types as identified by a soil survey prepared by the U.S. Department of Agricultural, Soil Conservation Service: Ave Silt Loam; Avonburo Silt Loam; Dana Silt Loam; Fincastle Silt Loam; Henshaw Silt Loam; Markland Silt Clay Loam; Patton Silt Clay Loam; Raub Silt Loam; Rossmore Silt Loam; Wakeland Loam; Xenia Silt Loam; and also including any area of less than one-quarter acre which meets the definition of a wetland as defined herein, except for size.

Sec. 31.3-60 **Drip Line:** The perimeter of the circular area surrounding the trunk of a tree measured as one (1) foot of radius from the centerline of the trunk for each one (1) inch of diameter at breast height or a vertical line extending from the outermost branches of a tree to the ground.

Sec. 31.3-61 **Drive, Access:** The connecting access linkage between any roadway and off-street parking area. No parking is permitted along the drive.

Sec. 31.3-62 **Drive-In or Drive-Through Facility:** An establishment or facility that by design of physical facilities or by service or packaging procedures encourages or permits customers to receive a service or obtain a product or to be entertained while remaining in a motor vehicle on the premises.

Sec. 31.3-62(A) **Driveway:** A private way, other than a street or alley, to one lot of record for the use of vehicles and pedestrians. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-63 **Dwelling:** Any structure or portion thereof which is designed or used for residential purposes.

Sec. 31.3-64 **Dwelling Unit:** A single unit of one or more rooms providing complete, independent living facilities for one or more person, including permanent provisions of living, sleeping, eating, cooking, and sanitation, but not including a tent, cabin, recreational vehicle or other temporary or transient structure or facility. A dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a mobile home or recreational vehicle and camping equipment.

Sec. 31.3-65 **Easement:** A recorded right or privilege of a person, other than the owner or tenant, to use land for a specific purpose.

Sec. 31.3-66 **Easement of Access:** An easement for immediate or future use, to provide vehicular access and accommodation for utilities, from a street to a lot, a principal building or an accessory building.

Sec. 31.3-67 **Educational Facilities (Public and Private):** Any building used for education or instruction on an elementary or secondary level, approved under the regulations of the State.

Sec. 31.3-68 **Entry Drive:** That part of an entrance drive leading to a vehicular use area that encompasses the first thirty feet from the right-of-way or easement of the street.

Sec. 31.3-69 **Equine:** A horse, pony, mule or ass.

Sec. 31.3-70 **Effective Date:** The date that amendments to this Zoning Resolution were effective.

Sec. 31.3-71 **Effective Date, Initial:** The date that this Zoning Resolution was first established and in effect as specified in Article XXX of this Resolution.

Sec. 31.3-72 **Family:** A person or group of persons occupying a premises and living as a single housekeeping unit, including a "family home" as herein defined, but as distinguished from a group occupying a boarding house, fraternity/sorority house, hotel or other type of contractual living quarters.

Sec. 31.3-73 **Family Home:** A residential facility shared by at least six (6) but not more than eight (8) mentally retarded or developmentally disabled individuals plus paid professional support staff provided by a sponsoring agency either living with the residences on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environmental which shall require a Special Zoning Certificate. This definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Sec. 31.3-74 **Farm Market:** The use of any land for a roadside produce stand where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence district; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 31.3-75 **Festival, Temporary:** A time of celebration, characterized by a program of cultural events or entertainment, which takes place for a specified, temporary duration.

Sec. 31.3-76 **Financial Institution:** A building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to banks, facilities for automated teller machines ("ATMs"), credit unions, savings and loan institutions and mortgage companies. "Financial Institution" shall not include any use or other type of

institution which is otherwise listed in the Permitted Uses for each category of zoning districts under this Resolution.

Sec. 31.3-77 **Floodplain:** A floodplain may be either a riverine or an inland depressional area. A riverine floodplain is an area contiguous to a lake, pond, steam bed whose elevation is greater than the normal waterpool elevation but equal to or lower than the project 100-year flood elevation. An inland depressional floodplain is a floodplain not associated with a stream system to which surrounding lands drain causing periodic inundation by storm waters.

Sec. 31.77-1 **Floodplain Management Definitions**: Certain terms used in this Resolution are defined as set forth in regulations governing the National Flood Insurance Program (44 CFR Section 59.1), and in Flood Plain Management Definitions (Hamilton County Regional Planning Commission, June, 1982).

Sec. 31.3-78 **Floodway:** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Sec. 31.3-79 **Floodway Fringe:** The area of the base floodplain outside the floodway.

Sec. 31.3-80 **Floor:** The top surface of an enclosed area in a building (including the basement), such as the top of the slab in concrete slab construction or the top of the wood flooring in wood frame construction.

Sec. 31.3-81 **Floor Area:** The sum of the gross horizontal areas of each floor of the principal building, measured from the exterior walls or from the center line of party walls, including the floor area of accessory buildings and structures. The term does not include any area used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawlspace.

Sec. 31.3-82 **Floor Area Ratio (FAR):** The total floor area of the building or buildings on a lot or parcel divided by the gross area of the lot or parcel.

Sec. 31.3-83 **Foot-Candle:** A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) standard candle.

Sec. 31.3-84 **Forest:** An area with a minimum of five (5) acres of continuous woods having a minimum one hundred twenty (120) feet width, with at least seven (7%) percent of the land area containing trees with a diameter breast height of four (4") inches or more.

Sec. 31.3-84(A) **Frontage, Building:** The length of an enclosed building facing a public or private street. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-85 **Frontage, Street:** All the property on the side of a street between two intersecting streets (crossing or terminating) measured along the right-of-way line of the street or easement line of private street or access road, or if the street is dead ended, then all of the property abutting on one side excluding the terminus between an intersecting street and the dead end of the street.

Sec. 31.3-86 **Garage, Private:** An accessory building or an accessory portion of the principal building, including a carport, which is intended for and used for storing the privately

owned motor vehicles, boats and trailers of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with motor vehicles, boats and trailers is carried on.

Sec. 31.3-87 **Garage, Private Residential:** A part of a residential structure or an accessory building for parking or temporary storage of automobiles of residential occupants of the premises.

Sec. 31.3-88 **Garage, Storage:** Any building or premises used for housing only, of motor-driven vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor-driven vehicles are not equipped, repaired, hired or sold.

Sec. 31.3-89 **Government Facility:** Any building or structure used by government for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials. Includes but not limited to police and fire stations, government buildings, and similar uses and facilities.

Sec. 31.3-90 **Grade:** A reference plane representing the average of finished ground level adjoining the building at all exterior walls. When the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, when the lot line is more than six (6) feet (1829 mm) from the building and a point six (6) feet (1829 mm) from the building.

Sec. 31.3-91 **Granny Cottage:** Temporary detached living on a single-family lot subordinate in size, location, and appearance to the primary residence and providing complete housekeeping facilities for the exclusive use of the occupants. The owner of the principal residence and lot must live in one of the dwelling units on the lot and at least one occupant of the principal residence and one of the units must be related by blood, marriage, adoption or other legal relationship.

Sec. 31.3-92 **Greenhouse:** A glassed or translucent enclosure used for the cultivation or protection of plants.

Sec. 31.3-93 **Group Home:** A residential facility shared by nine (9) to sixteen (16) handicapped individuals plus paid professional support staff provided by a sponsoring agency either living with the residents on a 24-hour basis or present on shifts, who live together as a single housekeeping unit in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents in order to enable them to live as independently as possible in a residential environment. The definition shall not include an alcoholism or drug treatment center, a work release facility for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration.

Sec. 31.3-94 **Halfway House:** An establishment whose primary purpose is the rehabilitation of persons. Such services include drug and alcohol rehabilitation, assistance to emotionally and mentally disturbed persons, and rehabilitation for prison parolees and juveniles.

Sec. 31.3-95 **Handicap.** With respect to a person, a physical or mental impairment which substantially limits one or more major life activities, a record of such an impairment, or being regarded as having such an impairment. This definition does not include current

illegal use of, or addiction to, a controlled substance. As used in this definition, the following terms and phrases have the following meanings:

a) "physical or mental impairment". Any physiological disorder or condition, cosmetic disfigurement or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive, genitourinary, hemic and lymphatic; skin; and endocrine; or

Any mental or psychological disorder such as mental retardation, organic brain syndrome, emotional or mental illness, and specific disabilities. The term "physical or mental impairment" includes but is not limited to such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus infection, mental retardation, emotional illness, drug addiction (other than addiction caused by current illegal use of a controlled substance) and alcoholism.

b) "major life activities". Functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

c) "has a record of such an impairment". A history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activity.

d) "is regarded as having an impairment".

(1) A physical or mental impairment that does not substantially limit one or more major life activities but that is treated by another person as constituting such a limitation;

(2) A physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others toward such impairment; or

(3) Having none of the impairments defined in Paragraph (a) of this definition but is treated by another person as having such an impairment.

Sec. 31.3-96 **Heliport:** A facility or structure that is intended or used for the landing and take-off of rotary-wing aircraft, but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

Sec. 31.3-97 **Hobby Breeder:** One who breeds occasional litters of dogs, cats, or other household pets for recreation and the primary purpose of, but not limited to, improving the physical and mental soundness of the breed and who may prove their breeding program by exhibiting in conformation, hunting, performance, or other tests.

Sec. 31.3-98 **Home Occupation:** Any occupation or profession conducted entirely within a dwelling and carried on by the inhabitants thereof, and which is an accessory use clearly incidental and secondary to the use of the structure for dwelling purposes in connection with which there is no display that will indicate from the exterior that the building is being utilized for any purpose other than that of a dwelling. Home occupations shall include the following incidental uses of a premises:

a) an accessory office for a physician, clergyman, lawyer, engineer, architect, musician, artist, accountant or other professional person, or;

b) An accessory studio for home crafts and arts such as baking, dressmaking, millinery, weaving, home decorating and fine arts.

Home occupations shall not include any retail or wholesale business of any kind or any similar intensity of activities regardless of remuneration involving in-person transactions on the premises.

Sec. 31.3-99 **Hospital:** An institution providing health services and medical or surgical care to persons, primarily temporary in-patients, with illness, disease, injury, deformity, or other physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, out-patient facilities or training facilities. "Hospital" does not include institutions for the permanent care of, or occupation by, the poor, infirm, incurable or insane.

Sec. 31.3-100 **Hotel or Motel:** A building containing more than four (4) individual rooms for the purpose of providing, for periods not exceeding thirty (30) days, overnight lodging facilities to the general public for compensation with or without meals, and which has common facilities for reservations and cleaning services, combined utilities, and on-site management and reception.

Sec. 31.3-101 **Impervious Surface:** Any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to building roofs, parking and driveway areas, sidewalks and paved recreational facilities.

Sec. 31.3-102 **Industrialized Unit (Modular):** A modular structure which complies with the standards and specifications for Industrial Units of Closed Construction, as provided for by the Ohio Basic Building Code as amended and as authorized by the Board of Building Standards pursuant to Ohio Revised Code Section 3781.01 et seq. as amended and to which is affixed a permit, sticker, plate or other recognized, official identification indicating such compliance. The structure is composed of components substantially assembled in an off-site manufacturing plant and transported to the building site for final assembly on a permanent foundation.

Sec. 31.3-103 **Industrial Use:** The assembly, fabrication or processing of goods and materials; or any operation or facility including buildings, equipment structures, or stationary items used for industrial purposes.

Sec. 31.3-104 **Industrial, Excavation/Extraction Use:** Any operation, including buildings, equipment, structures and other stationary items which are used for the extraction and processing of sand, gravel and other materials or the filling of land.

Sec. 31.3-105 **Industrial, Heavy:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light industrial", or any use where the area occupied by outdoor storage of goods and materials used in the assembly, fabrication, or processing exceeds 25 percent of the floor area of all buildings on the property. "Heavy industrial" shall include, but not be limited to, the production of alcohol, vinegar, pickles, alcoholic beverages, corrosive acids or alkalis, explosive or corrosive gasses, turpentine or thinner, asphalt bleaching agents, ammonia, clay products, glass,

pesticides, textiles, paint, enamel, shellac or varnish, rubber products, plastics, pesticides, fertilizer, soap, stone products, oils, motor vehicles, engines, trailers, fiberglass, and heating, ventilation, and air conditional equipment. "Heavy industrial" shall not include quarries, sanitary landfills, or hazardous material treatment and storage facilities, or any use which is otherwise listed specifically in the use regulations in Article XII.

Sec. 31.3-106 **Industrial, Light:** The assembly, fabrication, or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication, or processing takes place, where such processes are housed entirely within a building, or where the area occupied by outdoor storage of goods and materials used in such processes does not exceed twenty-five percent (25%) of the floor area of all buildings on the property. "Light industrial" shall not include hazardous materials treatment and storage facilities, agricultural industries, plating or enameling, sign manufacturing, machine shops, pilot plants, prototype production plants, abattoirs, tanning and fur finishing, or petroleum and gas refining, or any use which is otherwise listed specifically in the use regulations in Article XI.

Sec. 31.3-107 **Industrial, Solid Waste Facility:** A facility, including buildings, equipment, structures and other stationary items which are used for treating, storing or disposing of any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant or air pollution control facility and other discarded material, including solid, liquid, semisolid or contained gaseous material resulting from industrial, commercial, mining and agricultural operations, and from community activities.

Sec. 31.3-108 **Institutional Use:** A building, structure or land owned or operated by a non-profit or religious institution (or entity) used for educational, religious, or similar types of public purposes. This category shall include but not be limited to schools, universities, churches and other places of worship, cemeteries, correctional facilities, halfway houses, and hospitals.

Sec. 31.3-109 **Interior Parking-Lot Landscaping:** An area set aside, usually as an island in a parking lot, to provide environmental relief. The interior buffer will help to define spaces and indicate directions for pedestrian and vehicular circulation.

Sec. 31.3-110(A) **Junk Vehicle:** See Vehicle, Inoperable or Abandoned. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-110 **Kennel, Commercial:** A structure or premises used for the housing, grooming, breeding, boarding, training, selling or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Sec. 31.3-111 **Kennel, Private:** The home and premises of a hobby breeder.

Sec. 31.3-112 **Lake:** A natural or artificial body of water encompassing an area of two (2) or more acres which retains water year around.

Sec. 31.3-113 **Lake, Commercial Fishing/Pay Lake:** A private or publicly owned lake or pond, where a fee is charged in exchange for the permission to fish.

Sec. 31.3-114 **Landfill, Captive:** A solid waste facility owned by a generator of solid wastes when the solid waste facility exclusively disposes of solid wastes generated at one or more premises owned by the generator regardless of whether the facility is located on a premises where the wastes are generated and having a permit to install from OEPA.

Sec. 31.3-115 **Landfill, Construction/Demolition:** A solid waste facility where earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health and as further regulated by OEPA.

Sec. 31.3-116 **Landfill, Solid Waste:** Any site, location, tract of land, installation or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes for which a Permit to Install has been obtained from OEPA.

Sec. 31.3-117 **Landscaping:** The improvement of a lot, parcel or tract of land with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

Sec. 31.3-118 **Light, Cutoff:** An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground.

Sec. 31.3-119 **Light, Non-Cutoff:** An artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground, as illustrated on the previous page.

Sec. 31.3-120 **Lighting, Outdoor:** Any source that is installed or mounted outside of an enclosed building, but not including street lights installed or maintained along public streets by a government agency or public utility.

Sec. 31.3-121 **Livestock:** Hoofed mammals, including but not limited to horses, cattle, sheep, swine, goats, bison, llamas, and other species typically raised for food, fiber or draft. Also includes domestic fowl and game birds.

Sec. 31.3-122 **Lot:** A parcel of land resulting from the subdivision of a larger parcel of land and occupied or intended to be occupied by a principal use or structure, together with any accessory structures or uses and such access ways, parking area, yards, and open spaces required under the provisions of this Resolution.

Sec. 31.3-123 **Lot Area:** The total horizontal area included within the lot lines of the lot. No public right-of-way or access easement or handle of a panhandle lot shall be included in the calculation of the lot area, nor shall the public right-of-way cross the lot area.

Sec. 31.3-124 **Lot, Corner:** A lot abutting upon two (2) or more streets at their intersection or upon two parts of the same street, and in either case forming an interior angle of less than one hundred thirty-five (135) degrees. A corner lot must have two required front yards.

Sec. 31.3-125 **Lot, Depth:** The mean horizontal distance between the front and rear lot lines.

Sec. 31.3-126 **Lot, Developed.** A lot with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured homes under Section 4503.06 of the Ohio Revised Code.

Sec. 31.3-127 **Lot, Doubled Frontage:** A lot with opposite ends abutting on public or private streets.

Sec. 31.3-128 **Lot, Interior:** Any lot other than a corner lot.

Sec. 31.3-129 **Lot, Reverse:** A lot intended to have its rear yard abutting any road frontage.

Sec. 31.3-130 **Lot Lines:** The lines bounding a lot.

Sec. 31.3-131 **Lot Line, Front:** In the case of an interior lot, the line separating the lot from the street.

Sec. 31.3-132 **Lot Line, Rear:** The lot line(s) generally opposite the front lot line.

Sec. 31.3-133 **Lot Line, Side:** Any lot line not a front lot line or a rear lot line. A side lot line separating a lot from another lot or lots shall be called an interior side lot line.

Sec. 31.3-134 **Lot of Record:** A lot which is part of a subdivision, the map or metes and bounds description of which has been recorded in the Office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to adoption of zoning.

Sec. 31.3-135 **Lot Width:** The distance between the side lot lines measured along the inner edge of the front yards required by these regulations, or if no front yard is required, the distance between the side lot lines measured along the street line.

Sec. 31.3-136 **Luminaire:** A complete lighting unit consisting of a light source and all necessary mechanical, electrical, and decorative parts.

Sec. 31.3-137 **Manufactured Home:** A factory-built dwelling, other than an industrialized unit (modular home), that is manufactured or constructed in an off-site manufacturing facility, transportable in one or more sections, which in the traveling mode is at least eight (8) body feet in width and at least forty (40) body feet in length, or, when erected on site is at least 320 square feet, which bears a seal certifying that is was build in compliance with the standards established by the Federal Manufacturing Housing Construction and Safety Standards Act of 1974, 42 U.S.C. Section 5401 et seq., and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

Sec. 31.3-138 **Manufactured Home Park:** Any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots is not a manufactured home park even though three or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. “Manufactured home park” does not include any tract of land used solely for the storage or display for sale of manufactured homes or solely as a temporary park-camp.

Sec. 31.3-138(A) **Micro Antennas:** Any telecommunications antennas which consist solely of the antenna and which do not have any supporting structures other than brackets. Micro antennas shall be equal to or less than five (5) feet in height and have an area of not more than five hundred eighty (580) square inches. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-139 **Mini-Storage Facility:** A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares.

Sec. 31.3-140 **Mobile Home:** A transportable factory-built dwelling, other than a manufactured home or a modular home, which will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other foundation and used or so construed as to permit its being used a conveyance upon the public streets and highways. Most significantly the term mobile home designates those units not in compliance with Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et. seq.)

Sec. 31.3-141 **Mobile Home Park:** An area of land for the parking of Mobile Homes and/or Manufactured HUD Units which complies with the rules of the Ohio Department of Health, Public Health Council for Manufactured Home Parks, as adopted pursuant to Chapter 3733 of the Ohio Revised Code, and such other requirements as are imposed by the Hamilton County Health Department.

Sec. 31.3-142 **Modular Home:** See Industrialized Unit.

Sec. 31.3-143 **Mooring or Float:** An object or structure secured in the water, such as by cables, lines, chains, or anchors, and intended or used for securing one or more boats in the water.

Sec. 31.3-144 **Natural Resources:** All natural areas of lakes, ponds, wetlands, floodplains, drainageways, forests, and steep slopes as defined in this Article or set forth in this Resolution.

Sec. 31.3-145 **Nonconforming Structure:** Any structure lawfully existing on the effective date of these regulations, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of this Resolution or any amendment thereto.

Sec. 31.3-146 **Nonconforming Use:** Any use lawfully being made of any land, building, or structure on the effective date of these regulations or any amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of this Resolution or any amendment thereto.

Sec. 31.3-147 **Nursery:** A place where the primary activity is the growing of plants, trees and shrubs for sale.

Sec. 31.3-148 **Nursing or Convalescent Home:** A home, institution, building or residence, public or private, whether operated for profit or not, presently licensed pursuant to the Ohio Statutes, which provides maintenance, personal care or nursing to ill, physically inform, convalescing, or aged persons who are not related by blood or marriage to the

operator. The definition of nursing or convalescent home does not include hospitals, clinics or similar institutions which are devoted primarily to the diagnosis and treatment of the sick or injured.

Sec. 31.3-149 **Open Space:** Land uses for recreation, resource protection, amenity and/or buffers. In no event shall any area of a lot constituting the minimum lot area of said lot nor any part of an existing or future road or right-of-way be counted as constituting open space.

Sec. 31.3-150 **Owner:** Any full owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety with legal or equitable title to the whole or to part of a structure or land.

Sec. 31.3.-151 **Parcel:** Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

Sec. 31.3-152 **Park:** Any land owned by the public and open for use by the general public for active or passive recreational purposes or as a refuge for wildlife.

Sec. 31.3-153 **Park and Ride Facility:** Parking lot located along a public transit route designed to encourage transfer from private automobile to mass transit or to encourage carpooling for purposes of commuting.

Sec. 31.3-154 **Parking Lot:** An area of land devoted to unenclosed parking spaces for five (5) or more vehicles.

Sec. 31.3-155 **Parking Space:** A paved area either within a structure or in the open, exclusive of driveways, access drive and aisle, permanently reserved for the parking of a motor vehicle and connected to a street or alley by a surfaced driveway of adequate width to permit easy movement of the vehicle to and from such space.

Sec. 31.3-156 **Patio Area:** A roofless inner space or space adjoining a residence which is used for dining or recreation.

Sec. 31.3-157 **Person:** An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Sec. 31.3-157(A) **Personal Wireless Services:** Commercial mobile services, unlicensed wireless services and common carrier wireless exchange access services, including cellular services. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-158 **Pet, Household:** Domesticated animals that share the same domicile or premises with humans; are dependent upon humans for food, water and shelter; and are kept as companions, including but not limited to dogs, cats, caged birds of a variety of species, rodents, rabbits, and nonpoisonous reptiles and amphibians, that are not included in the definitions of livestock and exotic wildlife.

Sec. 31.3-159 **Planned Unit Development (PUD):** A type of development that enables residential, commercial, industrial or any other uses to be developed alone or in combination under one unified plan of development under more flexible standards pursuant to the standards and procedures set forth in this Resolution. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-160 **Pond:** A natural or artificial body of water of less than two (2) acres which retains water year round.

Sec. 31.3-161 **Principal Use:** The primary purpose or function that a lot serves or is proposed to serve.

Sec. 31.3-162 **Project Area:** Any area of land, regardless of the number of individual parcels or zone districts contained or proposed therein on which development is proposed under these regulations.

Sec. 31.3-163 **Public Service:** Any building, structure, or place used by or for the general populous, owned or operated by a government organization. This category shall include but not be limited to police and fire stations, government buildings and storage yards, government facilities such as libraries, as well as park and rides, and other similar uses and facilities.

Sec. 31.3-164 **Recreation Center, Internal:** Buildings or facilities owned or operated as a non-profit enterprise by a condominium, homeowners, or property owners association with the intent that their usage be only by residents of the development.

Sec. 31.3-165 **Recreation, Commercial:** A public or private indoor or outdoor recreation facility operated as a commercial activity, including but not limited to batting cages, bowling alleys, dragstrips, raceways, golf driving ranges, gun-firing ranges, mechanical rides, miniature golf courses, racquet clubs, arenas, amphitheaters, stadiums, health and fitness facilities, and swimming pools.

Sec. 31.3-166 **Recreation, Community Facility, Private:** A building or facility operated by a private or non-profit group for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to country clubs, athletic fields, golf courses, swim/tennis facilities, and YMCAs.

Sec. 31.3-167 **Recreation, Community Facility, Public:** A building or facility operated by a governmental agency for a social or recreational purpose, but not as a commercial activity. Includes but is not limited to athletic fields, golf courses, swim/tennis facilities, parks, playgrounds, wildlife reservations, forests, and recreation centers.

Sec. 31.3-168 **Recreation, Cultural, and Entertainment:** A public or private facility, of a non-commercial nature, designed and equipped to be used for sport, leisure, cultural, or entertainment activities including internal recreation centers, private and public community recreation facilities, and cultural facilities, but excluding commercial recreation facilities.

Sec. 31.3-169 **Recycling Facility:** An operation or material recovery facility which processes, treats, converts, and stores materials which have been discarded.

Sec. 31.3-170 **Recycling Drop-Off Facility:** Site for collection in containers and transfer of waste materials (may be household hazardous waste) for recycling.

Sec. 31.3-171 **Research Laboratory:** A place equipped for experimentation, testing and analysis, and observation and study for scientific research.

Sec. 31.3-172 **Residential Facility:** A home or facility in which a person with a mental illness, mental retardation or developmental disability resides, except a home subject to Chapter 3721 of the Ohio Revised Code or the home of a relative or legal guardian in which a person with a mental illness, mental retardation or developmental disability resides.

Sec. 31.3-173 **Residential Use:** A home, abode, dwelling unit or place, where a family or individual(s) live; where such a place has areas for living and eating within the structure. This category includes but is not limited to single-family detached units, single-family detached units in PUDs (clustered, patio-dwelling, and zero lot-line), multi-family units, and manufactured or mobile homes as well as uses such as bed & breakfast facilities, granny cottages, group homes, and day care/Type A.

Sec. 31.3-174 **Residential, Multi-family:** Two or more attached dwelling units having one or more common walls between any two units and/or stacked one above another. This category shall include but not be limited to two-family, three-family, apartments, townhouses, nursing homes, dormitories, fraternities and sororities, and boarding houses.

Sec. 31.3-175 No text for this Section.

Sec. 31.3-176 **Residential, Single-Family, Clustered:** A building intended or used primarily for residential purposes to be occupied by one family, and located in a grouping of structures that are arranged closer to one another than District setback requirements would normally allow to achieve conservation of natural features and which are built as part of a unified development plan at a density permitted in the underlying zone district.

Sec. 31.3-177 **Residential, Single Family Detached:** A dwelling designed for and occupied by not more than one family as that term is defined in this Article and surrounded by open space or yards and which has no roof, wall or floor in common with any other dwelling unit.

Sec. 31.3-178 **Residential, Two-Family:** A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

Sec. 31.3-179 **Residential, Three-Family:** A building consisting of three (3) dwelling units whether one above the other or side by side share a common entrance or entrance way, or have separate entrances or entrance ways, in a single building occupying one (1) lot.

Sec. 31.3-180 **Residential, Townhouse:** A one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls.

Sec. 31.3-181 **Residential, Zero Lot-Line:** A building or portion thereof designed for residential purposes. The dwelling unit is a single-family detached unit that is placed against one of the side lot lines to allow more open and yard space.

Sec. 31.3-182 **Restaurant:** An establishment where prepared and ready-to-consume food is available to the general public for consumption on or off the premises.

Sec. 31.3-183 **Right-Of-Way (R.O.W.):** A strip of land dedicated to or owned by the public for use as a roadway, walk or other way.

Sec. 31.3-184 **River Activities:** Uses associated with river commerce that typically occur along inland waterways.

a) **Loading and Parking Areas.**

b) **Marina**: A boat basin and recreational facility, located on waterfront property, providing moorings for boats, and one or more of the following facilities; boat launching ramps, boat livery, boat sales, maintenance shops, marine supply store, and fuel dock.

c) **River Terminal Uses:** A facility located on waterfront property with uses limited to conveyors, barge loading and unloading, enclosed storage, and outside storage.

d) **Outside Storage:** Outside storage of equipment, machinery, and materials heavier than water, but not including solid waste material or garbage.

Sec. 31.3-185 **Road, Access:** A shared means of ingress and egress serving two (2) to six (6) lots or two (2) or more buildings on, over and across an easement or a portion of a lot of record that begins at the right-of-way line of a public or private street and terminates at a location selected by the user(s) of said access road.

Sec. 31.3-186 **Sanitary Landfill:** A disposal facility with a "Permit to Install" issued by OEPA, employing an engineered method of disposing of solid waste on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, providing a landfill or approved substitute cover, compacting the solid wastes material once each working day.

Sec. 31.3-187 **Satellite Dish Antenna:** A device incorporating a reflective surface that is solid, open mesh, or bar configured and is in the shape of a shallow dish, cone, horn, or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include but not be limited to what are commonly referred to as satellite earth stations, TYROs, and satellite microwave antennas.

Sec. 31.3-188 **School:** A privately-owned or publicly-owned pre-school, elementary school, middle school, junior high school, high school, or vocational or professional school, with no rooms regularly used for housekeeping or sleeping rooms.

Sec. 31.3-189 **Screen:** A method of reducing the impacts of noise and unsightly visual intrusions with less offensive or more harmonious elements which is 100 percent (100%) opaque.

Sec. 31.3-190 **Shooting Gallery:** An enclosed structure in which weapons are fired at a target which is set up at a distance.

Sec. 31.3-191 **Shopping Center:** A group of two (2) or more retail establishments and/or restaurants constructed on the same lot or parcel of land under single ownership, and planned and developed with a unified design of buildings with off-street parking, landscaped areas, and service areas and pedestrian malls or plazas provided on the property as part of the unified design.

Sec. 31.3-192 **Shrub:** A plant that at the time of planting, is at least eighteen inches (18") tall above the highest root, or of a size requiring a two (2) gallon pot, and is a hedge shrub or a blooming shrub as defined here.

Sec. 31.3-193 **Shrub, Hedge:** Plants that at maturity will range in height from seven (7) feet to fifteen (15) feet and are spaced from three (3) to six (6) feet on center depending upon the variety.

Sec. 31.3-194 **Shrub, Blooming:** Plants that flower or undergo change in leaf color. They range in height from two (2) to fourteen (14) feet.

Sec. 31.3-195 **Sign:** Any object, device, display or structure, or part thereof, situated outdoors or indoor and visible from the exterior of the building or structure, that is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, color illumination or projected images. Signs do not include the flag or emblem of any nation, organization of nations, state or city, or any fraternal, religious or civic organizations; or city, or any fraternal, religious or civic organizations; works of art which in no way identify a product or business logo. See related sign definitions that are listed alphabetically in Article XXXI.

Sec. 31.3-196 No text for this Section. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-197 **Site Area, Gross:** The computed area contained within the lot lines.

Sec. 31.3-198 **Site Area, Net:** The computed area contained within the lot lines, less any land within rights-of-way, either as an easement or dedicated.

Sec. 31.3-199 **Solid Waste:** Any unwanted residual solid or semisolid material resulting from industrial, commercial, agricultural, and community operations, excluding earth or material from construction, mining, or demolition operations, or other waste materials of the type that would normally be included in demolition debris, nontoxic fly ash, spent nontoxic foundry sand, and slag and other substances that are not harmful or inimical to public health, and includes, but is not limited to, garbage, tires, combustible and non-combustible material, street dirt, and debris. "Solid Wastes" does not include any material that is an infectious waste or a hazardous waste.

Sec. 31.3-200 **Stable:** A structure and/or land use in or on which equines are bred, boarded, trained, or kept for sale or hire.

Sec. 31.3-201 **Stadium:** A structure of facility designed, intended, or used primarily for athletic or entertainment events and containing seating for spectators of those events, but not including a raceway or dragstrip.

Sec. 31.3-202 **Steep Slopes:** Land area where the inclination of the land's surface from the horizontal is twenty percent (20%) or greater.

Sec. 31.3-203 **Story:** That portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it.

Sec. 31.3-204 **Story, Half:** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three (3) feet above the top level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use.

Sec. 31.3-205 **Stream:** A shallow watercourse that flows year round generally less than forty (40) feet wide.

Sec. 31.3-206 **Street Arterial:** Public streets primarily intended to carry large volumes if through traffic connecting major activity centers to other major traffic generators. Access to abutting properties is to be limited to carefully controlled points.

a) Major Arterial - A street which serves the major activity centers, high traffic volume corridors, and the longer trip desires. With major arterials, service to the adjacent land is subordinate to the provision of travel service.

b) Minor Arterial - Public streets having the primary purpose of collecting traffic front intersecting local streets and distributing this volume to the nearest arterial. A secondary purpose is to carry moderate volumes of through traffic. Access to abutting land uses is a secondary function which, with proper land planning, may be limited so long as the abutting land use is not materially and adversely affected by such limitation. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-207 **Street, Collector:** Public streets which carry traffic from local streets to arterial streets and includes the principal entrance streets of a subdivision and for the purposes of this Resolution shall be considered a street of higher classification than a local street.

Sec. 31.3-208 **Street, Local:** Streets having the primary purpose of providing access to individual properties that abut them. Local streets serve residential, commercial, and industrial land uses providing links for short-distance trips and access to the collector and arterial system on a local level. Frontage roads may also be considered local streets. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-209 No Text for this Section. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-210 **Street, Private:** A means of ingress and egress to a lot not dedicated by recorded instrument for public use but located with a permanent easement that is maintained by the party or parties using said private street.

Sec. 31.3-211 **Street, Public:** A publicly dedicated or owned right-of-way intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting property.

Sec. 31.3-212 **Street Line:** The dividing line between a lot, tract or parcel of land and the continuous right-of-way or access easement.

Sec. 31.3-213 **Street Right-Of-Way:** Publicly owned land including pavement, and sidewalks and all of the land between opposite property lines.

Sec. 31.3-214 **Structural Alteration:** Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

Sec. 31.3-215 **Structure:** Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground, including, but without

limiting the generality of the foregoing, advertising signs, billboards, area improved for parking, backstops for tennis courts and pergolas.

Sec. 31.3-216 **Structure, Principal:** A structure containing the principal use of the lot.

Sec. 31.3-217 **Summer Camp:** A publicly or privately owned facility providing outdoor recreational activities and shelter for one or a group of persons, usually children, for a temporary period of time.

Sec. 31.3-217(A) **Telecommunications Antenna:** 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 directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas such as whips and other equipment utilized to serve personal communication services. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-217(B) **Telecommunications Site:** A tract, lot or parcel of land that contains the telecommunications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to telecommunications transmission. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-217(C) **Telecommunications Support Structure:** Any building or structure, including guy wire anchors, accessory to but necessary for the proper functioning of the telecommunications antenna or tower. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-217(D) **Telecommunications Tower:** Any freestanding structure or any structure to be attached to a building or other structure as defined in Section 519.211(B) of the Ohio Revised Code. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-217(E) **Telecommunications Tower, Height of:** The height from the base of the structure, at grade, to its top; including any antenna located thereon. Grade shall be determined as the elevation of the natural or existing topography of the ground level prior to construction of the tower. (STT Res. Z9703 eff. July 17, 1997)

Sec. 31.3-218 **Temporary Use:** A temporary use is one established for a fixed period of time with the intent to discontinue such use upon the expiration of such time. Such uses do not involve the construction or alteration of any permanent building or structure.

Sec. 31.3-219 **Terminal, Truck:** A structure or land primarily used for the temporary storage of goods awaiting transfer or wholesale distribution by means of motor carrier transportation.

Sec. 31.3-220 **Theater, Movie And Drama, Indoor:** A building in which movies are screened before a live audience, or in which dramatic performances are carried out.

Sec. 31.3-221 **Trailer:** Any towed or self-propelled vehicle constructed, re-constructed or added to by means of accessories in such a manner as will permit the use and occupancy thereof for temporary human habitation for travel, recreation, vacation or other primarily transient purpose, as opposed to a mobile home as defined in this Article, or office use, or storage or conveyance of machinery, tools or equipment, including those vehicles that are attached to an automobile or truck for the sole purpose of transporting goods or farm animals.

Sec. 31.3-222 **Transfer Station:** A combination of structures, machinery or devices at a place or facility that receives solid waste taken from municipal and private collection vehicles and places the waste in other transportation units for movement to another solid waste management facility.

Sec. 31.3-222(A) **Transient Vendor:** Any person who opens a temporary place of business for the sale of goods. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-223 **Trees, Canopy:** A deciduous tree with a minimum of twelve (12) feet overall height or a minimum caliper of two and one-half (2-1/2) inches when installed, and with an expected height of at least thirty-five (35) feet at maturity. Some examples include Maple, Birch, Linden, Oak, Beech, Honeylocust, Locust, Alder, Hackberry, Ash, Ginkgo, and Tulip. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-224 **Trees, Evergreen:** A coniferous tree with needles or a broadleaf tree which at maturity will range in height from twenty (20) feet to sixty (60) feet. Some examples of evergreen trees include White Pine, Austrian Pine, Scotch Pine, Douglas Fir, Norway Spruce, Colorado Spruce, Blue Spruce and magnolia.

Sec. 31.3-225 **Trees, Understory:** A tree that, at the time of planting, is at least five (5) feet tall above the highest root, or has at least a 1 ½ inch caliper, whichever is larger, and at maturity the height will range from fifteen (15) feet to a maximum of thirty (30) feet. Some examples include: Crab Apple, Japanese Maple, Magnolia, Dogwood, Weeping Birch and Cherry, Flowering Crab, Cherry and Plum, Hawthorn, and Redbud. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 31.3-226 **Use:** The purpose of activity for which land or any structure thereon, is designed, arranged, or intended, or for which it is occupied or maintained.

Sec. 31.3-227 **Vehicle, Commercial:** A vehicle which displays any commercial activity and which use is primarily for commercial purposes.

Sec. 31.3-228 **Vehicle, Inoperable or Abandoned:** A motor vehicle which is stored outdoors and so damaged, wrecked, dismantled, unlicensed or in other condition as to be inoperative. Without limiting the term a motor vehicle is abandoned if its state registration as displayed on the license plate has been removed or expired. This definition shall not be deemed to include farm machinery other than automobiles or trucks.

Sec. 31.3-229 **Vehicular Storage Yard:** Fleet storage or other inactive vehicle storage and is not accessible to vehicular traffic of the general public.

Sec. 31.3-230 **Vehicular Use Area:** All areas subject to vehicular traffic including parking lots, accessways, loading areas and service areas.

Sec. 31.3-231 **Veterinary Facility:** A structure or building setup for the medical care of animals, including offices, clinic space and indoor kennels for detaining animals, but not expressly allowing outdoor kennel areas.

Sec. 31.3-232 **Video Game Parlor:** A place in which a collection of electronic, coin-operated games are played.

Sec. 31.3-233 **Warehousing:** The indoor storage of goods, materials, or merchandise for shipment to or processing on other property.

Sec. 31.3-234 **Watercourse:** A course or channel in which water flows, consisting of bed, banks, and water; including rivers, creeks, and other streams confined in a channel, but not necessarily flowing all the time. Gullies, ravines, swales, sloughs, and similar depressions do not ordinarily constitute watercourses.

Sec. 31.3-235 **Waterway:** A body of water, such as a lake, pond, continuously flowing stream, creek, river, channel, or canal which functions as a water route.

Sec. 31.3-236 **Wetlands:** Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adopted for life in saturated soil conditions Wetlands generally included swamps, marshes, bogs, bottomlands, and similar areas. Size is not a limitation. Wetlands are identified as areas that contain hydrophytic vegetation, hydric soils, and wetland hydrology.

Sec. 31.3-237 **Wholesale:** The sale of goods to retailers or jobbers rather than consumers.

Sec. 31.3-238 **Wholesale Sales:** The sale of goods, products, or merchandise stored on the premises to persons who are intermediaries between the producer and the consumer.

Sec. 31.3-239 **Wildlife, Exotic:** Any animal that is native to a foreign country or of foreign origin or character, is not native to the United States or was introduced from abroad, specifically including animals, such as, but not limited to, lions, tigers, leopards, elephants, camels, antelopes, anteaters, kangaroos, and water buffalo and species of foreign domestic cattle, such as Ankole, Gayat and Yak.

Sec.31.3-240 **Woodland:** A plot of land having a cover made up of woody vegetation such as trees or shrubs.

Sec. 31.3-241 **Yard:** An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear year, the minimum horizontal distance between the lot line and the nearest portion of the main building excluding external building projections.

Sec. 31.3-242 **Yard, Front:** A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway.

Sec. 31.3-243 **Yard, Rear:** A yard extending across the area of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building

or any projection therefor, other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension

Sec. 31.3-244 **Yard, Side:** A yard between the main building and the side line of the lot extending from the front yard to the rear yard.

Sec. 31.3-245 **Yard, Transition:** See definition of "buffer" in Section 31.3-18.

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ARTICLE IV
DISTRICTS AND BOUNDARIES THEREOF

Sec. 41 In order to classify, regulate and restrict the location of trades, industries, residences, recreation and other land uses and the location of buildings designed for specified uses; to regulate and limit the height, number of stories and size of buildings and other structures hereafter erected or altered; to regulate and limit the percentages of lot areas which may be occupied, setback building lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the unincorporated territory of Symmes Township, Hamilton County, Ohio, is hereby divided into twenty (20) classes of "Districts". All such regulations are uniform for each class or kind of building or structure or use throughout each class of District, and said Districts shall be known as:

"AA"	Residence District
"A"	Residence District
"A-2"	Residence District
"B"	Residence District
"B-2"	Residence District
"C"	Residence District
"D"	Residence District
"DD"	Planned Multiple Residence District
"O"	Residence District (with Subservient Office and Business Uses)
"OO"	Planned Residence District (with Subservient Office and Business Uses)
"E"	Residence District (with Subservient Retail)
"EE"	Planned Residence District (with Subservient Retail)
"EF"	Excavation and Landfill District
"F"	Light Industrial District
"FF"	Planned Light Industrial District
"FPM"	Flood Plain Management District
"G"	Heavy Industrial District
"GG"	Planned Heavy Industrial District
"H"	Riverfront District
"MHP"	Mobile Home Park District

Sec. 42 The boundaries of these Districts are indicated upon the District Map of the unincorporated area of Symmes Township, Hamilton County, Ohio, which maps are made a part of this Resolution. The said District Map of the unincorporated area of Symmes Township, Hamilton County, Ohio, and all the notations, 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 was all fully described herein; which District Map is properly attested and is on file in the Office of the Board of Trustees.

Sec. 43 All territory which may hereafter become a part of the unincorporated area of Symmes Township, Hamilton County by the disincorporation of any village, town, or city, or portion thereof, shall automatically be classed as lying and being in the "B" Residence District until such classification shall have been changed by an amendment to the Zoning Resolution as provided by law.

Sec. 44 Whenever any street, alley or other public way is vacated by official action of the Board of County Commissioners, the Zoning Districts adjoining each side of such street, alley or public way shall be automatically extended to the center of such vacation and all

area included in the vacation shall then and henceforth be subject to all regulations of the extended Districts.

Sec. 45 Whenever a court declares by a judgement or decree that is final (whether because no appeal is taken or no further appeal can be taken from such judgement or decree), that the zoning of a specific lot or tract is unconstitutional or unreasonable because it is too restrictive, the property affected shall thereupon be subject to the next less restrictive District; provided, however, that where the court in such judgement or decree, declares that the property may be used for a particular use or uses because the Trustees have no right to prohibit such use or uses on the property, then such property shall be subject to the regulations applicable to the most restrictive District in which the particular use or uses, declared proper by the court, are permitted; and provided, further, that such regulations shall be applicable to the property for not to exceed one hundred eighty (180) days after the aforesaid court judgement or decree becomes final or until the appropriate zoning classification can be established in accordance with Section 519.12 of the Ohio Revised Code.

ARTICLE V
GENERAL PROVISIONS

Sec. 51 Except as hereinafter provided:

Sec. 51.1 No structure or land shall be used, and no structure or other development shall be located, extended, converted, substantially improved, or structurally altered without full compliance with al the applicable provisions of this Resolution.

Sec. 51.1-1 In any Residence District placing a boat, trailer, or mobile home shall be prohibited, except that outside the "FPM" Flood Plain Management Overlay District, one (1) trailer as defined in Section 31.3-221 or one (1) boat may be parked or stored in a garage or other accessory building or rear yard in any Residence District. No occupancy for human habitation shall be maintained or business or storage conducted therein while such trailer or boat is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within any Residence District shall not be removed, nor shall any such trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

Sec. 51.1-2 The temporary use of one (1) trailer for office, construction, or storage purposes may be permitted on any premises within any Residence District, the "O" Residence District, "E" Residence District, "F" Light Industrial District, "G" Heavy Industrial District and "EF" Extraction and Landfill District, provided such use is also located outside the "FPM" Flood Plain Management District. Location and duration of such use shall be as approved by the Zoning Inspector. (STT Res. Z9705 eff. Dec. 4, 1997)

The storage or parking of such trailer shall also be consistent with the provisions of Section 51.1-1 of this Resolution.

Sec. 51.2 The minimum yard and other open spaces, including the density of population, provisions contained in this Resolution for each and every building existing on the effective date of this Resolution, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or density of population requirements for any other building.

Sec. 51.3 Every building hereafter erected or structurally altered shall be located on a lot as herein defined, and in no case shall there be more than one main building on a lot, except as specifically provided hereinafter in Section 171.15.

Sec. 52 The subdivision of any parcel of land into two (2) or more parcels, sites or lots anyone of which is less than five (5) acres in area, as defined in Chapter 711: Plats of the Ohio Revised Code, shall be considered evidence that any such parcels, sites or lots are not used for agriculture.

Sec. 53 Nothing contained in this Resolution, shall regulate the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located and no Zoning Certificate shall be required for any such use, building or structure, except on lots that are five (5) acres or less in either platted subdivisions or areas consisting of fifteen (15) or more contiguous lot splits.

Sec. 53.1 Nothing contained in this Resolution, shall prohibit the use of any land for dairying and animal and poultry husbandry or the construction or use of buildings or structures incident to the use for such agricultural purposes of the land on which such buildings or structures are located and no zoning certificate shall be required for any such use,

building or structure, except on lots that are five (5) acres or less in either platted subdivisions or areas consisting of fifteen (15) or more contiguous lot splits, and where, if the lot is greater than one (1) acre, at least thirty-five (35%) percent of the lots are developed.

Sec. 54. Except as provided in Ohio Revised Code Section 519.211, Section 54.1, and Section 393 of this Resolution, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. (STT Resolution Z-0801, eff. April 3, 2008)

Sec. 54.1 (a) As defined by the Supreme Court of Ohio in *Symmes Township Board of Trustees v. Symth*, 87 Ohio St.3d 549, 721 N.E.2d 1057 (2000), for the purposes of Section 54 and Section 393, an "area zoned for residential use" shall mean an area zoned as a residential district, an area with a residential zoning classification under the township's zoning resolution or an area zoned primarily for residential use." Any person or company intending to construct or to apply for the placement or operation of a telecommunications antenna, tower, or site as defined in Article III, within the boundaries of Symmes Township shall first schedule a pre-application conference with the Township Zoning Inspector or his assignee. At this conference, the prospective applicant must present to the Township Zoning Inspector any proposed locations for the equipment or site, the area within which the tower may be located, the minimum height of the proposed tower and identify any possible users that may co-locate at the site. In addition, if applicable, the prospective applicant shall present such documentation as may establish the prospective applicant's status as a public utility as that term is construed under Section 519.211 of the Ohio Revised Code.

The purpose of the pre-application conference will be to, generally, evaluate the impact of the proposed cellular tower on adjacent areas and neighborhoods, discuss possibilities of co-location, identify alternative suitable sites that may minimize the negative impact on residential areas, and determine if the telecommunication regulations apply to the proposed tower.

Except as otherwise provided in this Zoning Resolution, if the proposed site is within an area other than an area zoned for residential use, then the Township Zoning Inspector shall provide a copy of this regulation with a request that the prospective applicant adhere to the guidelines set forth herein, but shall not require the prospective applicant to file a formal application. The Township Zoning Inspector shall also issue to the prospective applicant a Certificate of Exemption. This document shall certify that the Township Zoning Resolution is not applicable to the proposed construction of a tower and accessory equipment at the specified location.

If the Township Zoning Inspector determines that the prospective site is within an area zoned for residential use, then the application procedures and regulations set forth herein in Section 393 apply.

(b) In the case of a telecommunications provider that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a telecommunications tower in the Township in an area zoned for residential use, said telecommunications provider shall:

(i) provide evidence satisfactory to the Symmes Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211(B); and

(ii) comply with all application and submission requirements to obtain a special zoning certificate pursuant to Sec. 393 of this Resolution in the event the

Symmes Township Board of Trustees shall receive a timely notice from any person entitled to object to the location under Ohio Revised Code Section 519.211 (B), following receipt of the required notice from the Township Fiscal Officer.

(c) If a timely notice of objection is received and Sections 519.02 to 519.25 of the Ohio Revised Code apply to the telecommunications tower, then an application shall be made in accordance with the regulations herein to the Symmes Township Board of Zoning Appeals.

(STT Resolution Z-0801, effective April 3, 2008)

Sec. 55 Nothing contained in this Resolution shall prohibit the sale or use of alcoholic beverages in areas where the establishment and operation of any retail business, hotel, lunchroom or restaurant is permitted.

Sec. 56 Nothing contained in this Resolution shall require any change in the plans, construction, size or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of this Resolution; provided, however, construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed with one (1) year and the entire building completed within two (2) years after the effective date of this Resolution.

Sec. 57 In the event of any conflict in the provisions of this Resolution and the provisions of Chapter 519 of the Ohio Revised Code, the latter shall prevail.

ARTICLE VI
"A-A" RESIDENCE DISTRICT REGULATIONS

Sec. 61 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District Regulations in the "A-A" Residence District.

Sec. 62 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 62.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, eff. 5-25-00)

Sec. 62.2 through Sec. 62.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 62.9 Public and private forests and wild life reservations or similar conservation projects, including the usual building therefor.

Sec. 62.10 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 62.11 Single family dwellings.

Sec. 62.12 and Sec. 62.13 (These sections eliminated pursuant to STT Res. Z-0002, eff. 05-25-00. Refer to Article XXXV)

Sec. 62.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 62.14-1 Quarters for servants employed on the premises.

Sec. 62.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 62.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 62.14-4 Home occupations.

Sec. 62.14-5 (This section eliminated pursuant to STT Res. Z-0002, eff. 05-25-00. Refer to Article XXXV)

Sec. 62.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of

adjacent parcels in Residence Districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 62.14-7 Signs as defined in Article XXXI.

Sec. 62.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 62.14-9 (This section eliminated pursuant to STT Res. Z-0002, eff. 05-25-00. Refer to Article XXXV)

Sec. 62.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Sec. 393 of this Resolution and Ohio Revised Code Section 519.211.

Sec. 63 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 64 **Area Regulations:**

Sec. 64.1 **Front Yard:**

Sec. 64.1-1 There shall be a front yard having a depth of not less than fifty (50) feet provided, however, no alignment setbacks or front yard depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 64.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 64.1-3 Where a lot is located at the intersection of two (2) or more streets there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 64.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building which yard shall have a width of not less than twenty-five (25) feet.

Sec. 64.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth of not less than sixty (60) feet.

Sec. 64.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of one hundred fifty (150) feet at the building line and an area of not less than one (1) acre.

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ARTICLE VI-A
"A" RESIDENCE DISTRICT REGULATIONS

Sec. 65 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "A" Residence District.

Sec. 66 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 66.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, eff. 5-25-00)

Sec. 66.2 through Sec. 66.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 66.9 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 66.10 (This section eliminated pursuant to STT Res. Z-0002, eff. 05-25-00. Refer to Article XXXV)

Sec. 66.11 Single family dwellings.

Sec. 66.12 and Sec. 66.13 (These sections eliminated pursuant to STT Res. Z-0002, eff. 05-25-00. Refer to Article XXXV)

Sec. 66.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 66.14-1 Quarters for servants employed on the premises.

Sec. 66.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 66.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 66.14-4 Home occupations.

Sec. 66.14-5 (This section eliminated pursuant to STT Res. Z-0002 eff. 05-25-00. Refer to Article XXXV)

Sec. 66.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of

adjacent parcels in Residence Districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 66.14-7 Signs as defined in Article XXXI.

Sec. 66.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 66.14-9 (This section eliminated pursuant to STT Res. Z-0002 eff. 5-25-00. Refer to Article XXXV)

Sec. 66.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Section 393 of this Resolution and Ohio Revised Code Section 519.211.

Sec. 67 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 68 **Area Regulations:**

Sec. 68.1 **Front Yard:**

Sec. 68.1-1 There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 68.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 68.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot or record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 68.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet.

Sec. 68.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

Sec. 68.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet.

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ARTICLE VI-B
"A-2" RESIDENCE DISTRICT REGULATIONS

Sec. 69 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "A-2" Residence District.

Sec. 70 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 70.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, eff. 5-25-00)

Sec. 70.2 through Sec. 70.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 70.9 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 70.10 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 70.11 Single family dwellings.

Sec. 70.12 and Sec. 70.13 (These sections eliminated pursuant STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 70.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 70.14-1 Quarters for servants employed on the premises.

Sec. 70.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 70.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 70.14-4 Home occupations.

Sec. 70.14-5 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 70.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of

adjacent parcels in Residence Districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 70.14-7 Signs as defined in Article XXXI.

Sec. 70.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 70.14-9 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 70.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Section 393 this Resolution and Ohio Revised Code Section 519.211.

Sec. 71 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 72 **Area Regulations:**

Sec. 72.1 **Front Yard:**

Sec. 72.1-1 There shall be a front yard having a depth of not less than forty (40) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yard on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 72.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 72.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 72.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building, which yard shall have a width of not less than ten (10) feet.

Sec. 72.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

Sec. 72.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of eighty (80) feet at the building line and an area of not less than fourteen thousand (14,000) square feet.

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ARTICLE VII
"B" RESIDENCE DISTRICT REGULATIONS

Sec. 73 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "B" Residence District.

Sec. 74 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 74.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, eff. 5-25-00)

Sec. 74.2 through Sec. 74.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 74.9 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 74.10 This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 74.11 Single family dwellings.

Sec. 74.12 and Sec. 74.13 (These sections eliminated pursuant to STT Resolution Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 74.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 74.14-1 Quarters for servants employed on the premises.

Sec. 74.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 74.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 74.14-4 Home occupations.

Sec. 74.14-5 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 74.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of

adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 74.14-7 Signs as defined in Article XXXI.

Sec. 74.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 74.14-9 (This section eleiminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 74.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Section 393 of this Resolution and Ohio Revised Code Section 519.211.

Sec. 75 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 76 **Area Regulations:**

Sec. 76.1 **Front Yard:**

Sec. 76.1-1 There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 76.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 76.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 76.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building, which yard shall have a width of not less than eight (8) feet.

Sec. 76.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be rear yard having a depth of not less than thirty-five (35) feet.

Sec. 76.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of seventy (70) feet at the building line and an area of not less than ten thousand five hundred (10,500) square feet.

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ARTICLE VII-A
"B-2" RESIDENCE DISTRICT REGULATIONS

Sec. 77 The regulations set forth in this Article, or set forth elsewhere in this Resolution when referred to in this Article, are the district regulations in the "B-2" Residence District.

Sec. 78 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 78.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, effective 5-25-2000)

Sec. 78.2 through Sec. 78.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 78.9 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 78.10 (This section eliminated pursuant to STT REs. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 78.11 Single family dwellings.

Sec. 78.12 and Sec. 78.13 (These sections eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 78.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 78.14-1 Quarters for servants employed on the premises.

Sec. 78.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 78.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 78.14-4 Home occupations.

Sec. 78.14-5 (This section eliminated pursuant to STT REs. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 78.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such structure and parking areas shall be at least sixty (60) feet from every property line of

adjacent parcels in Residence Districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 78.14-7 Signs as defined in Article XXXI.

Sec. 78.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 78.14-9 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 78.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Section 393 of this Resolution and Ohio Revised Code Section 519.211.

Sec. 79 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 80 **Area Regulations:**

Sec. 80.1 **Front Yard:**

Sec. 80.1-1 There shall be a front yard having a depth of not less than thirty-five (35) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 80.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 80.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 80.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building, which yard shall have a combined width of not less than thirteen (13) feet, and provided further that neither side yard shall be less than five (5) feet wide.

Sec. 80.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth of not less than thirty (30) feet.

Sec. 80.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of sixty (60) feet at the building line and an area of not less than seven thousand five hundred (7,500) square feet.

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ARTICLE VIII
"C" RESIDENCE DISTRICT REGULATIONS

Sec. 81 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "C" Residence District.

Sec. 82 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 82.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, effective 5-25-00)

Sec. 82.2 through Sec. 82.8 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 82.9 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 82.10 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 82.11 Single family dwellings.

Sec. 82.12 and Sec. 82.13 (These sections eliminated pursuant to STT REs. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 82.14 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident and in accordance with Article XXXIII to any of the above uses, including: (STT Res. Z9902, eff. June 3, 1999)

Sec. 82.14-1 Quarters for servants employed on the premises.

Sec. 82.14-2 A private garage or parking spaces, provided that this Section shall not be deemed to permit parking on the premises of a truck or other commercial vehicle other than as defined in Section 31.3-86. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 82.14-3 Compost piles or bins, on lots as provided in Section 53, which are located in the rear yard and at least three (3) feet from every property line.

Sec. 82.14-4 Home occupations.

Sec. 82.14-5 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 82.14-6 Roadside stands, or farm markets, on lots as provided in Section 53, where fifty percent (50%) or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year and provided that the structure shall not exceed eight hundred (800) square feet and such

structure and parking areas shall be at least sixty (60) feet from every property line of adjacent parcels in residence districts; and that a sign advertising such products shall not exceed twelve (12) square feet in area.

Sec. 82.14-7 Signs as defined in Article XXXI.

Sec. 82.14-8 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 82.14-9 (This section eliminated pursuant to STT REs. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 82.14-10 Cellular Telephone Communications Towers in accordance with Sec. 54, 54.1, Article XXXV and Section 393 of this Resolution and Ohio Revised Code Section 519.211.

Sec. 83 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 84 **Area Regulations:**

Sec. 84.1 **Front Yard:**

Sec. 84.1-1 There shall be a front yard having a depth of not less than thirty (30) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 84.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 84.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 84.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building, which yard shall have a width of not less than five (5) feet.

Sec. 84.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth not less than thirty (30) feet.

Sec. 84.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of fifty (50) feet at the building line and an area of not less than six thousand (6,000) square feet.

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ARTICLE IX
"D" RESIDENCE DISTRICT REGULATIONS

Sec. 91 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "D" Residence District.

Sec. 92 **Use Regulations:** A building or premises shall be used only for the following purposes:

Sec. 92.1 Agriculture, on lots greater than five (5) acres, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence Districts and further provided that specific agricultural uses listed in this Article shall comply with specific standards for such uses. (STT Res. Z-0002, effective May 25, 2000)

Sec. 92.2 through Sec. 92.7 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses)

Sec. 92.8 Fraternities, sororities, dormitories and lodges, except those the chief activity of which is a service customarily carried on as a business.

Sec. 92.9 through Sec. 92.11 (These sections eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 92.12 Multiple dwellings.

Sec. 92.13 Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor.

Sec. 92.14 through Sec. 92.16 (These sections eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 92.17 Single and two family dwellings.

Sec. 92.18 No text for this Section.

Sec. 92.19 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 92.20 **Accessory Buildings and Uses:** Accessory buildings and uses customarily incident to any of the above uses, including:

Sec. 92.20-1 Quarters for servants employed on the premises.

Sec. 92.20-2 A private garage or parking spaces. Parking areas shall conform to the regulations as defined in Article XIV.

Sec. 92.20-3 Storage garages, where the lot is occupied by a multiple dwelling, hospital or institutional building.

Sec. 92.20-4 Home occupations.

Sec. 92.20-5 Signs as defined in Article XXXI.

Sec. 92.20-6 Temporary buildings and signs incidental to construction, which buildings and signs shall be removed upon the completion or abandonment of the construction work.

Sec. 93 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided in Article XVII.

Sec. 94 **Area Regulations:**

Sec. 94.1 **Front Yard:** There shall be a front yard having a depth of not less than thirty (30) feet, provided, however, no alignment setback or front yard depth shall be required to exceed the average of the minimum depths of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 94.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 94.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot of record shall not be reduced to less than thirty-two (32) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 94.2 **Side Yard:**

Sec. 94.2-1 The side yard regulations for buildings not exceeding two and one-half (2½) stories in height shall have a width of not less than five (5) feet.

Sec. 94.3 **Rear Yard:**

Sec. 94.3-1 The rear yard regulations for buildings not exceeding two and one-half (2½) stories in height shall be a depth not less than thirty (30) feet.

Sec. 94.4 **Intensity of Use:**

Sec. 94.4-1 Every lot or tract of land on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet.

Sec. 94.4-2 Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than four thousand three hundred fifty six (4,356) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments.

Every lot on which there is erected a building for any other use permitted in the "D" Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.

Sec. 94.4-3 Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article.

Sec. 94.5 **Transition Regulations**. The following regulations shall apply to "D" Residence District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", or "C" Residence District or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 94.5-1 The minimum setback for buildings shall be forty (40) feet for front yards, twenty-five (25) feet for side yards, and forty (40) feet for rear yards.

Sec. 94.5-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty-five (25) feet for side yards.

Sec. 94.5-3 The maximum height of buildings shall be two and one half (2½) stories or thirty-five (35) feet.

Sec. 94.5-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties..

Sec. 94.5-5 Transition buffer yards and streetscape plantings shall be required as defined in Article XXXII.

ARTICLE IX-A
"O" RESIDENCE DISTRICT REGULATIONS
(WITH SUBSERVIENT OFFICE AND BUSINESS USES)

(STT Resolution, effective April 3, 2008)

Sec. 95 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "O" Residence District with Subservient Office and Business Uses. Any references in the Zoning Resolution to "O" Office District, "O" District or "O" Residence District or equivalents thereof shall hereinafter be read to mean "O" Residence District (with Subservient Office and Business Uses).

Sec. 96 **Use Regulations:** A building or premises may be used as for any of the following purposes or uses similar in character as determined by the Zoning Commission:

Sec. 96.1 The "O" Residence District shall be an area zoned for residential use in a residential zoning classification with primary uses devoted to residential dwelling units, such as:

1. Single and two family dwellings;
2. Multiple Dwellings.

Sec. 96.2 Also permitted within the "O" Residence District are establishments engaged primarily in sales and services directed to individuals and families, such as:

1. Agriculture, on lots as provided in Section 53, provided any buildings, structures, exterior storage, refuse, or supplies shall be at least sixty (60) feet from every property line of adjacent parcels in Residence or Office Districts and further provided that the specific agricultural uses listed in this Article shall comply with specific standards for such uses;

2. Boarding and lodging houses;

3. Cemeteries, including mausoleums, provided that any mausoleum shall be at lease one hundred (100) feet from every property line and provided further that any new cemetery shall contain an area of twenty (20) acres or more;

4. Church, Sunday School and other places of worship;

5. Clubs;

6. Community fire house;

7. Country clubs, swimming and tennis clubs; provided that any structures, except fences, and any parking areas necessary to the operation shall be at least one hundred (100) feet from every property line;

8. Fraternities, sororities, dormitories and lodges, except those the chief activity of which is a service customarily carried on as a business;

9. Funeral homes, including the display or storage of incidental commodities, provided that the gross floor area devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by the principal use.

10. Golf course, except miniature courses and practice driving tees; including such buildings and uses necessary for its operation except those the chief activity of which is a service customarily carried on as a business provided the site on which the course is located shall contain at least fifty (50) acres;

11. Greenhouses, on lots as provided in Section 53, provided any exterior storage or refuse or supplies and the heating plant shall be at least one hundred (100) feet from every property line of adjacent parcels in Residence Districts;

12. Hospitals and institutions of an educational, religious, charitable, philanthropic nature provided the site upon which such uses are located shall contain at least five (5) acres and such buildings shall not occupy over 10 percent (10%) of the total area of the site;

13. Hotels and motels, including a restaurant that is subordinate and incidental to the hotel or motel, and provided further that the floor of the restaurant does not exceed twenty-five percent (25%) of the floor area of the hotel or motel;

14. Office buildings devoted exclusively to professional services, banking and other similar financial services, the management of commercial, industrial, religious and public institutions. The uses permitted by this subordinate section shall not include the manufacture or sale of commodities, unless such sale is incidental and subsidiary to the principal service rendered, but may include the display or storage of commodities incidental to the principal use, provided that the gross floor area of any one tenant or occupant devoted to such display or storage shall not exceed ten percent (10%) of the total floor area occupied by such tenant or occupant, and provided further that no display or commodities shall be visible from the exterior of the building;

15. Public and private forests and wild life reservations or similar conservation projects, including the usual buildings therefor;

16. Publicly owned or operated properties including parks, playgrounds and community centers;

17. Rest homes, convalescent homes, day care centers, nursery schools, prekindergarten, kindergarten, or similar private schools;, located on a site not less than one (1) acre;

18. Restaurants, pharmacies and other accessory services subordinate and incidental to the principal uses permitted by Section 96.2(13), when conducted and entered only from within the principal building, and where there is no display or advertising pertaining to such accessory service visible from the exterior of the building;

19. Schools, public and private, having a curriculum equivalent to that ordinarily given in public elementary and high schools.

20. Signs as defined in Article XXXI;

21. Storage garages and other accessory buildings devoted to uses customarily incident to the use of the principal building, when located on the same lot as the principal building and not involving the sale, display or storage of commodities;

22. Studios for the broadcasting of radio, facsimile and television, including rooms, spaces and aerials incidental to the operation of such studios;

23. Telecommunications tower provided for in Ohio Revised Code §519.211, provided however, if such tower is located within a 100 foot radius of any Residential Dwelling, then installation of said tower shall be in accordance in Sections 54, 54.1, Article XXXV and Section 393 of the Symmes Township Zoning Resolution and the Ohio Revised Code Section 519.211. For the purposes of this subsection, a Residential Dwelling means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence; and

24. Veterinary facilities without outside runs.

Sec. 97 **Height Regulations:** No building shall exceed three (3) stories or forty-five (45) feet in height, except as hereinafter provided in Article XVII.

Sec. 98 **Area Regulations:**

Sec. 98.1 **Front Yard**: There shall be a front yard having a depth of not less than thirty (30) feet.

Sec. 98.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures.

Sec. 98.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot.

Sec. 98.2 **Side Yard:**

Sec. 98.2-1 There shall be a side yard having a depth of not less than five (5) feet.

Sec. 98.3 **Rear Yard:**

Sec. 98.3-1 There shall be a side yard having a depth of not less than thirty (30) feet.

Sec. 98.4 **Intensity of Use:**

Sec. 98.4-1 Every lot or tract on which there is erected a single-family dwelling, shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet.

Sec. 98.4-2 Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet a the building line and an area of not less than four thousand three hundred fifty-six (4,356) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments.

Every lot on which there is erected a building for any other use permitted in the “O” Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.

Sec. 98.4-3 Where a lot or tract of land has less width or area than herein required and was on record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article.

Sec. 98.5 **Transition Regulations.** The following regulations shall apply to uses other than single family detached homes and multi-family homes located in the "O" Residence District when constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses:

Sec. 98.5-1 The minimum setback for buildings shall be forty (40) feet for front yards, twenty-five (25) feet for side yards, and forty (40) feet for rear yards.

Sec. 98.5-2 The minimum setback for parking areas shall be twenty (20) feet for rear yards and twenty (20) feet for side yards.

Sec. 98.5-3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 98.5-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 98.5-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 98.6 No text for this Section

Sec. 98.7 No text for this Section

Sec. 98.8 No text for this Section

Sec. 98.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "O" Residence District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE IX-B
"MHP" MOBILE HOME PARK DISTRICT REGULATIONS

Sec. 99 The regulations set forth in this Article, or set forth elsewhere in this Resolution when referred to in this Article, are the district regulations in the "MHP" Mobile Home Park District. It is the purpose of this district to provide sites for mobile homes at appropriate locations in relation to the existing and potential development of their surroundings and in relation to other uses and community facilities to afford a proper setting for such uses and proper relation to other land uses and the comprehensive plan.

Sec. 99.1 **Use Regulations:** Land or premises within the "MHP" Mobile Home Park District shall be used only for mobile homes and accessory buildings and uses customarily incident thereto.

Sec. 99.2 **Procedure:** The owner or owners of a tract of land (except land situated within the"FPM" Flood Plain Management Overlay District) comprising not less than ten (10) acres may submit a plan for the use and development of the tract of land for a mobile home park as provided herein. Such plan for development of the area shall be filed with the Symmes Township Zoning Commission and shall be referred to the Hamilton County Regional Planning Commission for study and report. The Regional Planning Commission shall recommend the approval or denial of the plan or approval of some modifications thereof and submit the plan, together with a report stating its findings and recommendations to the Symmes Township Zoning Commission for public hearing and recommendation thereon to the Board of Symmes Township Trustees for final public hearing and determination. If the report of the Regional Planning Commission recommends approval of the plan, it shall state the reasons for approval and shall include specific evidence and facts showing that the proposed mobile home park meets the following requirements.

Sec. 99.3 **General Requirements:** Each mobile home park shall comply with the rules of the Ohio Department of Health, Public Health Council, Mobile Home Parks, Chapter 3701-27, inclusive, and with Sections 3733.01 to 3733.20, inclusive, of the Ohio Revised Code, and other requirements imposed by the Hamilton County General Health District, and any others required by law, in addition to the provisions of Article IX-B of this Resolution.

Sec. 99.4 **Design Requirements:**

1, The location and planning of the mobile home site and the amount, arrangement and treatment of open space shall be designed to ensure a satisfactory living environment and shall be carried out in consideration of property adjacent to the area included in the plan and insure that such adjacent property will not be adversely affected.

To this end there shall be established and maintained an open space landscaped buffer within the mobile home park along its exterior boundaries. This buffer shall not be less than forty (40) feet or the required front yard, whichever is greater, along the front lot line, or less than fifty (50) feet along any other line, except that where topography or other physical features of the tract of its relation to surrounding property may make complete compliance with the buffer requirements, as prescribed herein, unnecessary or undesirable, the Symmes Township Zoning Commission may consider the recommendation of the Regional Planning Commission, may modify such requirements to the extent warranted by such physical conditions, provided the surrounding property

and the public welfare are adequately protected, and areas not used for access, parking circulation, building and service shall be completely and permanently landscaped and the entire site maintained in good condition. The buffer required herein shall be maintained as open space and landscaping in its entirety, and no areas used for access, parking, circulation, building or service or other accessories of the mobile home park shall be located within any part of such buffer. Recommendations of the Regional Planning Commission are subject to the approval of the Symmes Township Zoning Commission.

2. The number of mobile homes shall not exceed seven (7) such units per net usable acre of the site. The net usable acreage shall be deemed to be the total area of the site, excluding any public street right-of-way and excluding the open space buffer required in Section 99.4(1).

3. All mobile homes, accessory buildings and uses, including the recreation areas required herein, shall be located within the area determined and defined as the net usable area.

4. Permitted accessory buildings and uses shall include management offices, laundry facilities, recreation areas and, where specifically approved as a part of the park plan, other recreation facilities and the sale of convenience goods and services exclusively for and to occupants of the mobile home park.

5. Every mobile home park shall provide one or more recreation areas easily accessible to all residents of the park. The aggregate size of such areas shall be not less than one hundred (100) square feet for each lot, and no individual recreation areas shall be less than three thousand (3000) square feet. Such recreation areas shall be graded and arranged and provided with appropriate equipment for full recreational use of the area. No such recreation area shall be located in any part of the buffer.

6. Each mobile home park shall abut and have access to a public street, and each mobile home lot shall have direct access to the private internal road system, either by direct frontage or by means of a ten (10) foot, hard surfaced driveway. Such internal road system shall be constructed to provide a permanent pavement of at least twenty-six (26) feet, including curbs and gutters. Off-street parking spaces shall be provided in the ratio of two (2) spaces for each mobile home lot; such spaces shall be within two hundred (200) feet from the mobile home or homes served. No parking space shall be located within any part of the buffer.

7. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated, and all mobile home stands shall be connected by walks to the common walk system, to the parking spaces to the paved streets and to all service buildings.

8. Each mobile home stand shall be equipped with a concrete slab or with concrete ribbons of adequate thickness and size to support the mobile home load during all seasons. Where concrete ribbons are used, the area between such ribbons shall be filled with crushed rock.

9. Each mobile home park shall be adequately lighted for safety at night, all such lights shall be so located and shielded to prevent direct illumination of any area outside the park.

10. Each mobile home park shall be provided with public water supply and a water distribution system installed in accordance with County specifications. Where a public sanitary sewer is reasonably accessible, the park shall be provided with sanitary sewerage connected thereto, including a lateral connection to each mobile home lot, subject to the review and approval of the Metropolitan Sewer District, the Hamilton County General Health District and the State Department of Health. Where a public sanitary sewer is not available and not reasonably accessible in the combined judgment of the Regional Planning Commission and the Metropolitan Sewer District, an alternate means of sewage disposal, such as a community sewage treatment plan may be considered, subject to review and approval of officials having jurisdiction. An individual sewage disposal system shall not be permitted.

    Each park shall be graded and drained to prevent the standing of storm water and the method of drainage, including treatment of both paved and unpaved areas shall be subject to approval of the Hamilton County Public Works. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 99.5 **Additional Requirements:** In addition to the foregoing, the Symmes Township Zoning Commission may impose such other conditions, requirements or limitations concerning the design, development and operation of such mobile home park as it may deem necessary for the protection of adjacent properties and the public interest. The Symmes Township Zoning Commission may consider the recommendation of the Regional Planning Commission.

Sec. 99.6 **Enlargement:** Any enlargement or extension of an existing mobile home park shall be treated as if it were a new establishment and shall be subject to the provisions of Section 99.2 and the other provisions of this Article. No enlargement or extension of a mobile home park shall be permitted unless the existing park is made to conform substantially with all the requirements for new construction of such establishment.

ARTICLE X
"E" RESIDENCE DISTRICT (WITH SUBSERVIENT RETAIL) REGULATIONS

(STT Resolution Z-0801, effective April 3, 2008)

Sec. 101 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "E" Residence District with Subservient Retail. Any references in the Zoning Resolution to "E" Retail Business District, "E" Retail or "E" Residence District equivalents thereof shall hereinafter be read to mean "E" Residence District (with Subservient Retail).

Sec. 102 **Use Regulations:** A building or premises may be used as for any of the following purposes or uses similar in character as determined by the Zoning Commission:

Sec. 102.1 The "E" Residence District shall be an area zoned for residential use in a residential zoning classification with primary uses devoted to residential dwelling units, such as

1. Single family dwelling;
2. Two family dwelling;
3. Multiple family dwelling;
4. Attached condominium and townhouse;
5. Boarding house;
6. Dormitory, fraternity or sorority house; and
7. Nursing, convalescent, and continuing care home or facility.

Sec. 102.2 Also permitted within the "E" Residence District are consumer type establishments engaged primarily in retail sales directed to individuals and families, such as:

1. Food store, including grocery and convenience store;
2. Drug store;
3. Book and stationery store;
4. Apparel store;
5. Florist shop;
6. Antique store;
7. Sporting goods store;
8. Jewelry store;
9. Optical goods store;
10. Furniture, home furnishings and office equipment and office supply store;
11. Beverage, including liquor;
12. Restaurant, including drive-thru facilities;
13. Funeral Home;
14. Monument sales and display;
15. Drive-thru commercial facilities, i.e. beverage;
16. Silk-screening;
17. Sale of swimming pools and accessories;
18. Graphic and printing stores;
19. Videos, sales and repairs;
20. Sale of pet and pet supplies;
21. Carpet store;
22. Collectibles store;
23. Motel and hotel;
24. Ceramic and ceramic supplies
25. Private mailbox store;
26. Technical sales and supply;
27. Bed and breakfast;

28. Art gallery and framing;
29. Building and home improvement material sales;
30. Convenience store with gas pumps;
31. Shopping center; and
32. Vehicle sales and service.

Sec. 102.3 Also permitted within the "E" Residence District are establishments engaged primarily in providing products and services sales to individuals and families in the fields of finance, insurance and real estate, such as:

1. Bank, including drive-thru;
2. Credit agency other than banks;
3. Investment firm and company; and
4. Real estate and insurance company.

Sec. 102.4 Also permitted within the "E" Residence District are establishments engaged in providing a variety of services to individuals and families, such as:

1. Personal services such as barber and beauty shops, shoe repair shop, laundry and dry cleaning;
2. Miscellaneous business services such as advertising, news syndicates and employment services;
3. Medical and dental office buildings and out-patient clinic;
4. Engineering and architectural services;
5. Legal services;
6. Accounting, auditing and bookkeeping services;
7. Libraries and museums;
8. Indoor recreation facilities, including bowling alleys, tennis clubs and racquetball courts and similar indoor recreational facilities;
9. Printing, blueprinting, newspaper printing, telegraph services;
10. Indoor movie establishment and theatrical playhouse;
11. Outdoor recreation establishment including batting cages, driving ranges and miniature golf facilities;
12. Car wash; and
13. Telecommunication tower provided for in Ohio Revised Code §519.211, provided however, if such tower is located within a hundred (100) foot radius of any Residential Dwelling, then installation of said tower shall be in accordance in Sections 54, 54.1, Article XXXV and Section 393 of the Symmes Township Zoning Resolution and the Ohio Revised Code Section 519.211. For the purposes of this subsection, a Residential Dwelling means a building used or intended to be used as a personal residence by the owner, part-time owner, or lessee of the building, or any person authorized by such a person to use the building as a personal residence.

Sec. 102.5 Signs as defined in Article XXXI

Sec. 103 **Height Regulations.** No building shall exceed two (2) stories or thirty (30) feet in height, except as hereinafter provided in Article XVII.

Sec. 104 **Area Regulations:**

Sec. 104.1 **Front Yard:** There shall be a front yard having a depth of not less than fifty (50) feet. Parking areas shall be set back at least twenty (20) feet from the front lot line.

Sec. 104.2 **Side Yard:** The side yard regulations for dwellings not exceeding two and one-half (2 ½) stories in height shall have a width of not less than five (5) feet.

Sec. 104.2-1 In all other cases, a side yard is not required except on the side of a lot adjoining Residence Districts, in which cases there shall be a side yard as set forth in Section 105, Transition Regulations.

Sec. 104.3 **Rear Yard:** The rear yard regulations for dwellings shall be a depth of not less than thirty-five (35) feet. In all other cases, a rear yard of twenty (20) feet is required except where a lot abuts upon a Residence District, in which case there shall be a rear yard as set forth in Section 105, Transition Regulations.

Sec. 104.4 **Intensity of Use:**

Sec. 104.4-1 Every lot or tract of land on which there is erected a single-family dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than five thousand (5,000) square feet.

Sec. 104.4-2 Every lot or tract of land on which there is erected a two-family dwelling or a multiple dwelling shall have a minimum width of fifty (50) feet at the building line and an area of not less than four thousand three hundred fifty-six (4,356) square feet per family, except that the area regulation shall not apply to dormitories, fraternities or sororities where no cooking is done in individual rooms or apartments. Every lot on which there is erected a building for any other use permitted in the "E" Residence District shall have a minimum width of sixty (60) feet and a minimum area of ten thousand (10,000) square feet.

Sec. 104.4-3 Where a lot or tract of land has less width or area than herein required and was of record on the effective date of this Resolution, that lot or tract of land may be used only for single-family dwelling purposes, or for any other non-dwelling use permitted in this Article. The intensity of use regulations are the same as those in the "E" Residence District.

Sec. 105 **Transition Regulations.** The following regulations shall apply to uses other than single family detached homes and multi-family homes located in the "E" Residence District when constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses:

Sec. 105.1 The minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 105.2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty-five (25) feet for side yards.

Sec. 105.3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 105.4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 105.5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 106 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "E" Residence District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XI
"F" LIGHT INDUSTRIAL DISTRICT REGULATIONS

Sec. 111 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "F" Light Industrial District.

Sec. 112 **Use Regulations:** A building or premises shall be used only for the following purposes.

Sec. 112.1 Any use permitted in the "F" Light Industrial District and without restriction as to the number of employees on the premises except that a dwelling shall not be permitted other than for living quarters of watchmen or operators whose continual presence is necessary on the premises, and a hospital, institution or other building for human care shall not be permitted under any conditions.

Sec. 112.2 No text for this Section.

Sec. 112.3 Building material sales or storage yard, lumber yard, contractor's equipment or storage yard or similar storage building or yard, when located one hundred (100) feet or more from a Residence District, but not including automobile wrecking or rag, paper, iron or other junk yard.

Sec. 112.4 Laboratory - experimental, film or testing.

Sec. 112.5 Manufacture (including processing, assembling, altering, fabricating, finishing, packaging or treatment of goods, materials and products) not involving operations which are obnoxious or offensive by reason of the emission of odor, dust, smoke, gas, fume, noise or vibration, and including the following:

(a) <u>Chemicals and Allied Products, such as:</u>
Cosmetics and toiletries
Ice
Ink (mixing only)
Insecticides, fungicides, disinfectants and related industrial and household compounds (blending only)
Perfumes and perfumed soap (compounding only)
Pharmaceutical products
Soap, power or soda (compounding only)

(b) <u>Food and Beverage Products, such as:</u>
Bakery products
Beverage, blending and bottling
Candy, salted nuts, chewing gum and other confections
Chocolate, cocoa and cocoa products
Coffee, tea and spices
Condensed and evaporated milk processing and canning
Creamery and dairy operations and products
Flour, feed and grain packaging, blending and storage, but not milling
Fruit and vegetable processing and canning
Glucose and dextrine
Ice Cream
Macaroni and noodle products
Malt products (except breweries)
Meat products (packing and processing but not slaughtering)
Oleomargarine (compounding and packaging only)

Yeast

(c) Metals and Metal Products and Appliances, such as:
Electrical and electronic appliances and devices, automobiles, trucks, trailers, motorcycles and bicycles - assembly only
Heating, ventilating, cooking and refrigeration supplies and appliances
Light metal products fabrication - not employing presses of over twenty (20) tons rated capacity and not including foundry products
Plating by electrolytic processes
Plumbing supplies
Sheet metal, tool, die, gauge and machine shops
Silverware and plated ware
Vitreous enameled products

(d) Textiles, Fibers and Bedding
Bedding (mattress, pillow and quilt)
Carpets and rugs
Hosiery mill
Knitting, weaving, printing, etc. of textiles and fibers
Yarn, threads and cordage

(e) Products from Previously Prepared Materials, such as:
Cellophane, cloth, cork, glass, leather, paper, plastics, precious or semi-precious metals or stones, textiles, etc.

(f) Wood and Paper Products
Baskets and hampers
Boxes and crates (fabrication)
Furniture
Pencils
Pulp goods, pressed or molded (including paper mache)
Veneering
Other wood products

(g) Miscellaneous Uses
Animal pound or animal, poultry and bird raising, when located at least two hundred (200) feet from a Residence District
Art needlework, hand weaving and tapestries
Blacksmith or horseshoeing shop
Cigar or cigarette manufacture
Circus grounds
Clay, stone or glass products
Custom orthopedic or medical appliances or medical, dental or drafting instruments
Laundry or dyeing and cleaning plant
Leather goods manufacture (but not tanning)
Motion picture production
Musical instruments
Novelties, including games and toys, rubber or metal stamps, and other small rubber products
Pottery and figurines, using previously pulverized clay and kilns fires with gas or electricity
Printing, publishing or engraving
Tire retreading and vulcanizing
Watches or clocks and clockwork operated devices

Sec. 112.6 Truck or transfer terminal, freight house, bus garage or repair shop provided no building, outside storage area, access drive, loading, unloading or parking area is located within one hundred (100) feet of a Residence District.

Sec. 112.7 Wholesale or distributing establishment or warehouse, or a wholesale market.

Sec. 112.8 Any other use of similar character which is not objectionable by reason of emission of odor, dust, smoke, gas, fumes, noise or vibration, or which is not specifically prohibited or regulated in Article XII.

Sec. 112.9 Signs as defined in Article XXXI.

Sec. 113 **Height Regulations:** No building shall exceed two (2) stories or thirty (30) feet in height, except as hereinafter provided in Article XVII, and where a building is located on a lot abutting or adjoining a Residence District, or a publicly owned area, other than an alley or street, it shall conform to the requirements set forth in Section 115, Transition Regulations.

Sec. 114 **Area Regulations:**

Sec. 114.1 **Front Yard:**

Sec. 114.1-1 There shall be a required front yard having a depth of not less than fifty (50) feet, which front yard shall be landscaped and properly maintained

Sec. 114.1-2 Where a lot is located at the intersection of two (2) or more streets, the front yard requirements of Section 114.1-1 shall apply to each street side of the corner lot No accessory building shall project beyond the front yard line on either street.

Sec. 114.2 **Side Yard:**

Sec. 114.2-1 A side yard of twenty (20) feet is required, except where the "F" Light Industrial District abuts a Residence District. Such required side yard shall conform to the requirements of Section 115, Transition Regulations, and shall be landscaped and properly maintained, exclusive of any driveway or parking area.

Sec. 114.3 **Rear Yard:**

Sec. 114.3-1 A rear yard of thirty (30) feet is required except where the "F" Light Industrial District abuts a Residence District. Such required rear yard shall be the same as that required in Section 115, Transition Regulations, and shall be landscaped and properly maintained, exclusive of any driveway or parking area.

Sec. 115 **Transition Regulations**. The following regulations shall apply to "F" Light Industrial District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 115.1 The minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 115.2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty-five (25) feet for side yards.

Sec. 115.3 The maximum height of buildings shall be one story or fifteen (15) feet, unless it is set back one (1) foot from all required yard lines for each two (2) feet of additional height above fifteen (15) feet.

Sec. 115.4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 115.5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 116 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "F" Light Industrial District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

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ARTICLE XII
"G" HEAVY INDUSTRIAL DISTRICT REGULATIONS

Sec. 121 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "G" Heavy Industrial District.

Sec. 122 **Use Regulations:** A building or premises may be used for any purpose except the following:

sec. 122.1 Uses in conflict with any resolution of Symmes Township, Hamilton County or law of the State of Ohio regulating nuisances.

Sec. 122.2 Dwellings expect those for watchman or operators whose continual presence is necessary on the premises, and those on farms of three (3) acres or more.

Sec. 122.2-1 Mobile homes as defined in Section 31.3-140 of this Resolution. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 122.3 No Zoning Certificate shall be issued for any of the following uses until and unless the location of such use shall have been authorized by the Board of Zoning Appeals in the manner provided in Article XVIII.

Sec. 122.3-1 Abattoirs and slaughter houses or stock yards.

Sec. 122.3-2 Acid manufacture or wholesale storage.

Sec. 122.3-3 Cement, lime, gypsum or plaster of paris manufacture.

Sec. 122.3-4 Distillation of bones.

Sec. 122.3-5 Explosive manufacture or storage.

Sec. 122.3-6 Fat rendering.

Sec. 122.3-7 Fertilizer manufacture.

Sec. 122.3-8 Garbage, offal or dead animal reduction or dumping.

Sec. 122.3-9 Gas manufacture.

Sec. 122.3-10 Glue manufacture.

Sec. 122.3-11 Petroleum or petroleum products refining.

Sec. 122.3-12 Smelting or reduction of ores or metallurgical products.

Sec. 122.4 The best practical means known for the abatement of obnoxious or offensive odor, dust, smoke, gas, noise or similar nuisance, shall be employed for uses generating, creating or causing such effects.

Sec. 122.5 Signs as defined in Article XXXI.

Sec. 123 **Height Regulations:** No building shall exceed two (2) stories or thirty (30) feet in height, except as hereinafter provided in Article XVII, and where a building is located on

a lot abutting or adjoining a Residence District, or a publicly owned area, other than an alley or street, it shall conform to the requirements set forth in Section 124.4, Transition Regulations.

Sec. 124 **Area Regulations:**

Sec. 124.1 **Front Yard:**

Sec. 124.1-1 There shall be a required front yard having a depth of not less than fifty (50) feet, which front yard shall be landscaped and properly maintained.

Sec. 124.1-2 Where a lot is located at the intersection of two (2) or more streets, the front yard requirements of Section 124.1-1 shall apply to each street side of the corner lot. No accessory building shall project beyond the front yard line on either street.

Sec. 124.2 **Side Yard:**

Sec. 124.2-1 A side yard of twenty (20) feet is required, except where the "G" Heavy Industrial District abuts a Residence District. Such required side yard shall conform to the requirements of Section 124.4, Transition Regulations, and shall be landscaped and properly maintained, exclusive of any driveway or parking area.

Sec. 124.3 **Rear Yard:**

Sec. 124.3-1 A rear yard of thirty (30) feet is required except where the "G" Heavy Industrial District abuts a Residence District. Such required rear yard shall be the same as that required in. Section 125, Transition Regulations, and shall be landscaped and properly maintained, exclusive of any driveway or parking area.

Sec. 124.4 **Transition Regulations**. The following regulations shall apply to "G" Heavy Industrial District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 124.4-1 The minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 124.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty-five (25) feet for side yards.

Sec. 124.4-3 The maximum height of buildings shall be one story or fifteen (15) feet.

Sec. 124.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties..

Sec. 124.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 124.5 - 124.8 No text for these Sections.

Sec. 124.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the “G” Heavy Industrial District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XII-A
"EF" EXCAVATION AND LANDFILL DISTRICT

Sec. 125 In recognition of the deposits of sand, gravel and other minerals in Symmes Township, Hamilton County and the need therefor as well as the need for proper and sanitary disposal of solid wastes, the "EF" Excavation and Landfill District is hereby established. Such district shall be delineated and the operations therein controlled to permit extraction of the materials or the filling of the land in a manner compatible with and not adversely affecting other uses of land in the surrounding area.

Sec. 126 **Use Regulations:** Within the "EF" Excavation and Landfill Districts, a building or premises shall be used only for the following purposes:

1. Agriculture
2. Excavation of sand, gravel and other minerals
3. Disposal of solid waste
4. Location of temporary processing plant or equipment for the extracting, processing and stock piling of sand and gravel, which plant or equipment shall be removed within a period of four (4) months following cessation of the operation. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 127 **Required Conditions:** The following standards and conditions shall be complied with in the extraction of sand, gravel and other minerals and in disposal of solid wastes in the "EF" Excavation and Landfill District.

1. All equipment used in the operation shall be placed and operated in a manner to minimized noise, vibration and dust. All access ways or roads within the premises shall be maintained in a dust-free condition through surfacing or such other treatment as may be necessary.

2. No excavation of gravel or sand or other materials shall be permitted nearer than fifty (50) feet to the boundary of the "EF" Excavation and Landfill District, and the operation shall be screened by the mounding of the removed topsoil and other overburden around the extraction area to hide objectionable views from adjacent roads and other properties and to deflect and reduce the noise. The location and height of such screening shall be shown on the plans for the operation and restoration of the area submitted for review by the Symmes Township Zoning Commission and Ohio Department of Natural Resources.

3. In order to insure adequate lateral support, all sand and gravel excavations shall be located at least fifty (50) feet and backfilled to at least one hundred (100) feet from the right-of-way line of any existing or platted street, road, highway or railway, except that such excavation may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road or highway where officially approved by the Hamilton County Engineer.

4. No excavation of sand and gravel shall be made from the banks or beds of the Little Miami River. No excavation shall be made from the banks or beds of any other major stream, unless approved by the Hamilton County Engineer and, where appropriate, by the Miami Conservancy District or the U.S. Corps of Engineers, with the finding that such excavation will not impair the lateral support needed for permanent stream levees.

5. All excavations of gravel or sand shall either be made to a depth of at least five (5) feet below the water-producing depth or shall be graded or backfilled with non-noxious and non-inflammable solids to assure (a) that the excavated area will not collect and retain stagnant water or (b) that the graded or backfilled surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area. The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than three (3) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6") inches of suitable soil and seeded with grass. Soil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes or grasses where re-vegetation is possible. Where flood water exists, soil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded and seeded as herein prescribed.

6. All sanitary landfills shall be in accordance with the provisions of the Ohio Sanitary Code and shall be subject to approval of the Ohio Environmental Protection Agency and the Hamilton County General Health District. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 128 **Restoration Requirements:** In order to avoid the creation of unusable land after the excavation or landfill operation is completed, to permit, instead, continued use of the land for a purpose in keeping with the Township's overall land use plan, to avoid health and safety hazards from open pits, stagnant water and other adverse land features, and to prevent the depreciation of other property and property values, a plan shall be prepared for reclamation of the area, as required by Chapter 1514 of the Ohio Revised Code and submitted to the Symmes Township Zoning Commission. Such plan shall include a statement of intended future uses of the area in keeping with the aforesaid Township Land Use Plan and shall show the approximate sequence in which the excavation or landfill and reclamation measures are to occur, the approximate timing of the reclamation of the various parts of the area and the measures to be undertaken to prepare the site adequately for its intended future use or uses in keeping with the Land Use Plan and to comply with all the other mining and reclamation requirements of Chapter 1514 of the Ohio Revised Code.

Sec. 129 Before the beginning of any operation in the "EF" Excavation and Landfill District, the plan for restoration of the area shall be reviewed and approved by the Symmes Township Zoning Commission and in the case of a sanitary landfill, such plan shall likewise be reviewed and approved by the Hamilton County General Health District. Such approval by the Symmes Township Zoning Commission and/or the County Sanitary Engineer is in addition to the approval required by the Ohio Department of Natural Resources, Division of Reclamation, with respect to surface mining and the Ohio Environmental Protection Agency with respect to sanitary landfills. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 130 **Additional Requirements:** In addition to the requirements set forth in this article, uses permitted in the "EF" Excavation and Landfill District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII. (STT Res. Z9705 eff. Dec. 4, 1997)

ARTICLE XIII
"H" RIVERFRONT DISTRICT REGULATIONS

Sec. 131 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district Regulations for the "H" Riverfront District.

Sec. 132 **Use Regulations**

Sec. 132.1 The following uses are permitted within the "H" Riverfront District.

Sec. 132.2 **Floodway:** The following uses shall be allowed within the Floodway area of the "H" Riverfront District.

Sec. 132.2-1 Agriculture

Sec. 132.2-2 Loading area, parking areas, and airport landing strips.

Sec. 132.2-3 Marina facilities limited to harbors, launching ramps, and fuel dispensing facilities.

Sec. 132.2-4 Recreation areas including but not limited to driving ranges, fee golf courses, boat docks, fishing lakes, sale of bait and the rent or leasing of recreational equipment provided any building (as permitted in Section 132.4) or illuminated areas will be at least two hundred (200) feet from any Residence District.

Sec. 132.3 **Floodway Fringe:** The following uses shall be allowed within the Floodway Fringe area of the Base Flood Plain and other areas of the "H" Riverfront District, outside of the floodway.

Sec. 132.3-1 Agriculture

Sec. 132.3-2 No text for this Section.

Sec. 132.3-3S ingle family dwellings, but not including mobile homes as defined in Section 31.3-140. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 132.3-4 Extraction of sand, gravel, and other materials, provided such use complied in full with the requirements of Article XII-A, "EF" Excavation and Landfill District.

Sec. 132.3-5 Loading area, parking areas, and airport landing strips.

Sec. 132.3-6 Marina facilities, including those allowed by Section 132.2-3 of this Resolution, structures for the operation, sale, and/or rental of watercraft and accessories, and incidental repair, storage and maintenance of boats. Any bar, restaurant, or cocktail lounge, is permitted if incident to a permitted marina facility.

Sec. 132.3-7 Manufacturing and processing, on land adjoining (either contiguous or separated by a street right-of-way not exceeding eighty (80) feet in width) an Industrial District, subject however, to the regulations of the adjoining Industrial District and provided the use is located not more than five hundred (500) feet from the boundary of the adjoining Industrial District and no closer than two hundred (200) feet to any Residence District.

Sec. 132.3-8 Recreation areas including but not limited to driving ranges, golf courses, boat docks, fishing lakes, sale of bait and the rent or leasing of recreational equipment provided any

building (as permitted in Section 132.4) or illuminated areas will be at least two hundred (200) feet from any Residence District.

Sec. 132.3-9 River terminals, including conveyors, barge loading and unloading facilities, enclosed storage, and allied material storage facilities which comply with the provisions of Section 132.3-11 of this Resolution.

Sec. 132.3-10 Signs as defined in Article XXXI.

Sec. 132.3-11 Storage of equipment, machinery, and materials heavier than water, but not including solid waste material or garbage. The site for such uses shall be located within three hundred (300) feet of major collector street as defined in Section 31.3-208 of this Resolution. No building for such uses or outside storage areas shall be closer than two hundred (200) feet to any Residence District. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 132.3-12 Summer camp, campgrounds, and cabin groups which provide central management and control to assure seasonal occupancy only between April 1 and October 31; provided that in the case of campgrounds the site shall be not less than ten (10) acres.

Sec. 132.4 Accessory structures and accessory uses to any use permitted within the "H" Riverfront District, provided that in the case of structures, they:

i) occupy less than five hundred seventy-six (576) square feet of ground area; and

ii) meet all provisions of this Article and Article XVII-A.

Sec. 133 **Height Regulations:** No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, except as hereinafter provided, or as provided in Section 171.3 of this Resolution. In the case of uses or structures permitted by Section 132.3-7 of this Article, two (2) feet of additional setback shall be required from all streets or property lines for each one (1) foot of additional height. In no case shall any uses or structures permitted by Section 132.3-7 of this Article be greater than forty-five (45) feet in height, as measured from grade as defined in Section 31.3-90 of this Resolution. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 134 **Area Regulations:**

Sec. 134.1 **Front Yard:**

Sec. 134.1-1 There shall be a front yard having a depth of not less than fifty (50) feet, provided, however, no alignment or setback or front yard depth shall be required to exceed the average of the minimum depth of the existing front yards on the lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

Sec. 134.1-2 Rear yard requirements for buildings on double frontage lots may be waived if an open space is provided equivalent to the required front yard of the district. Such open space shall run parallel with the secondary right-of-way and shall contain no accessory structures. (STT Res. Z9902, eff. June 3, 1999)

Sec. 134.1-3 Where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot, except that the buildable width of a lot or record shall not be reduced to less than forty (40) feet. No accessory building shall project beyond the front yard line on either street.

Sec. 134.2 **Side Yard:** Except as hereinafter provided in Article XVII, there shall be a side yard on each side of a building which yard shall have a width of not less than fifteen (15) feet.

Sec. 134.3 **Rear Yard:** Except as hereinafter provided in Article XVII, there shall be a rear yard having a depth of not less than thirty-five (35) feet.

Sec. 134.4 **Intensity of Use:** Except as hereinafter provided in Article XVII, every lot or tract of land shall have a minimum width of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet.

Sec. 134.5 **Transition Regulations:** The following regulations shall apply to "H" District non-residence uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D", or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 134.5-1 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty-five (25) feet for side yards. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 134.5-3 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 134.5-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 134.6 No text for this Section.

Sec. 134.7 No text for this Section.

Sec. 134.8 No text for this Section.

Sec. 134.9 **Additional Requirements.** In addition to the requirements set forth in this Article, uses permitted in the "H" Riverfront District shall conform to other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII. (STT Res. Z9705 eff. Dec. 4, 1997)

ARTICLE XIII-A
"DD" PLANNED MULTIPLE RESIDENCE DISTRICT REGULATIONS

Sec. 135 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "DD" Planned Multiple Residence District. It is the purpose of this district to provide sites for the uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

Sec. 135.1 **Use Regulations:** Any use permitted in the "D" Residence District may be permitted in the "DD" Planned Multiple Residence District provided, however, that the district shall be laid out and developed as a unit according to an approved development plan as defined in Sec. 31.3-55, in order that the specific use or uses may be properly integrated with the surrounding area, and provided further, that a service establishment such as a restaurant, a bar, barber shop, beauty shop, and the like, principally serving the residents and having no entrance except from within the building may be permitted after review by the Symmes Township Zoning Commission, which shall consider the recommendation of the Regional Planning Commission, and found to be warranted by the size of the development. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 135.2 **Procedure:** The owner or owners of a tract of land comprising an area of two (2) acres or more or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in this Article. The development plan shall show the details defined in Section 31.3-55 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof. (STT Res. Z9705 eff. Dec. 4, 1997)

Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 135.3 **Height and Area Requirements:**

1. No building shall exceed two and one-half (2½) stories or thirty-five (35) feet in height.

2. No building shall be closer than forty (40) feet to any front or rear lot line, or closer than twenty-five (25) feet to any side lot line.

3. The lot area per apartment shall not be less than four thousand three hundred fifty-six (4,356) square feet.

4. In case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements as prescribed in this Section, unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The Symmes Township

Zoning Commission shall consider the recommendation of the Regional Planning Commission at its public hearing.

Sec. 135.4 **Transition Regulations**. The following regulations shall apply to "DD" Planned Multiple Residence District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", or "D" Residence Districts or residential use, in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 135.4-1 The minimum setback for buildings shall be forty (40) feet for front yards, twenty-five (25) feet for side yards, and forty (40) feet for rear yards.

Sec. 135.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty (20) feet for side yards.

Sec. 135.4-3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 135.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 135.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 135.5 **Parking Requirements:** Off-street parking spaces shall be provided on the basis of at least one and one-half spaces for each efficiency apartment, or one-bedroom apartment and two spaces for each apartment of two bedrooms or more, and shall conform to the regulations as set forth in Article XIV.

Sec. 135.6 **General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that in the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the Symmes Township Zoning Commission specifically makes a finding that the development will be harmoniously related to the overall neighborhood.

2. In furthering this objective, the location and arrangement of buildings, parking structures and areas, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or access-ways shall be landscaped with grass, trees and shrubs or pedestrian walks.

3. In addition to the requirements set forth in Article XXXI, no signs or displays or advertising of merchandise and services offered in the shops shall be visible from outside the building.

4. Reasonable additional requirements as to landscaping, lighting, screening, accessways and building setbacks may be imposed by the Symmes Township Zoning Commission for the protection of adjacent property. The recommendations of the Regional Planning Commission which reference such additional requirements may be considered by the Symmes Township Zoning Commission.

Sec. 135.7 **Delay in Construction:** In the event that construction of the development in accordance with the approved plan is not begun within one year after the date of approval by the Trustees becomes effective, the plan shall no longer be valid, and no

permit shall be issued for the construction unless and until a new plan is submitted and approved by Symmes Township Zoning Commission and Trustees in the same manner as the previous plan; provided, however, that on recommendation of the Symmes Township Zoning Commission, the Trustees may extend the period of approval of the approved plan for one additional year without the submission of a new plan. In the event that construction is not begun as prescribed in this section, the application of the "DD" Planned Multiple Residence District to the property shall be void, and the zoning classification thereof shall revert to the district in which it was classified before the approved plan.

Sec. 135.8 **Violation of Plan:** The development plan approved in accordance with this Article and Article XIII-F shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with Article XIII-F, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Article XXVIII.

Sec. 135.9 **Additional** Requirements. In addition to the requirements set forth in this Section, uses permitted in the "DD" Planned Multiple Residence District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XIII-B
"OO" PLANNED RESIDENCE DISTRICT REGULATIONS
(With Subservient Office and Business Uses)

Sec. 136 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "OO" Planned Residence District. it is the purpose of this district to provide sites for the uses permitted herein at appropriate locations in relation to the existing and potential development of their surroundings to afford an attractive setting for such uses and to harmonize with the surroundings.

Sec. 136.1 **Use Regulations**: Any use permitted in the "O" Residence District may be permitted in the "OO" Planned Residence District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in Section 31.3-55, in order that the use may be properly integrated with the surrounding area. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 136.2 **Procedure:** The owner or owners of a tract of land comprising an area of two (2) acres or more, or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purpose of, and meeting the requirements set forth the in this Article. The development plan shall show the details defined in Section 31.3-55 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for harmonious relationship with the surrounding property and the protection thereof. (STT Res. Z9705 eff. Dec. 4, 1997)

Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 136.3 **Height and Area Requirements:**

1. No building shall exceed forty-five (45) feet in height.

2. No building shall be closer than forty (40) feet to any front or rear lot line, or closer than fifteen (15) feet to any side lot line.

3. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the yard requirements, as prescribed in this Section, unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The Symmes Township Zoning Commission shall consider the recommendation of the Regional Planning commission at its public hearing.

Sec. 136.4 **Transition Regulations**. The following regulations shall apply to "OO" Planned Residence District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D", or "DD" Residence District or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 136.4-1 The minimum setback for buildings shall be forty (40) feet for front yards, twenty-five (25) feet for side yards, and forty (40) feet for rear yards.

Sec. 136.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty (20) feet for side yards.

Sec. 136.4-3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 136.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 136.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 136.5 **Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV.

Sec. 136.6 **General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the Symmes Township Zoning Commission specifically makes a finding that the development will be properly integrated in the overall neighborhood.

2. In furthering this objective, the location and arrangement of buildings, parking structures and area, walks, lighting, and appurtenant facilities shall be adjusted to the surrounding land uses, and any part of the site not used for buildings or other structures, or for parking, loading or accessways shall be landscaped with grass, trees and shrubs or pedestrian walks.

3. Signs as set forth in Article XXXI.

4. Reasonable additional requirements as to landscaping, lighting, screening, accessways and building setbacks may be imposed by the Symmes Township Zoning Commission for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference additional requirements.

Sec. 136.7 **Violation of Plan:** The development plan approved in accordance with this Article and Article XIII-F shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with Article XIII-F shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Article XVIII.

Sec. 136.8 No text for this Section.

Sec. 136.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "OO" Planned Residence District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XIII-C
"EE" PLANNED RESIDENCE DISTRICT REGULATIONS
(With Subservient Retail)

Sec. 137 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "EE" Planned Residence District. It is the purpose of this district to provide sites for retail business uses at appropriate locations for service and in appropriate relation to their surrounding to afford an attractive setting in harmony with the environs.

Sec. 137.1 **Use Regulations:** Any use permitted in the "E" Residence District may be permitted in the "EE" Planned Residence District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in Sec. 31.3-55, in order to provide for business and retail shopping facilities properly integrated with the surrounding area and at appropriate locations for service. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 137.2 **Procedures:** The owner or owners of a tract of land comprising an area of three (3) acres or more, or adjoining a similarly or less restricted district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this Article. The development plan shall show the details defined in Sec. 31.3-55 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for harmonious relationship with the surrounding property and the protection thereof. (STT Res. Z9705 eff. Dec. 4, 1997)

Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 137.3 **Height and Area Requirements:**

1. No building shall exceed thirty (30) feet in height

2. No building shall be closer than fifty (50) feet to any street line. Parking areas shall be setback at least twenty (20) feet.

3. No building shall be closer than thirty (30) feet to any side property line.

4. No building shall be closer than fifty (50) feet to any rear property line.

5. The aggregate ground area occupied by all buildings shall not exceed twenty-five percent (25%) of the entire areas of the tract.

6. In a case where the topography or other physical features of the tract or its relation to surrounding property may make complete compliance with the requirements of this Section unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The Symmes Township Zoning Commission shall consider the recommendation of the Regional Planning Commission at its public hearing.

Sec. 137.4 **Transition Regulations**. The following regulations shall apply to "EE" Planned Residence District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D", or "DD" Residence District or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 137.4-1T he minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 137.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty (20) feet for side yards.

Sec. 137.4-3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 137.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 137.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 137.5 **Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV.

Sec. 137.6 **General Requirements:**

1. The size and location of the tract in relation to surrounding property shall be such that the proposed development, including landscaping and screening and other adjustments to the abutting land uses, can be made to harmonize with the neighborhood. The proposed plan shall not be approved unless the Symmes Township Zoning Commission specifically makes a finding that the development will be properly integrated in the overall neighborhood.

2. Adequate provision shall be made for traffic circulation into and out of the development, in addition to the provision for through traffic movements on the access street or streets, and to this end, the means of location of all ingress and egress and the provisions for traffic movement and circulation, including additional traffic lanes, where needed, shall be subjected to approval of the Hamilton County Engineer. The installation of additional lanes for deceleration or turning movements may be required, and traffic controls, as needed, may be imposed to provide for safe and efficient traffic circulation by and within the development.

3. Service drives or other areas shall be provided for off-street loading, in such a way that trucks will not block the passage of other vehicles or impede circulation on any other public or private drive or street.

4. All drives, parking areas, loading areas, and walks shall be paved with hard surface material meeting the approval of the Hamilton County Engineer.

5. The location and arrangement of building, parking areas, walks, accessways, lighting and appurtenant facilities shall be adjusted to the surrounding land uses, and no part of any area for parking shall be located within twenty (20) feet of any side line of a residential lot, either existing or to be created in the future. Any part of the area not used for building or other structures or for parking, loading or accessways, shall be landscaped with grass, trees and shrubs or pedestrian walks.

6. Signs as set forth in Article XXXI.

7. All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building shall be located at least one hundred (100) feet from all property lines within or adjacent to a Residence District and shall be screened from view.

8. Reasonable additional requirements as to landscaping, lighting, signing, screening, accessways and building set backs may be imposed by the Symmes Township Zoning Commission for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference additional requirements.

Sec. 137.7 **Violation of Plan:** The development plan approved in accordance with this Article and Article XIII-F shall be an integral part of the Zoning Resolution and any departure from this plan or modification thereof, except when specifically approved in accordance with Article XIII-F, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Article XXVIII.

Sec. 137.8 No text for this Section.

Sec. 137.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "EE" Planned Residence District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XIII-D
"FF" PLANNED LIGHT INDUSTRIAL DISTRICT REGULATIONS

Sec. 138 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "FF" Planned Light Industrial District. It is the purpose of this district to provide space at appropriate locations for types of business and industry free of conflict with their surroundings so as to provide more attractive locations for such uses and to afford opportunities for employment closer to residence with a corresponding reduction of travel time between home and work.

Sec. 138.1 **Use Regulations:** Any use permitted in the "F" Light Industrial District may be permitted in the "FF" Planned Light Industrial District, provided, however, that the district shall be laid out and developed as a unit according to an approved development plan for the specific use or uses, as defined in Section 31.3-55, in order that the use may be properly integrated with the surrounding area. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 138.2 **Procedure:** The owner or owners of a tract of land comprising an area of twenty (20) acres or more, or adjoining an existing Industrial District, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in, this Article. The development plan shall show the details defined in Section 31.3-55 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof. (STT Res. Z9705 eff. Dec. 4, 1997)

The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effect of the operations with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.

Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 138.3 **Height and Area Requirements:**

1. No building shall exceed thirty (30) feet in height.

2. No part of any building or structure shall be closer than fifty (50) feet to any front or rear boundary line of the tract,.

3. No part of any building or structure shall be closer than twenty (20) feet to any side lot line.

4. The aggregate ground area occupied by all buildings shall not exceed thirty-five percent (35%) of the entire area of the tract.

5. In a case where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property

and the public welfare are adequately protected. The Symmes Township Zoning Commission shall consider the recommendation of the Regional Planning Commission at its public hearing.

Sec. 138.4 **Transition Regulations**. The following regulations shall apply to "FF" Planned Light Industrial District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D, or "DD" Residence District or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 138.4-1 The minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 138.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty (20) feet for side yards.

Sec. 138.4-3 The maximum height of buildings shall be two stories or thirty (30) feet.

Sec. 138.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 138.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 138.5 **Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV.

Sec. 138.6 **General Requirements:** To accomplish the objectives of this district, the following requirements are prescribed:

1. **Traffic and Access:** In general, the development shall be related to major or secondary highways or to other industrial or business districts to avoid access over residential uses, and to this end no "FF" Planned Light Industrial District shall be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district.

2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading area and access drives thereto shall be located within fifty (50) feet of any Residence District, and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or accessways shall be landscaped with grass, trees and shrubs.

3. No open storage of materials or equipment shall be permitted on the tract.

4. No advertising signs shall be permitted other than those permitted in Article XXXII.

5. Provisions shall be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid waste concomitant with the development.

6. Reasonable additional requirements as to landscaping, lighting, screening, fencing, accessways and building setbacks may be imposed by the Symmes

Township Zoning Commission for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference such additional requirements.

Sec. 138.7 **Violation of Plan:** The development plan approved in accordance with this Article and Article XIII-F shall be integral part of the Zoning Resolution and any departure from this plan or any modification thereof except when specifically approved in accordance with Article XIII-F shall be a violation of said Zoning Resolution an shall be subject to the provisions and penalties prescribed therefor in Article XXVIII.

Sec. 138.8 No text for this Section.

Sec. 138.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "FF" Planned Light Industrial District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

ARTICLE XIII-E
"GG" PLANNED HEAVY INDUSTRIAL DISTRICT REGULATIONS

Sec. 139 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the district regulations in the "GG" Planned Heavy Industrial District. It is the purpose of this district to provide space at appropriate locations for uses and to afford opportunities for employment closer to residences with a corresponding reduction of travel time between home and work.

Sec. 139.1 **Use Regulations:** Any use, except mobile homes as defined in Sec. 31.3-140 of this Resolution, may be permitted not in conflict with any resolution of Symmes Township, Hamilton County or law of the State of Ohio regulating nuisances provided however, that the operation of the use shall be so controlled and the District so laid out and developed plan for the specific use or uses, as defined in Sec. 31.3-55, that the use may be properly integrated with the surrounding area. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 139.2 **Procedure:** The owner or owners of a tract of land comprising an area of forty (40) acres or more, or adjoining an existing industrial district, may submit a plan for the use and development of such tract for the purposes of, and meeting the requirements set forth in this Article. The development plan shall show the details defined in Sec. 31 in order to indicate the type and character of the proposed development and the treatment of the tract, including screening and landscaping, in relation to abutting land uses for a harmonious relationship with the surrounding property and the protection thereof.

The development plan shall be accompanied by a description of the proposed operations in sufficient detail to indicate the effects of the operation with respect to traffic congestion, noise, glare, air or water pollution, and fire or safety hazards.

Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 139.3 **Height and Area Requirements:**

1. No building shall exceed thirty (30) feet in height.

2. No part of any building or structure shall be closer than fifty (50) feet to any front or rear boundary line of the tract,.

3. No part of any building or structure shall be closer than twenty (20) feet to any side lot line.

4. The aggregate ground area occupied by all buildings shall not exceed forty percent (40%) of the entire area of the tract.

5. In a case where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the yard requirements, as prescribed in this section, unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected. The Symmes Township

Zoning Commission shall consider the recommendation of the Regional Planning Commission at its public hearing.

Sec. 139.4 **Transition Regulations**. The following regulations shall apply to "GG" Planned Heavy Industrial District uses located or constructed adjacent to or abutting any "A-A", "A", "A-2", "B", "B-2", "C", "D", or "DD" Residence Districts or residential use in order to provide a transition, screening and buffering between incompatible land uses: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 139.4-1 The minimum setback for buildings shall be fifty (50) feet for front yards, thirty (30) feet for side yards, and fifty (50) feet for rear yards.

Sec. 139.4-2 The minimum setback for parking areas shall be twenty (20) feet for front yards and twenty (20) feet for side yards.

Sec. 139.4-3 The maximum height of buildings shall be two (2) stories or thirty (30) feet.

Sec. 139.4-4 The maximum height of lighting structures shall be fifteen (15) feet and not permit light spillover to adjacent properties.

Sec. 139.4-5 Buffer yards and streetscape plantings shall be required as defined in Article XXXII.

Sec. 139.5 **Parking and Loading Requirements:** Off-street parking and loading spaces shall be provided in accordance with the requirements of Article XIV.

Sec. 139.6 **General Requirements:** To accomplish the objectives of this District, including avoidance of traffic and residence conflicts, the following requirements are prescribed:

1. The development shall be located in relation to major or secondary highways or to other industrial or business districts in a way to provide easy access to the use and to avoid the use of residential streets, and to this end, shall not be located where the main vehicular approach thereto is over a residential street (not a major or secondary highway) or through a residential district.

2. Ingress and egress to the development and the location and arrangement of buildings, parking areas, drives, walks, lighting and appurtenant facilities shall be adjusted to the surrounding land uses. No part of any parking and loading areas or access drives there to shall be located within fifty (50) feet of any Residence District, and no parking or loading area shall be closer than fifty (50) feet to any street line. All drives, parking areas, loading areas, and walks shall be paved with hard surface material, and any part of the site not used for buildings or other structures, or for parking, loading or accessways shall be landscaped with grass, trees and shrubs.

3. No open storage of materials or equipment shall be permitted within two hundred (200) feet of any Residence District; any other open storage of materials or equipment visible from any property line of the tract shall be screened by a solid masonry wall not less than eight (8) feet in height, the design of which is approved by the Regional Zoning Commission.

4. Signs as set forth in Article XXXI.

5. In order that the operation of the use may not have an effect on surrounding property, all odor, dust, smoke, gas, noise, or other industrial concomitants shall be so abated or the use shall be so located on the tract that such use is free from offense at all boundary lines of the tract, and evidence shall be submitted,

based on testimony or certified statements by competent authorities in the fields affected, to clearly demonstrate that the use will be free of offense.

6. Provision shall be made, subject to approval of the County Sanitary Engineer, for satisfactory disposal of all liquid and solid wastes concomitant with the development.

7. Reasonable additional requirements as to landscaping, lighting, screening, fencing, accessways and building setbacks may be imposed by the Symmes Township Zoning Commission for the protection of adjacent property. The Regional Planning Commission may make recommendations which reference such additional requirements.

Sec. 139.7 **Violation of Plan:** The development plan approved in accordance with this Article and Article XIII-F shall be an integral part of the Zoning Resolution and any departure from this plan or any modification thereof, except when specifically approved in accordance with Article XIII-F, shall be a violation of said Zoning Resolution and shall be subject to the provisions and penalties prescribed therefor in Article XXVIII.

Sec. 139.8 No text for this Section.

Sec. 139.9 **Additional Requirements.** In addition to the requirements set forth in this Section, uses permitted in the "GG" Planned Heavy Industrial District shall conform to the other requirements of the Resolution, including Article XIV, Article XXXI, and Article XXXII.

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ARTICLE XIII-F
GENERAL DEVELOPMENT PLAN PROVISIONS

Sec. 140.0 In any Planned District, for purposes of flexibility, the plan for the use and development of the tract may be illustrated by a plat showing the areas within which buildings, structures, and parking spaces may be located and the use and maximum size and height of buildings, rather than the exact location, shape, size, height and arrangement thereof, and the Amendment or Supplement of this Resolution may be adopted on the basis of such initial plan; provided, however, that said plan is otherwise in compliance with the development plan as defined in Sec. 31.22, with respect to location of vehicular and pedestrian access, landscaping, and other specifications, conditions and limitations; and provided, further, that no building permit shall be issued for actual construction until and unless a Final Development Plan, as defined in Section 31.3-55, shall have been reviewed and approved by the Symmes Township Zoning Commission with a determination that the plan is consistent with the intent of this Resolution and that property adjacent to the area will not be adversely affected. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 140.1 If the Final Development Plan is found to comply with the foregoing conditions and the specifications of Section 31.3-55 and of the appropriate Planned District Regulations, the plan shall be approved and incorporated in the Amendment or Supplement to the Zoning Resolution as an integral part of the zoning regulations applicable to the real estate. Every such development plan shall comply with the following procedures and provisions. (STT Res. Z9705 eff. Dec. 4, 1997)

1. The owner of the real estate shall execute a Deed of Acceptance of the development plan and the Amendment or Supplement, and shall attach same to the Amendment or Supplement following approval of the Final Development Plan by the Symmes Township Zoning Commission.

2. Following adoption of the Amendment or Supplement and approval of the Amendment or Supplement and approval of the Final Development Plan, the Clerk of the Board of Township Trustees shall cause such Amendment or supplement to be recorded in the land records applicable to the real estate in the Office of the Recorder of Hamilton County.

3. The Symmes Township Zoning Commission may approve variations from the development plan not in violation of any of the standards and requirements prescribed in this Article, provided that the variations remain completely in harmony with the general purpose and intent of the development plan and of this Resolution.

4. Any application for substantial variation from the development plan shall be treated as an Amendment or Supplement to this Resolution and shall be governed by the provisions of law and this Resolution applicable thereto.

ARTICLE XIV
PARKING AND LOADING REGULATIONS

Sec. 141 In all districts there shall be provided at the time any building or structure is erected or structurally altered (except as provided in Sec. 142 of this Article) off-street parking spaces in accordance with the following requirements:

1. Amusement Park: One space for each three (3) persons at capacity.

2. Amphitheater, Arena, Auditorium, Stadium: One space for each three (3) seats.

3. Animal hospitals or veterinarians: Three parking spaces for the first seven hundred (750) square feet or fraction thereof, plus one space for each 300 square feet of floor area in excess of seven hundred fifty (750) square feet.

4. Art Gallery, Antique Store, Interior Decorator Service: One space per three hundred (300) square feet of leasable area.

5. Assembly halls, exhibition or convention halls, and dance halls, without fixed seats: One parking space for each fifty (50) square feet of floor area used for assembly, exhibition, dining or dancing.

6. Athletic Play Field: Ten (10) spaces per acre of lot area.

7. Automobile sales and/or repair: One parking space for each two hundred (200) square feet of sales area, plus three (3) spaces per service bay, plus one space per employee.

8. Automobile Salvage: One space per employee, plus two (2) spaces per acre.

9. Banks and similar financial institutions (other than drive-in or drive-through): One parking space for each four hundred (400) square feet of floor area, plus one space for each two (2) employees. (STT Res. Z9705 eff. Dec. 4, 1997)

10. Bank, drive-in or drive-through: One parking space for each four hundred (400) square feet of floor area, plus one space for each two (2) employee, plus stacking space for waiting vehicles of four (4) car spaces per teller window. (STT Res. Z9705 eff. Dec. 4, 1997)

11. Barber or beauty shop, health spa, reducing salon or similar personal service establishment: One parking space for each one hundred (100) square feet of floor area.

12. Batting Cage: One space per cage, plus one space per employee.

13. Bed and Breakfast: Two (2) spaces for owner, plus one space for each guest room.

14. Boat harbors, boat rental establishments and the like: One parking space for each two (2) boat berths.

15. Boat sales and service: One parking space for each one thousand (1000) square feet of floor area.

16. Bowling alleys: Five (5) parking spaces for each alley, plus one space for each one hundred (100) square feet of floor area or for each four (4) seats, whichever is greater, in any cocktail lounge or restaurant.

17. Broadcasting studios: One parking space for each six hundred (600) square feet of floor area, plus one space for each three (3) seats in auditorium.

18. Building Materials, Sales and Distribution: One space per two hundred fifty (250) square feet of usable sales area.

19. Business, insurance and other professional offices (except medical and dental offices): Three (3) parking spaces for the first one thousand (1000) square feet or fraction thereof, plus one space for each four hundred (400) square feet of floor area in excess of one thousand (1000) square feet.

20. Car washes, full service: Four (4) parking spaces per stall, plus one parking space for each employee, plus reservoir space (for vehicles waiting to be washed) of three (3) car spaces for each ten (10) feet of the building length.

21. Car washes, self-service: Four (4) stacking spaces for each stall, plus two (2) drying spaces for each stall.

22. Churches or temples: One parking space for each four (4) seats or bench seating spaces in the main assembly room.

23. Clubs and lodges: One parking space per four (4) persons of rated capacity.

24. Colleges and universities: One parking space per two (2) employees, plus one space per four (4) students.

25. Commercial school, dancing or music school: One parking space for each two students.

26. Community (recreation) Center: One space per two hundred fifty (250) square feet of usable floor area.

27. Convents and monasteries: One parking space for every twenty (20) resident persons.

28. Convenience Store (with gas pumps): One space per one hundred fifty (150) square feet of usable sales area, plus one space per pump, plus one space per employee.

29. Convenience Store (without gas pumps): One space per one hundred fifty (150) square feet of usable sales area.

30. Correctional Facility: One space per employee, plus one space per twenty-five (25) inmates.

31. Country clubs, swimming and tennis clubs, and golf courses not open to the public generally: One parking space for each five (5) members.

32. Day care centers or nurseries: One space per employee, plus one space for each vehicle stored on the lot, plus one space for drop-off/pickup and five (5) stacking spaces.

33. Drive-in or Drive-through Facility: One space for transaction plus five (5) stacking spaces per lane.

34. Dwellings: Two (2) parking spaces for each dwelling unit in a single-family dwelling in the "AA", "A" and "A-2" Districts; one parking space for each dwelling unit in a single family dwelling in other Districts; one and one-half spaces for each dwelling unit in a two-family dwelling or a one-bedroom or efficiency apartment in a multiple dwelling; two parking spaces for each apartment in a multiple dwelling of two bedrooms or more.

35. Equipment Sales, Rental, and Services: One space per five hundred (500) square feet of indoor sales/rental floor area, plus one space per two thousand five hundred (2500) square feet of outdoor display area, plus one space per employee.

36. Fraternities, sororities, dormitories: One parking space for each three (3) residents.

37. Frozen food locker: One parking space for each four hundred (400) square feet of floor area.

38. Funeral homes and mortuaries: One parking space for each seventy-five (75) square feet of floor area in assembly rooms, parlor and service rooms or per five seats, whichever is greater, but not less than twenty (20) spaces .

39. Furniture or appliance stores, hardware stores, floor covering stores, household equipment stores, machinery or similar sales or rental: One parking space for each four hundred (400) square feet of floor area.

40. Gasoline Service Station (with repair): One space per pump, plus one space per employee, plus two spaces per service bay.

41. Golf courses, open to the public generally: Four (4) spaces for each hole, plus one space for each one hundred (100) square feet of floor area in any cocktail lounge, bar or similar facility.

42. Golf Driving Range: One space per each driving tee, plus one per employee.

43. Government Buildings: One space per two hundred fifty (250) square feet of floor area.

44. Group Home: One space per employee, plus one space per five (5) residents.

45. Health and Fitness Club: One space per two hundred (200) square feet.

46. Hospitals and similar institutions for human care: One parking space for each two beds, plus one space per employee on the largest shift.

47. Hotels, motels, boarding and lodging houses: One parking space for each sleeping room; meeting rooms and restaurants should be calculated separately.

48. Kennel, Commercial: One space per one thousand (1000) square feet of gross floor area, plus one space per employee, plus one drop-off space per twenty (20) kennel spaces.

49. Libraries, museums, art galleries and similar uses: One parking space per four hundred (400) square feet.

50. Manufacturing and processing establishments, laboratories, creameries, bakeries, bottling plants and similar industrial establishments: One parking space for each one and one-half employees, plus one space for each per facility vehicle.

51. Medical and dental clinics and offices: One parking space for each two hundred (200) square feet of floor area .

52. Mini-storage Facility: Three (3) spaces, plus one space per one hundred (100) individual storage units.

53. Miniature Golf Course: Two spaces per hole, plus one space for each one hundred (100) square feet of other indoor game activity areas.

54. Nursing and rest homes, convalescent homes, sanitariums, children's and old people's homes: One parking space for each six (6) beds, plus one space for each employee.

55. Outdoor amusements such as temporary, carnivals, midway shows and similar uses: One parking space for each one thousand (1000) square feet of lot area used for such purposes.

56. Photography or art studio: One parking space for each three hundred (300) square feet of floor area.

57. Pool room or billiard parlor: One parking space for each one hundred (100) square feet of floor area.

58. Printing and plumbing shops, laundries, dry cleaning plants, and similar service establishments: One parking space for each two employees.

59. Re-cycling Drop-off Facility: One space per drop-of and five (5) stacking spaces per lane, plus one space per employee.

60. Restaurant, drive-in: One parking space for each forty (40) square feet of floor area.

61. Restaurants, night clubs, cafes and similar recreation or amusement establishments: One parking space for each one hundred (100) square feet of floor area or one space for each four (4) seats, whichever is greater.

62. Retail food stores, including groceries, delicatessens, bakery goods, meat, fruit and vegetable markets: One parking space for each one hundred fifty (150) square feet of floor area.

63. Retail stores, general, including department stores, variety stores, drugs, books, flowers, jewelry, clothing, music stores and newsstands: One parking space for each two hundred (200) square feet of floor area.

64. Schools, elementary and junior high: One parking space for each three (3) seats in any auditorium, or one space for each classroom, whichever is greater.

65. Schools, senior high: One parking space for each three (3) seats in any auditorium, or three spaces for each classroom, whichever is larger.

66. Self-service establishments such as laundromats: One parking space for each two hundred (200) square feet of floor area.

67. Service establishments such as shoe or hat repair, tailoring, dressmaking, dry cleaning or laundry pick-up stations: One parking space for each three hundred (300) square feet of floor area.

68. Service or filling stations: Three (3) parking spaces, plus one space for each gasoline pump and for each grease rack.

69. Shopping centers: One space per two hundred twenty-two (222) square feet, plus additional spaces as required herein for associated offices, theaters, and restaurants.

70. Skating rinks: One parking space for each three hundred (300) square feet of floor area used for roller skating and/or ice skating.

71. Swimming pools, tennis or racquet clubs, and similar recreation facilities open to the public for a fee: One parking space for each fifty (50) square feet of pool area; eight (8) spaces for each indoor tennis court; five (5) spaces for each outdoor tennis court; five (5) spaces for each racquet ball and/or handball court.

72. Theaters and other places of assembly with fixed seats: One parking space for each four (4) seats.

73. Wholesale establishments or warehouses: One parking space for each two employees on maximum work shift or for each two thousand (2000) square feet of floor area, whichever is greater.

Sec. 142 In computing the number of parking spaces required, the following rules shall govern:

1. "Floor area" shall mean the gross floor area, measured from the exterior surface of exterior walls or from the center line of walls separating buildings, including all such space except porches, garages, or parking area, areas occupied by mechanical equipment, toilet or rest rooms, and any basement or cellar space used for storage or incidental purposes.

   In hospitals, bassinets shall not be counted as beds.

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

2. "Shopping Center" shall mean a group of stores or shops for retail sales and services designed and developed as a unit, where the uses of such stores or shops are not otherwise specifically designated.

3. Where fractional spaces result, the parking spaces required shall be construed to be the next largest whole number.

4. In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

5. The requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

6. Whenever a building or use constructed or established after the effective date of this Resolution is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of 10 percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the bases of the enlargement or change. Whenever a building or use existing prior to the effective date of this Resolution is enlarged or changed in use to create a need of an increase of 50 (50%) percent or more in the parking spaces required in Sec. 141 for such a building or use as it existed prior to the enlargement or change, said building or use shall then and thereafter comply with the parking regulations set forth herein.

Sec. 143 **Location of Required Parking Areas.**

Sec. 143.1 Off-Street Parking. Required off-street parking spaces for any use shall be located on the same parcel as the use they are intended to serve, except where these regulations allow shared parking between uses on different lots pursuant to Section 143.2.

Sec. 143.2 Shared Parking. Up to 50 percent (50%) of the parking spaces required for (a) theaters, public auditoriums, bowling alleys, dance halls, night clubs or cafes and up to 100 percent (100%) of the parking spaces required for a church may be provided and used jointly by (b) banks, offices, retail stores, repair shops, service establishments, schools, and similar uses not normally open, used or operated during the same hours as those listed in (a); provided that written agreement thereto is properly executed and filed to assure the retention of the parking spaces for such purposes. Such agreement shall be properly drawn and executed by the parties concerned, approved as to form by the Township Law Director, and shall be filed with the application for a building permit.

Sec. 143.3 Residential Parking. On any residentially used parcel or Residence District, other than "O" and "E" Residence Districts, no off-street parking area, maneuvering area for parking spaces, or loading area shall be located within any required front yard. This restriction shall not apply to driveways providing access from the street to the parking area or to a required parking area serving a detached dwelling. Within ten feet (10') of the right-of-way, the maximum width of the driveway shall be twenty-four feet (24') in a Single Family or "MHP" Manufactured Home Park District. No residential parking area or garage shall be utilized for more than one (1) commercial vehicle owned or normally operated by a resident of the premises and such vehicle shall not exceed one and one-half (l ½) tons capacity.

Sec. 143.4 Parking of Boat, Trailer, R.V., or Mobile Home. In any Residence District, other than the "O" and "E" Residence Districts, placing of a boat, trailer, or mobile home shall be prohibited, except that outside the Flood Plain Area one (I) trailer as defined in Section 31.3-221 or one (1) boat may be parked or stored in a garage or other accessory building or rear yard in any Residence District. No occupancy for human habitation shall be maintained or business conducted therein while such trailer or boat is so parked or stored. The wheels or any similar transporting devices of any such trailer permitted within any Residential District shall not be removed, nor shall any trailer be temporarily or permanently affixed to the ground or attached to something having a temporary or permanent location on the ground.

Sec. 143.5 Parking of Inoperable or Abandoned Vehicles. The parking or storage of inoperable or abandoned vehicles is prohibited outdoors in all districts except the "G" Heavy Industrial District and as further provided in this Section. The location and duration or temporary parking or storage of an unlicensed operable vehicle may be approved by

the Township Zoning Inspector through the issuance of a Temporary Zoning Certificate on the basis of the adequacy of the parcel size, condition of the vehicle, visibility from other properties and absence of undue adverse impact on adjacent property or on the area as a whole.

Sec. 143.6 Traffic Patterns. All parking garages and lots shall be located and designed to encourage minimal routing of traffic along public rights-of-way contiguous to blocks that contain primary education facilities or recreation sites designed for children or which have over fifty percent (50%) of their frontage developed with single or two-family dwellings.

Sec. 144 Development and Maintenance of Parking Areas: Every off-street parking space required by these regulations shall be provided with satisfactory access to a street or alley by means of a surfaced driveway, and all parking areas shall be developed and maintained in accordance with the following requirements:

1. **Parking Space Dimensions:** A parking area shall have a paved surface with parking space dimensions, driveways, aisles and other circulation areas in conformance with the table below. In addition, parking spaces shall be provided for handicapped persons in accordance with the provisions of the Ohio Basic Building Code, as applicable. Parking space dimensions are illustrated in Figure 14A.

MINIMUM PARKING STALL AND AISLE DIMENSIONS

A PARKING ANGLE	B STALL WIDTH	C LENGTH OF STALL	D AISLE WIDTH	E WIDTH OF ACCESS DRIVE	F CENTER-TO-CENTER WIDTH OF TWO ROW BAY WITH AISLE BETWEEN
Parallel	**9.0'**	**23.0'**	**12.0'**	**20.0'**	**30.0'**
45°	**9.0'**	**19.0'**	**13.0'**	**20.0'**	**52.6'**
60°	**9.0'**	**19.0'**	**18.0'**	**20.0'**	**60.0'**
90°	**9.0'**	**19.0'**	**24.0'**	**20.0'**	**62.0'**

Figure 14A
Parking Space and Aisle Layout

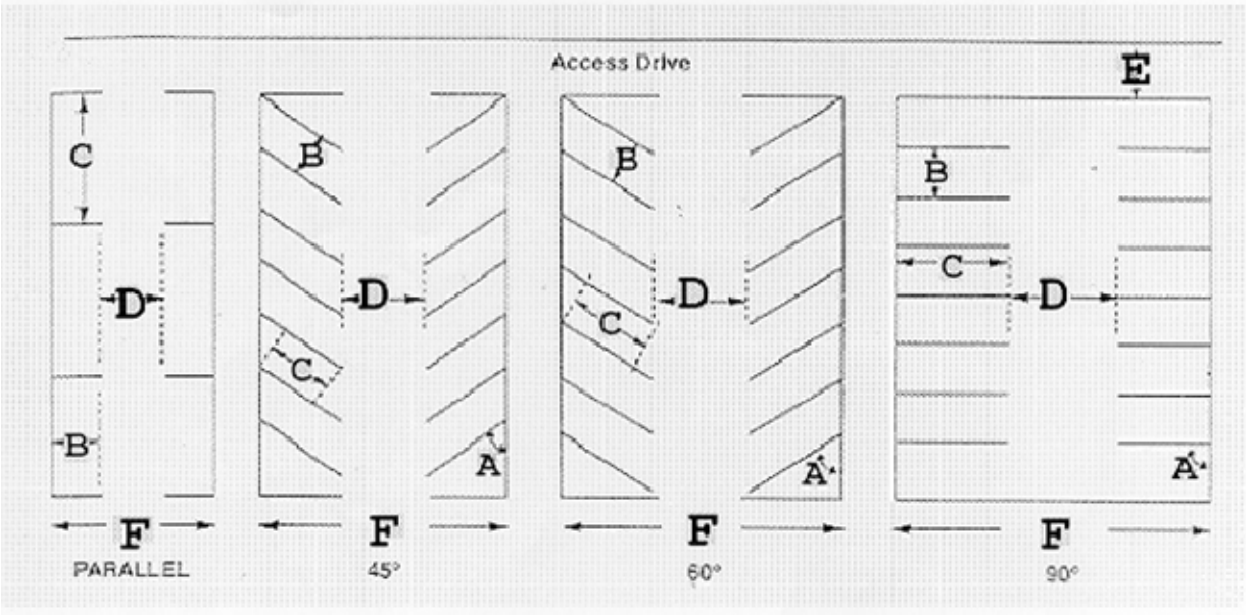
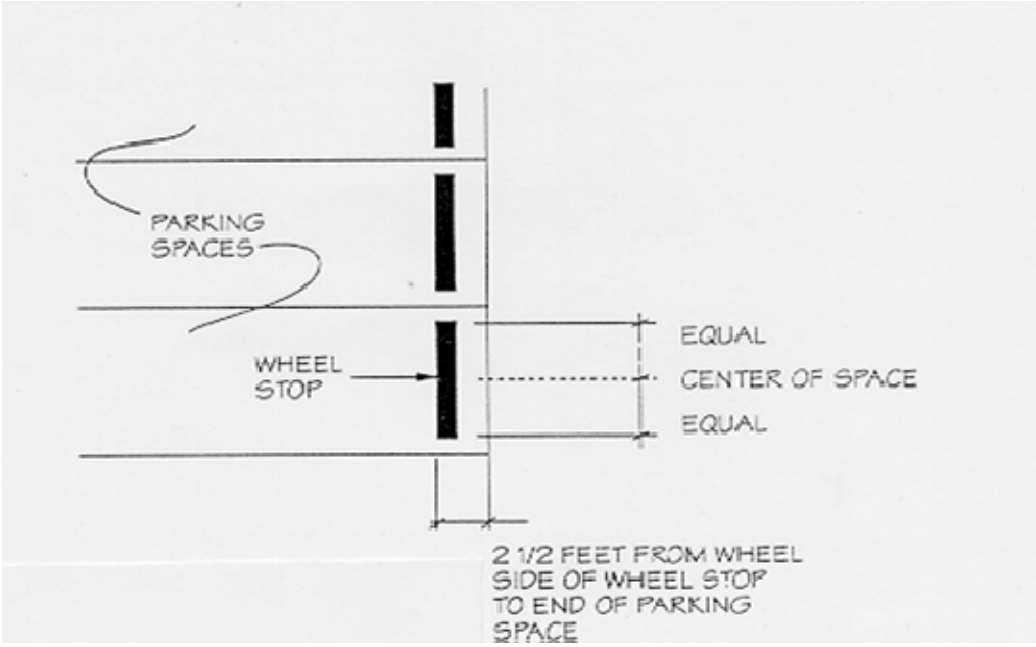


Figure 14B
Wheel Stop Placement



2. **Parking in the Required Front Yard:** Off-street parking spaces shall be prohibited in the required front yard in any Residence District, other than the "O" and "E" Residence Districts, but may be permitted in the side or rear yard subject to the provisions of this section.

3. **Wheel Stops and Continuous Curbs**. Wheel stops or continuous curbs shall be provided, located, and designed to protect required screening devices, landscaping and pedestrian ways from damage or encroachment of vehicles and to provide necessary traffic control in the parking area. Wheel stop placement is illustrated in Figure 14B and 14C.

   (a) Each wheel stop shall be a singular block of reinforced concrete, stone, or other durable material six (6") inches in height, six (6") inches in width, and eight (8') feet in length. Wheel stops shall be placed and securely attached to the ground and may be used only at the end of parking stalls.

   (b) Continuous curbs shall be made of asphalt, concrete, or stone, and shall be a minimum of six (6") inches in height and six (6") inches in width. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and turn-around areas which are not protected by wheel stops.

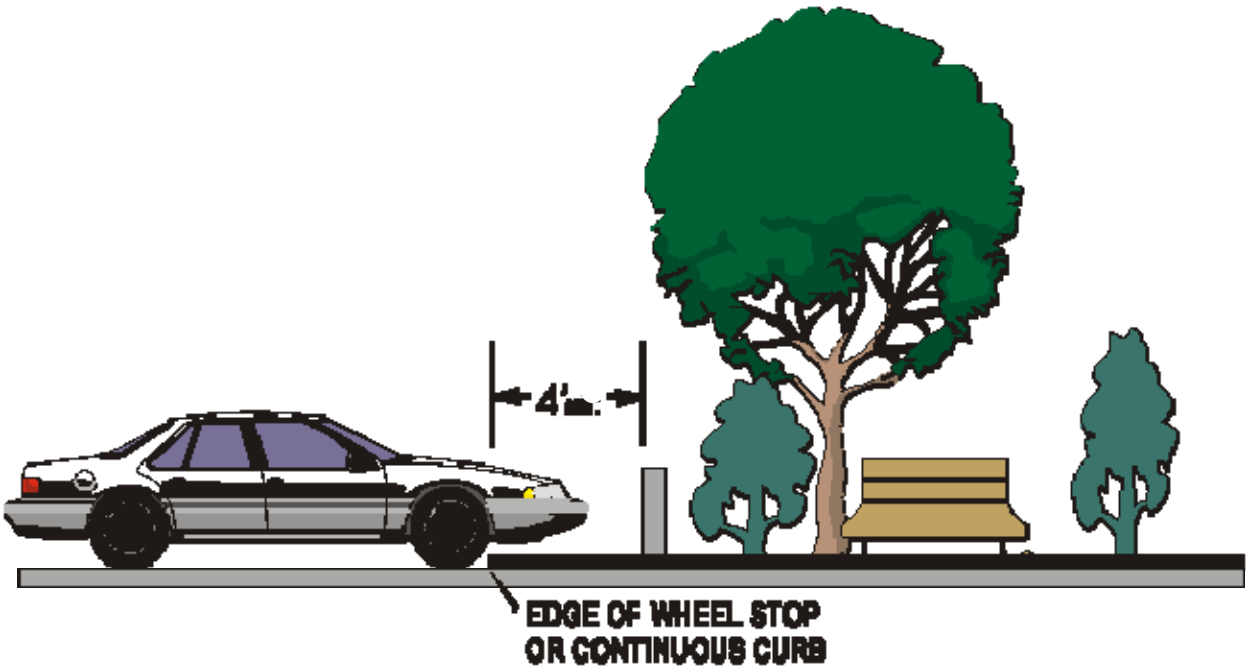
   (c) Placement. The wheel stop or continuous curb shall be located a minimum of four (4) feet from any structures, buildings, walls, or plant material, excluding groundcover, to prevent a vehicle from driving onto the landscape area or hitting any structure or plant material at the edge of the parking area. The mature size of the plant material shall be used to determine if the landscape meets the setback requirements.

4. **Slope.** No area of any parking lot, excluding entry drives, shall have a slope in excess of seven percent (7%). Entry drives or drives that connect parking areas shall not have a slope in excess of ten percent (10%).

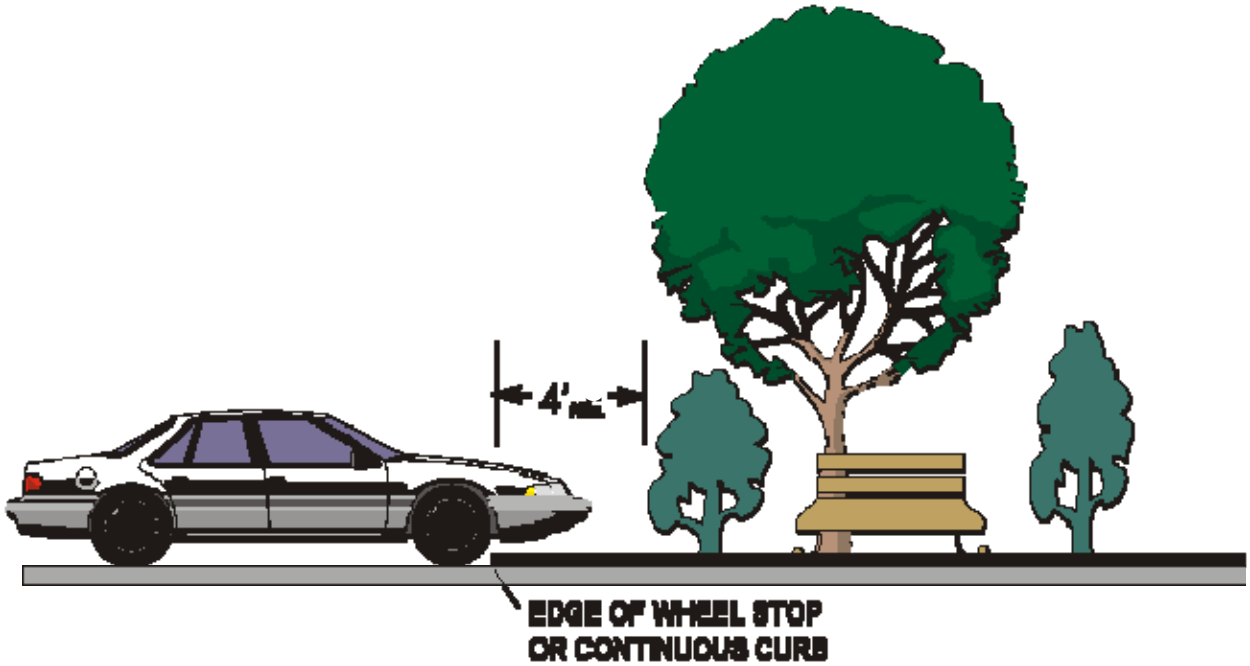
Sec. 145 **Landscaping for Vehicular Use Areas**.

Sec. 145.1 Applicability. The application of the landscape regulations established by this Section shall be provided at the time any building or structure is erected or structurally altered requiring alterations to off-street parking areas as required by Sec. 141.

Figure 14C
Structure and Planting Setback Requirements



(1) STRUCTURE SETBACK REQUIREMENTS



(2) PLANTING SETBACK REQUIREMENTS

Sec. 145.1-1 Exemption. Vehicular use areas containing less than twenty (20) parking spaces.

Sec. 145.1-2 Alteration or expansion. Where a vehicular use area is altered or expanded and thereby contains twenty (20) or more contiguous parking spaces, landscaping for the entire area shall be provided and not merely to the extent of its expansion.

Sec. 145.2 The total landscaping required in vehicular use areas is twenty-two (22) square feet per parking space. Interior and streetscape landscaping count toward the minimum square feet of landscaping required per parking place.

Sec. 145.3 Interior landscaping shall comply with the following standards:

(a) Design. Landscape areas should be peninsular or island types.

(b) Maximum Spacing. Parking spaces must be within one hundred twenty-five (125) feet of a landscaped area.

(c) Minimum Area. The minimum landscape area shall be one hundred (100) square feet.

(d) Surface. Any landscape area provided under this Section shall not contain bare soil. Any ground area shall be covered with stones, mulch, vegetative ground cover, or other surface permeable by water.

(e) Natural or landscaped detention basins may count toward minimum square footage landscaping requirements when the basins are in the front or side yards.

(f) Traffic Visibility. No landscaping shall obscure visibility at vehicular intersections with the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least five (5) feet above the ground and shrubs or groundcover shall not exceed two (2) feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

(g) No interior landscaping area shall be less than ten (10) feet by ten (10) feet.

Sec. 145.4 Determination of Interior Landscape Requirements. The Landscape Requirements shall be computed as follows:

(a) Interior Landscape Area Requirements. Determine the landscape area by multiplying the Landscape Area Requirement of twenty-two (22) square feet per parking space by the total number of parking spaces on the lot.

(b) Planting Requirements. To determine the minimum number of canopy trees, use the rate of one (1) canopy tree for each ten (10) parking spaces for retail uses and two (2) canopy trees for each ten (10) parking spaces for non-retail uses. Any fractional number of trees should be calculated to the next highest whole number.

To determine the total number of required shrubs, multiply the total number of required canopy trees by three (3). One (1) canopy tree may be substituted for three (3) shrubs. Trees and shrubs do not have to be equally spaced, but may be grouped. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 145.5 Overlap. When any portion of the parcel is subject to more than one set of landscape or buffer requirements as set forth in this or any other Article, the most stringent requirement shall control. The most stringent requirements shall be defined as those which require the highest fence, wall or screen or, if no fence, wall or screen is required, the requirements with the greatest quantity of landscaping.

Sec. 145.6 Credit. Existing trees and shrubs, fences, walls or berms on a parcel may be used to meet the requirements if they meet the standards established in this Section.

Sec. 145.7 Plant Installation and Maintenance Standards. All new plant material as part of the requirements for this Section shall be in accordance with Article XXXII, Sec. 329.

Sec. 145.8 Modifications. In the event that the unusual topography or elevation of a development site, the size of the parcel to be developed, or the presence of existing buffers on adjacent developed property would make strict adherence to the requirements of this Section serve no meaningful purpose or would make it physically impossible to install and maintain the required buffer, the Symmes Township Zoning Commission may, upon proper application by the property owner, and upon making findings of fact, modify the requirements of this Section provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Section 145, and any other Article.

Sec. 146 **Outdoor Lighting**. The following restrictions shall apply to any outdoor lighting located in any district on parcels where there are parking spaces for five (5) or more vehicles.

Sec. 146.1 All outdoor lighting shall be cutoff fixtures and designed, located, and mounted at heights no greater than fifteen (15) feet above grade for lights. Outdoor lighting requirements are illustrated in Figure 14D.

Sec. 146.2 All outdoor lighting shall be designed and located with a maximum illumination of 0.5 foot candles at the property line when abutting a residential use or Residence District other than the "O" and "E" Residence Districts.

Sec. 146.3 All outdoor lighting for non-residential uses shall be located, screened, or shielded so that adjacent lots located in Residence Districts are not directly Illuminated.

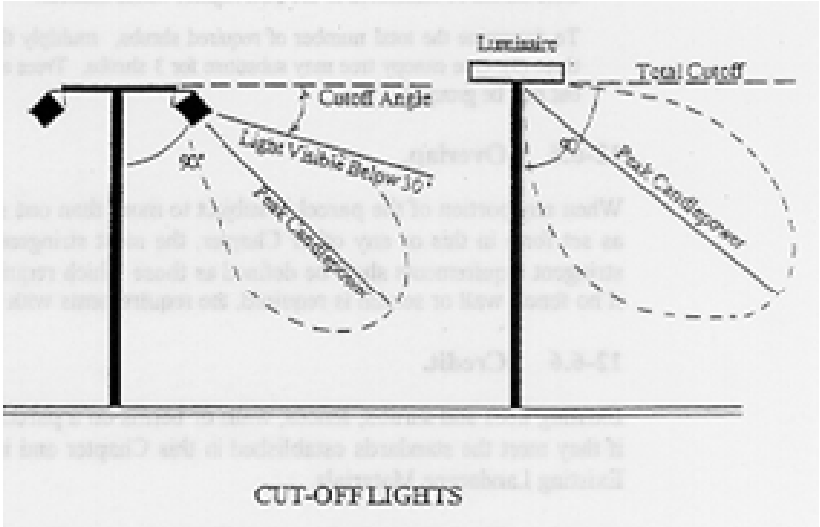
Sec. 146.4 No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

Sec. 146.5 The Township Zoning Commission shall consider the following criteria in the evaluation of lighting plans:

(a) Pole Height;
(b) Type of Luminaire;
(c) Site Coverage - average maintained;
(d) Uniformity: (1) Maximum:Minimum (2)Average:Minimum; and
(e) Intensity at Property Line

Sec. 146.6 Outdoor lighting need not comply with the yard requirements of this Resolution, except that no such light shall obstruct sight triangles at public street intersections.

Figure 14D
Outdoor Lighting Fixtures



Sec. 147 **Off-Street Loading Requirements:** Every building or part thereof erected or occupied for retail business, service, manufacturing, storage, warehousing, hotel, mortuary or any other use similarly involving the receipt or distribution by vehicles of materials or merchandise, shall provide and maintain on the same premises loading space in accordance with the following requirements:

1. In any district where permitted, for public buildings, educational, religious and philanthropic institutions, hospitals or other institutions, places of assembly or for sports or athletics, clubs, lodges, multiple dwellings and similar uses, oneloading space, plus one additional loading space for each one hundred thousand (100,000) square feet, or major fraction thereof, of floor area in excess of one hundred thousand (100,000) square feet.

2. In the "E" Residence District and the "EE" Planned Residence District, for banks and financial institutions, medical or dental clinics, business or professional offices, business, dancing or other commercial schools, theaters, bowling alleys, skating rinks or other places of amusement, one loading space plus one additional loading space for each one hundred thousand (100,000) square feet, or major fraction thereof, of floor area in excess of one hundred thousand (100,000) square feet.

   For retail and wholesale stores, eating and drinking places and all other commercial uses, one loading space plus one additional loading space for each twenty thousand (20,000) square feet, or major fraction thereof, of floor area in excess of ten thousand (10,000) square feet, up to fifty thousand (50,000) square feet, plus one additional space for each one hundred thousand (100,000) square feet of floor area or major fraction thereof in excess of fifty thousand (50,000) square feet.

3. In the "F" Light Industrial, the "FF" Planned Light Industrial, the "G" Heavy Industrial, and the "GG" Planned Heavy Industrial District, one loading space plus one additional loading space for each twenty thousand (20,000) square feet or major fraction thereof, of floor area in excess of twenty thousand (20,000)

square feet up to sixty thousand (60,000) square feet, plus one additional space for each one hundred thousand (100,000) square feet or major fraction thereof in excess of sixty thousand (60,000) square feet.

Each loading space shall be at least ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height and shall be located on the same lot as the use served. All loading spaces shall be permanently surfaced and shall be so placed as to be accessible from a street or alley without interference with traffic.

Sec. 148 **Vehicular Storage Yard Requirements.**

Sec. 148.1 Minimum Setbacks. Any vehicular storage yard shall be located behind the minimum building setback for the site.

Sec. 148.2 Screening. All vehicular storage yards that are visible from public roads or Residence Districts shall be screened. The screening material shall be at least ten (10) feet in height and shall be of solid material (as identified in Section 330).

ARTICLE XV
NON-CONFORMING USES

Sec. 151 The lawful use of any dwelling, building or structure and of any land or premises as existing and lawful at the time of enactment of this Resolution or amendment thereto, may be continued although such use does not conform with the provisions of this Resolution or Amendment. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or of a more restricted classification. Whenever a non-conforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Sec. 152 Whenever the use of any dwelling building or structure and of any land or premises becomes non-conforming through an Amendment of this Resolution or Maps, such use may be continued and, if no structural alterations are made, it may be changed to another non-conforming use of the same or of a more restricted classification.

Sec. 153 In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for two (2) years or more, any future use thereof shall be in conformity with the provisions of this Resolution.

Sec. 154 Except as hereinafter provided in Article XVIII, no existing building or premises devoted to a use not permitted by this Resolution in the District in which such building or premises is located, except when required to do so by law or order, shall be enlarged, extended, reconstructed, or structurally altered, unless the use thereof is changed to a use permitted in the District in which such building or premises is located.

Sec. 155 When a building, the use of which does not conform to the provisions of this Resolution, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty percent (60%) of its reproduction value, it shall not be restored, unless the restoration of such use shall have been authorized by the Board in the manner provided in Article XVIII. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 156 Nothing in this Resolution shall be interpreted as authorization for or approval of the continuance of the use of any activity, land, building or premises in violation of zoning regulations in effect at the time such use was begun.

ARTICLE XVI
COMMUNITY UNIT PLAN

Sec. 160 The purpose of the CUP Overlay District is to encourage the efficient allocation of private lots, multi-family dwelling units, common areas and nonresidential uses as well as greater efficiency in public and utility services by accommodating developments which are planned so as to integrate residential use with collateral uses, and in which lot size, setback lines, yard areas, and dwelling types may be varied and modified to achieve particular design objectives and make provision for open space, common areas utilities, public improvements and collateral uses.

Sec. 161 The owner or owners of any tract of land may submit to the Symmes Township Zoning Commission a plan for the use and development of the tract of land for residential and related purposes as hereinafter provided in Section 161.3. Such plan for development of the area shall be referred to the Regional Planning Commission for study and report. The plan together with a report stating the findings and recommendations of the Regional Planning Commission shall be filed with the Symmes Township Zoning Commission. The report shall state the reasons for recommendation and shall include specific evidence and facts showing the proposed community unit plan meets the following conditions:

Sec. 161.1 That the location and planning of building sites and the amount, arrangement and treatment of open space will ensure a satisfactory living environment and will be carried out in consideration of property adjacent to the area included in the plan and ensure that such adjacent property will not be adversely affected.

Sec. 161.2 That the plan is consistent with the objectives of this Article to further the best use of the land in relation to its size, configuration, location and physiography, and to produce a residential environment of sustained desirability.

Sec. 161.3 That the buildings shall be used only for single-family detached dwellings and such accessory buildings and uses customarily incident to such use if the area of the Community Unit Plan is less than ten (10) acres, or only for detached and attached single family, two family or multiple dwellings, or other residentially related activities and customary accessory uses if the area of the Community Unit Plan is more than ten (10) acres in area and if approved by the Board of Trustees for such use. In the case of a Community Unit Plan of fifty (50) acres or more one (1) area may be approved in such plan as a shopping center for parking and commercial buildings and uses as regulated in the "E" Retail Business District not to exceed one (1) acre for each hundred (100) lots or dwelling units or fraction thereof.

Sec. 161.3-1 Where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum area requirements, as prescribed in Section 161.3, unnecessary or undesirable, the Symmes Township Zoning Commission may modify such requirements to the extent warranted by such physical conditions provided the surrounding property and the public welfare are adequately protected.

Sec. 161.4 That the average lot area per family contained in the site, excluding rights-of-way and access easements, will not be less than the lot per family required in the District in which the development is located.

Sec. 162 Following review by the Regional Planning Commission, the plan shall then be referred to the Symmes Township Zoning Commission for public hearing and report to the

Symmes Township Trustees, as provided for amendments or supplements to the Zoning Resolution in accordance with Section 519.12 of the Ohio Revised Code.

Sec. 163 If the Symmes Township Trustees approved the plan, then zoning certificates may be issued even though the use of land, the location of the buildings to be erected in the area, and the yards and open spaces contemplated by the plan do not conform in all respects to the District Regulations of the District in which it is located. The Trustees may also by the same procedure, authorize the revision or remodeling of any existing Community Unity Plan that does not conform in all respect with the District Regulations of this Resolution.

Sec. 163.1 No building permit shall be issued for actual construction of any development that does not conform in all respects with the Rules and Regulations of the Hamilton County Regional Planning Commission for subdivision of land and the underlying Residence District regulations in which the site is located until and unless variations of said regulations are granted as part of a development plan as defined in Section 31.3-55 and that a Final Development Plan shall have been reviewed and approved by the Symmes Township Zoning Commission with a determination that such plan is consistent with the approved development plan and the purposes and intent of this Article. The Symmes Township Zoning Commission may approve variations in the Final Development Plan not in violation of any standards and requirements prescribed in this Article, and provided that the variations remain completely in harmony with the approved plan and within the spirit of the Resolution.

A building permit may be issued for actual construction of any development that conforms in all respects with the Rules and Regulations of the Hamilton County Regional Planning Commission for subdivision of land and the underlying residence district regulations in which the site is located.

No Zoning Certificates shall be issues for actual construction until and unless a Final Development Plan, as defined in Section 31.22, shall have been reviewed and approved by the Symmes Township Zoning Commission with a determination that such plan is consistent with the approved plan and the purposes and intent of this Article. The Symmes Township Zoning Commission may approve variations in the Final Development Plan not in violation of any standards and requirements prescribed in this Article, provided that the variations remain in harmony with the approved plan and within the spirit of the Resolution. The Symmes Township Zoning Commission may take into consideration recommendations of the Regional Planning Commission relative to such variations. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 164 Amendment of the underlying Residence District Map may be initiated coincidentally with the Community Unit Plan Overly District in accordance with this Article. In this case, the application for amendment of the zoning classification and the plan for the use and development of the tract of land may be considered together and the hearings and recommendations therefor may be combined.

Application may be filed for Amendment of the District Map coincidentally with the submitting of a Community Unit Plan in accordance with this Article. In this case, the application for Amendment of the zoning classification and the plan for the use and development of the tract of land may be considered together and the hearings and recommendations therefor may be combined. When such amendment and plan are combined, however, any approval shall be conditioned on carrying out the plan, and the new zoning classification shall be void and shall revert to the district in which the tract was classified before the approved plan unless construction begins within two (2) years after the date of approval of the Symmes Township Trustees.

ARTICLE XVII
ADDITIONAL USE, HEIGHT AND AREA REGULATIONS AND EXCEPTIONS

Sec. 171 The district regulations hereinafter set forth in this Article qualify or supplement, as the case may be, the district regulations appearing elsewhere in this Resolution.

Sec. 171.1 Public or public service buildings, hospitals (except as otherwise provided) institutions, or schools, when permitted in a District, may be erected to a height not exceeding sixty (60) feet, and churches and temples may be erected to a height not exceeding seventy-five (75) feet if the building is set back from each required yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the District in which the building is built.

Sec. 171.2 Single-family dwellings in the "A-A", "A", "A-2", "B", "B-2" and "C" Residence Districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height. In the "A-2" and "B" Residence Districts an enclosed garage when attached to the main building may extend into the required side yard but shall not be closer than five (5) feet to the side lot line, provided further that there shall be no living quarters above or behind said garage.

Sec. 171.3 Church spires, domes, flagpoles, aerials, antennas, private radio transmitters and towers, telecommunication towers, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage tower or scenery lofts, tanks, water towers, silos, farm buildings, or telecommunication towers as regulated in Sec. 184.8-5-2 or necessary mechanical appurtenances, may be erected to any lawful and safe height. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 171.4 Any lot of record on the effective date of this Resolution may be used for any single-family dwelling irrespective of the width or area of said lot; the width of the side yard of any such lot need not exceed ten percent (10%) of the width of the lot; the depth of the rear yard of any such lot need not exceed twenty percent (20%) of the depth of the lot, provided, however, that in no instance shall the minimum dimensions of the side and rear yards be less than three (3) feet and ten (10) feet respectively.

Sec. 171.5 No text for this Section.

Sec. 171.6 In computing the depth of a rear yard or the width of a side yard where the rear or side yard opens on an alley, one half of the alley width may be included as a portion of the rear or side yard as the case may be.

Sec. 171.7 Accessory buildings which are not a part of the main building shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line.

Sec. 171.8 Accessory buildings which are to be used for storage purposes only may be erected upon a lot prior to the construction of the main building, but no accessory building shall be used for dwelling purposes except by servants employed on the premises as provided in the "A-A" Residence Districts.

Sec. 171.9 Every part of a required yard shall be open to the sky unobstructed, except as otherwise provided in Section 171.2 and except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sill, belt courses, cornices and ornamental features projecting not to exceed thirty (30) inches in "A-A", "A", "A-2" or "B" Residence Districts and not to exceed twelve (12) inches in all other Districts. (STT Res. Z9902, eff. June 3, 1999)

Sec. 171.10 Terraces, uncovered porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement. In the "E", "F" and "G" Districts canopies may be erected over service station pump islands. No canopy shall be closer than five (5) feet to a front right-of-way line and shall not be more than eighteen (18) feet above the ground nor less than fourteen (14) feet above the ground. On a corner lot no canopy shall be closer than ten (10) feet to an intersection of the front right-of-way line.

Sec. 171.11 Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet and the ordinary projections of chimneys and flues may be permitted by the Symmes Township Zoning Inspector or upon the recommendation of the Hamilton County Building Inspector when placed so as not to obstruct light and ventilation but not closer than two (2) feet to any lot line any in case.

Sec. 171.12 For the purpose of the yard requirements, a two-family or multiple dwelling shall be considered as one building occupying a single lot.

Sec. 171.13 An open unenclosed or screened porch, or paved terrace may project into a front yard for a distance not exceeding ten (10) feet.

Sec. 171.14 Where forty percent (40%) or more of the frontage is occupied by buildings, the minimum front yard on any lot shall not be less than the average depths of the front yards of the two buildings on each side and within one hundred (100) feet of such lot, or where there is a building within one hundred (100) feet of the lot on one side only, the minimum front yard shall be the same as that of such adjacent building, provided, however, that no yard shall be required to exceed seventy-five (75) feet in the "AA" or "A" Residence Districts or to exceed fifty (50) feet in any other district requiring a front yard.

Sec. 171.15 Where a lot is used for institutional, commercial or industrial purposes, or, where a site plan is specifically approved therefore by Symmes Township Zoning Commission, for multiple dwelling purposes, more than one main building may be located on the lot, but only when such buildings conform to all open space requirements around the lot for the district in which the lot is located.

Sec. 171.16 No lot on which there is located a non-conforming use shall be reduced in area or width so as not to conform with the lot area per family and lot width requirements for the district in which such lot is located, nor shall any existing yard be reduced so as not to conform with the yard requirements thereof.

ARTICLE XVII-A
"FPM" FLOOD PLAIN MANAGEMENT OVERLAY DISTRICT REGULATIONS

Sec. 173 The regulations set forth in this Article, or set forth elsewhere in this Resolution, when referred to in this Article, are the District Regulations for the "FPM" Flood Plain Management Overlay District.

Sec. 174 District Map Boundaries and Elevations.

Sec. 174.1 The boundaries of the "FPM" Flood Plain Management Overlay District shall include all that territory within the jurisdiction of this Resolution, which is defined as being within the Special Flood Hazard Areas Of Unincorporated Symmes Township, Hamilton County, Ohio. The Special Flood Hazard Area is all the area within Zones A1-A30 and the unnumbered A Zones on the Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio, and all that area within Symmes Township designated as being within the flood plain of various streams in Appendix A of the Storm Drainage and Open Space Master Plan for Hamilton County, Ohio." (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 174.2 The following scientific and engineering reports, and accompanying maps and profiles, identify, in whole or in part, Special Flood Hazard Areas within unincorporated Symmes Township, Hamilton County, Ohio, and shall be used to determine the elevation and planar extent of the "FPM" Flood Plain Management Overlay District, and are hereby adopted by reference and declared to be a part of this Resolution.

i) Storm Drainage and Open Space Master Plan for Hamilton County, Ohio (Consoer, Townsend and Associates, December, 1966);

ii) Flood Insurance Study for the County of Hamilton, Ohio (Federal Emergency Management Agency, December, 1981, and as amended).

iii) Flood Boundary and Floodway Map for Unincorporated Hamilton County, Ohio June 1, 1982, and as amended.

iv) Flood Insurance Rate Map for Unincorporated Hamilton County, Ohio June 1, 1982, and as amended.

Sec. 174.3 Where the Flood Insurance Study and the Storm Drainage and Open Space Master Plan provide information for the same reaches of streams, the information which is most restrictive as to elevation and planar extent shall be used.

Sec. 175 **Use Regulations:** A structure or premises shall only be used for the purposes permitted by the applicable underlying Zone District, except that when a proposed use, structure or premises is also located within the "FPM" Flood Plain Management Overlay District, Section 176 of this Resolution shall take precedence.

Sec. 176 **General Conditions:** It shall be unlawful to use any land or structure, or to locate, extend, convert, substantially improve, structurally alter, or otherwise develop any land or structure within the "FPM" Flood Plain Management Overlay District unless such development meets all the applicable conditions and standards set forth in regulations governing the National Flood Insurance Program (44 CFR Section 59.1 et seq.).

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ARTICLE XVIII
SYMMES TOWNSHIP ZONING COMMISSION AND BOARD OF ZONING APPEALS

Sec. 180 **Appointment and Composition of the Zoning Commission.**
(STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.1 The Symmes Township Zoning Commission was created pursuant to Resolution G-9538, which Resolution is hereby incorporated by reference. The creation of the Zoning Commission consisting of five (5) regular members is hereby reaffirmed. Terms shall commence on September 5th of each year. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.2 In addition to the five (5) regular members of the Zoning Commission authorized, the Board of Trustees may appoint up to two (2) alternate members to the Zoning Commission for a term of five (5) years each. Unless filling an unexpired term, the alternate member's term shall commence on September 5th of the year specified in the appointment. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.2-1 An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission. A regular member shall be considered absent if he is not able to attend a meeting, or if it is determined that he has a conflict of interest with one or more matters pending before the Zoning Commission, or if the regular member otherwise recuses himself from participating in one or more matters pending before the Zoning Commission. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.2-2 An alternate member shall meet the same appointment criteria as a regular member. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.2-3 When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote, as if he is a regular member. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 180.3 Each member and alternate shall serve until his successor is appointed and qualified. Members of the Commission, including alternates, shall be removable for nonperformance 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 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 member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181 **Appointment and Composition of the Board of Zoning Appeals.**
(STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.1 A Symmes Township Board of Zoning Appeals ("BZA") is hereby created. Such Board shall consist of five (5) members, to be appointed by the Trustees, who shall be residents of the unincorporated territory of Symmes Township included in the area zoned. The terms of all members shall be of such length and so arranged that the term of one member will expire each year and shall commence on January 1st. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.2 The Board of Trustees may appoint up to two (2) alternate members to the BZA for a term of five years each. Unless filling an unexpired term, the alternate member's term

shall commence on January 1st of the year specified in the appointment. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.2-1 An alternate member shall take the place of an absent regular member at any meeting of the BZA. A regular member shall be considered absent if he is not able to attend a meeting, or if it is determined that he has a conflict of interest with one or more matters pending before the BZA, or if the regular member otherwise recuses himself from participating in one or more matters pending before the BZA. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.2-2 An alternate member shall meet the same appointment criteria as a regular member. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.2-3 When attending a meeting on behalf of an absent member, the alternate member may vote on any matter the absent member is authorized to vote, as if he is a regular member. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 181.3 Each member and alternate shall serve until his successor is appointed and qualified. Members of the Board, including alternates, shall be removable for nonperformance 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 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 member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term. (STT Res. Z2012-01 eff. Jan. 2, 2013)

Sec. 182 The Board of Zoning Appeals shall organize, and adopt rules in accordance with the provisions of this Resolution. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the Trustees and shall be a public record.

Sec. 183 Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by an Officer of the Township affected by any decision of the Administrative Official. Such appeal shall be taken within twenty (20) days after the decision by filing with the Officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The Officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give at least ten (10) days' notice in writing to the parties in interest, give notice of such public hearing by one publication in one or more newspapers of general circulation in the Township at least ten days before the date of hearing, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal.

Sec. 184 The Board of Zoning Appeals shall have the following powers:

Sec. 184.1 To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an Administrative Official in the enforcement of this Resolution.

Sec. 184.2 To authorize, upon appeal, in specific cases, such variance from the terms of the Zoning Resolution, as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the Resolution will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done.

Sec. 184.3 To permit the extension of a District where the boundary line of a District divides a tract of not more than one (1) acre in area and held in a single ownership on the effective date of this Resolution, provided such extension shall not exceed one hundred (100) feet.

Sec. 184.4 To permit where the boundary line of a District divides a tract of more than ten (10) acres under a single ownership, adjustment of such a line to conform with the topography of the ground where such a tract is being subdivided and when a preliminary subdivision plan for such a tract has been approved by the Regional Planning Commission of Hamilton County or a Planning Commission of a municipality thereof, provided such a variation does not extend for a distance of more than five hundred (500) feet and does not come closer than three hundred (300) feet to any boundary of the tract.

Sec. 184.5 To interpret the provisions of this Resolution in a way to carry out the intent and purpose of the plan, as shown upon the Maps fixing the several Districts accompanying and made a part of this Resolution, where the street layout actually on the ground varies from the street layout a shown on the maps aforesaid.

Sec. 184.6 To permit a variation in the yard requirements of any District where there are practical difficulties or unnecessary hardships in the carrying out of these provisions due to an irregular shape of the lot, topographic or other conditions, provided such variations will not seriously affect any adjoining property or the general welfare.

Sec. 184.7 To authorize any of the uses in the "G" Heavy Industrial District set forth in Article XII, Section 122.3 et seq., and may require the installation, operation and maintenance, in or in connection with the proposed use, of such devices and methods of operation as may, in the opinion of the Board be reasonably required to prevent or reduce odor, dust, smoke, gas, noise or similar nuisance, and may impose such conditions regarding the extent of open spaces between it and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to surrounding properties and neighborhood.

Sec. 184.8 To authorize by the grant of a special zoning certificate after public hearing, the location of any of the following uses, including such buildings and structures as are necessary for their operation, in a District from which they are prohibited by this Resolution:

Sec. 184.8-1 Private outdoor athletic fields and play fields owned and operated by a nonprofit club, association, or other nonprofit organization in a single family residence district provided that the Board makes specific findings of fact, based upon evidence presented, that the use will be properly integrated in the overall neighborhood relative to each of the following factors: (1)location of facilities; (2)size and configuration of tract; (3)intensity of use; (4)parking adequacy, (5)location, size and landscaping of parking areas; (6)hours of operation, (7)lighting of fields and parking areas; (8)security; (9)refuse disposal; (10)access and traffic impact; (11)noise; (12)screening; and (13)compatibility with adjacent uses.

Sec. 184.8-2 Private airports or landing fields.

Sec. 184.8-3 No text for this Section.

Sec. 184.8-4 Parking lots on land, the farthest point of which shall not be more than two hundred (200) feet from the boundary of an Office, Retail Business or Industrial District.

Sec. 184.8-4-1 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 184.8-5 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 184.8-5-1 and Sec. 184.8-5-2 (These sections eliminated pursuant to STT Resolution Z-0002, effective May 25, 2000. Refer to Article XXXV, Conditional Uses - Section 393

Sec. 184.8-6 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV)

Sec. 184.8-7 The restoration of a non-conforming use damaged by fire, explosion, Act of God, or the public enemy to the extent of more than sixty percent (60%) of its reproduction value.

Sec. 184.8-8 In granting such special zoning certificate, the Board may impose such special conditions as it shall deem desirable under the circumstances, to reduce the adverse effect of the above uses upon the preservation of the character and development of the District in which such uses are located.

Sec. 184.8-9 To grant the extension of a non-conforming use or building upon a lot or tract of land occupied by such use or building, where such extension is necessarily incident to the existing use, provided, however, that the floor area of such extension or extensions shall not exceed in all fifty percent (50%) of the floor area of the existing building or buildings devoted to a non-conforming use on the effective date of this Resolution and provided, further, that such extension or extensions shall be undertaken within five (5) years of the effective date of this Resolution.

Sec. 184.8-10 (This section eliminated pursuant to STT Res. Z-0002, eff. 5-25-00. Refer to Article XXXV, Conditional Uses - Section 394)

Sec. 185 In exercising the above-mentioned powers, the Board of Zoning Appeals may reverse or affirm, wholly or partly, or may modify the order requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the Officer from whom the appeal is taken.

Sec. 186 The Board of Zoning Appeals shall act by Resolution, in which three (3) members concur and every variation granted or denied shall be accompanied by a written finding of fact, based on testimony and evidence and specifying the reason for granting or denying the variation.

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ARTICLE XIX
ZONING CERTIFICATES

Sec. 191 Except as provided in Article V, no building or sign shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same until a Zoning Certificate for same has been issued by the Symmes Township Zoning Inspector which certificate shall state that the proposed building and use comply with all the provisions of this Resolution.

Sec. 192 Except as provided in Article V, no land shall be occupied or used and no building hereafter located, constructed, reconstructed, enlarged or structurally altered shall be occupied or used in whole or in part for any purpose or sign located, constructed, enlarged, or structurally altered whatsoever until a Zoning Certificate is issued by the Symmes Township Zoning Inspector stating that the building and use comply with the provisions of this Resolution. No change of use shall be made in any building or part thereof, now or hereafter located, constructed, reconstructed, enlarged or structurally altered, except for single-family dwelling purposes, without a Zoning Certificate being issued therefore by the Symmes Township Zoning Inspector. No Zoning Certificate shall be issued to make a change unless the changes are in conformity with the provisions of this Resolution.

Sec. 193 Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

Sec. 194 A Zoning Certificate shall be applied for prior to the application for a construction permit. A record of all Zoning Certificates shall be kept on file in the office of the Symmes Township Zoning Commission and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected.

Sec. 195 A Zoning Certificate shall be required of all Non-Conforming Uses. Application for the zoning certificate for Non-Conforming Uses shall be filed within twelve (12) months from the effective date of this Resolution.

Sec. 196 A non-refundable fee, to be determined by the Board, shall be paid at the time an application for a Zoning Amendment or Change, a Zoning Certificate, or any other requested permit authorized by the Township Trustees is submitted to the Symmes Township Zoning Commission. Such fees in accordance with a fee schedule approved by the Board shall be paid to the Symmes Township Clerk.

Sec. 197 A non-refundable fee, to be determined by the Board, shall be paid at the time an application for a Special Zoning Certificate, zoning appeal, or any other requested permit authorized by the Board is submitted to the Board of Zoning Appeals. Such fees in accordance with a fee schedule approved by the Board shall be paid to the Symmes Township Clerk.

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ARTICLE XX
PLATS

Sec. 201 Unless otherwise directed by the Symmes Township Zoning Commission, each application for a Zoning Certificate shall be accompanied by a plat and plan in triplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon or used, the exact size and location on the lot of the buildings, structures and accessory buildings existing, and the lines within which the proposed building or structure shall be erected or altered, the existing and intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate, and such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this Resolution. One (1) copy of such plats and plans shall be returned to the applicant when such plats and plans shall have been approved by the Symmes Township Zoning Inspector. All dimensions shown on these plats and plans relating to the location and size of the lot to be built upon shall be based on an actual survey. The lot and location of the building or structure thereon shall be staked out on the ground before construction is started.

ARTICLE XXI
BOUNDARIES OF DISTRICTS

Sec. 211 **Rules Where Uncertainty May Arise:** Where uncertainty exists with respect to the boundaries of the various Districts as shown on the Maps accompanying and made a part of this Resolution, the following rules apply:

Sec. 211.1 The District boundaries are the center lines of streets or alleys, unless otherwise shown, and where the Districts designated on the Maps, accompanying and made a part of this Resolution are bounded approximately by street or alley center lines, such center lines shall be construed to be the boundary of the Districts.

Sec. 211.2 Where the District boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the District boundaries shall be construed to be the lot lines and where the Districts designated on the Maps accompanying and made a part of this Resolution are bounded approximately by lot lines, the lot line shall be construed to be the boundary of the Districts unless the boundaries are otherwise indicated on the Maps.

Sec. 211.3 In unsubdivided property, the District boundary lines on the Maps accompanying and made a part of this Resolution shall be determined by dimensions or the use of the scale appearing on the Maps.

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ARTICLE XXII
INTERPRETATION, PURPOSE AND CONFLICT

Sec. 221 In interpreting and applying the provisions of this Resolution and any amendments thereto, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals, comfort and general welfare. Wherever the regulations of this Resolution require a greater width or size of yards or other open spaces or require a lower height of building or less number of stories or require greater percentage of lot to be left unoccupied or require a lower density of population, or require a more restrictive use of land, or impose other higher standards than are required in any other resolution, regulation, private deed restrictions or private covenants, these regulations shall govern, but if the requirements of the other resolution, regulation, private deed restriction or private covenant is the more restrictive, then those requirements shall govern.

Sec. 222 With respect to the unincorporated portion of Symmes Township, this Resolution shall replace and supersede a Zoning Resolution for the unincorporated territory of Hamilton County, Ohio, heretofore adopted pursuant to the provisions of Ohio law.

ARTICLE XXIII
AMENDMENTS

Sec. 231 Amendments or Supplements to the Zoning Resolution may be initiated by motion of the Symmes Township Zoning Commission, by the passage of a resolution therefor by the Trustees, or by the filing of an application therefor by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed Amendment or Supplement with the Symmes Township Zoning Commission. Upon adoption of such motion, certification of such resolution, or the filing of such application, the procedure provided in Section 519.12 of the Ohio Revised Code shall be followed. (STT Resolution Z-0801, eff. December 4, 2008).

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

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

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ARTICLE XXIV
REPEAL

Sec. 241 The Township Zoning Resolution and Map may be repealed in the following manner: the Trustees (a) may adopt a resolution upon its own initiative, and (b) shall adopt a resolution if there is presented to it a petition signed by a number of qualified voters residing in the unincorporated area of the Township included in the zoning plan equal to not less than eight percent (8%) 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 questions of whether or not the plan of zoning in effect in the Township shall be repealed to be submitted to the electors residing in the unincorporated area of the Township included in the zoning plan, at the next primary or general election. In the event a majority of the vote cast on said question in the Township is in favor of repeal of zoning, then said regulations shall no longer be of any force or effect in the Township. No more than one such election shall be held in any two (2) calendar years.

ARTICLE XXV
ENFORCEMENT

Sec. 251 It shall be the duty of the Symmes Township Zoning Inspector to enforce this Resolution.

Sec. 251.1 **Complaints Regarding Violations.** Whenever the Zoning Inspector receives a written, signed complaint alleging a violation of this Resolution, the Zoning Inspector shall investigate the complaint within ten (10) working days and take whatever action is warranted, and inform the complainant in writing as to what actions have been or will be taken.

Sec. 251.2 **Persons Liable.** The owner, tenant, or the occupant of any building or land or part thereof and any architect, builder, contractor, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of this Resolution may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

Sec. 251.3 **Procedures Upon Discovery of Violation**

1. If the Zoning Inspector finds that any provision of this Resolution is being violated, a written notice (the initial written notice may be the final notice) shall be sent to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it and the time period allowed for the corrections. It shall also state what action the Zoning Inspector intends to take if the violation is not corrected and shall advise that the Zoning Inspector's decision or order may be appealed to the Township Board of Zoning Appeals in accordance with the provisions of Article XVIII. Additional written notices may be sent at the Zoning Inspector's discretion.

2. If no action is taken within the time period allowed for correction, cessation or appeal to the Township Board of Zoning Appeals, a citation shall be issued. The violator shall pay the citation within twenty (20) days to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken within these twenty (20) days, additional citations may be issued each day the violation

remains in noncompliance, each one with increased penalties attached. Each day the violation occurs after the citation is issued is a separate offense.

3. Notwithstanding the foregoing, in cases where delay would seriously pose a danger to the public health, safety, or welfare, the Zoning Inspector may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in Section 281.

(STT Res. Z9705 eff. Dec. 4, 1997)

ARTICLE XXVI
APPLICABLE PROVISIONS

Sec. 261 This Resolution has been passed under the authority of Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.

ARTICLE XXVII
VALIDITY

Sec. 271 This Resolution shall in all respects be construed so as to conform with the provisions and requirements of Ohio law, including, but not limited to the provisions of Chapter 519 of the Ohio Revised Code. If any section, subsection, sentence, clause, or phrase of this Resolution is for any reason adjudged to be unconstitutional or invalid by a court of competent jurisdiction, the remainder shall not be affected thereby.

ARTICLE XXVIII
VIOLATIONS AND PENALTIES

Sec. 281 It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or to use any land in violation of any regulation in or any provision of this Resolution or any amendment or supplement thereto.

Sec. 281.1 Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offenders to a civil penalty in accordance with the fee schedule at the end of this Section. A civil penalty may not be appealed to the Township Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 251.3 and did not appeal to the Township Board of Zoning Appeals within the prescribed time. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 281.2 This Resolution may also be enforced by any appropriate equitable action.

Sec. 281.3 Each day that any violation continues (for each citation) after notification by the Zoning Inspector that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Section.

Sec. 281.4 Any one, all, or any combination of the foregoing penalties and remedies may be used to enforce this Resolution.

Sec. 282 **Zoning Certificate Revocation**

Sec. 282.1 A Zoning Certificate may be revoked by the Zoning Inspector in accordance with the provisions of this Section if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this Section, or any additional requirements lawfully imposed in connection with the issuance of the Zoning Certificate.

Sec. 282.2 Before a Zoning Certificate may be revoked, all of the notice, hearing and other requirements shall be complied with. The notice shall inform the certificate holder of the alleged grounds for revocation.

1. The burden of presenting evidence sufficient to authorize the Zoning Inspector to conclude that a certificate should be revoked for any of the reasons set forth in Section 282.1 shall be upon the party advocating that position. (STT Res. Z9705 eff. Dec. 4, 1997)

2. The action to revoke a Zoning Certificate shall include a statement of the specific reasons or findings of fact that support the decision.

Sec. 282.3 Before a Zoning Certificate may be revoked, the Zoning Inspector shall give the recipient of the certificate ten (10) days notice of intent to revoke the certificate and shall inform the recipient of the alleged reasons for the revocation and of the right to obtain an informal hearing on the allegations. If the certificate is revoked, the Zoning Inspector shall provide to the holder of the Zoning Certificate a written statement of the decision and reasons therefore.

Sec. 282.4 No person may continue to make use of land or buildings in the manner authorized by any Zoning Certificate after such certificate has been revoked in accordance with this Section.

Sec. 283 **Judicial Review.** Any decision of the Board of Township Trustees, the Symmes Township Zoning Commission, or the Zoning Inspector granting, revoking or denying a Zoning Certificate, and every final decision of the Township Board of Zoning Appeals shall be subject to review by the Court of Common Pleas.

Table of Civil Penalties for Zoning Violations

Type of Violation	Cost Per Day		
	1st Violation	2nd* Violation	3rd** Violation
(1) Junk Vehicle	$25.00	$50.00	$100.00
(2) Storage of Boat, Trailer or other type of RV	$25.00	$50.00	$100.00
(3) Main Structure	$25.00	$50.00	$100.00
(4) Accessory Structure (Fences, Signs, Pools, Sheds, etc.)	$25.00	$50.00	$100.00
(5)Yard Requirements	$25.00	$100.00	$100.00
(6)Usage	$50.00	$100.00	$100.00
(7)Violation of Terms	$50.00	$100.00	$100.00
(8)Failure to obtain Zoning Certificate	$25.00	$50.00	$100.00

*A second violation means a second violation of the same type per property with the same ownership.
**A third violation means a third violation of the same type per property with the same ownership.

ARTICLE XXIX
REMEDIES

Sec. 291 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of any regulation, provision, amendment or supplement of this Resolution, the Township Trustees, the Law Director of the Township, the Symmes Township Zoning Inspector, the County Building Inspector, 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 injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

ARTICLE XXX
WHEN EFFECTIVE

Sec. 301 This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Adopted this 2nd day of July, 1996

Symmes Township Trustees,
of Hamilton County, Ohio

Attest: John C. Borchers, Township Clerk

The regulations and maps of the Zoning Resolution are in full force and effect from and after November 21, 1996 in Symmes Township.

ARTICLE XXXI
SIGN REGULATIONS

Sec. 311 **Purpose and Intent:**

Sec. 311.1 It is the intent of this Article to establish reasonable regulations governing the size, character, and location of signs within the Township, in the interest of the safety and general welfare of the citizens, business concerns, and other affected sectors of the community;

Sec. 311.2 To maximize the benefit to all, the following more specific objectives are reflected in the regulations and procedures contained within this Article;

Sec. 311.3 No text for this Section.

Sec. 311.4 To minimize the possibility that sign size, location, or character will create hazards adversely affecting the public safety;

Sec. 311.5 No text for this Section.

Sec. 311.6 To establish sign limitations which allow a reasonable capability for identification and advertisement, but which prevent the escalation of sign competition to levels which are nonproductive and create unnecessarily high entrepreneurial costs;

Sec. 311.7 No text for this Section.

Sec. 311.8 To provide sign regulations which are directly related to land use and therefore to the functional and economic need for signs of varying sizes, types and locations;

Sec. 311.9 No text for this Section.

Sec. 311.10 To create a more aesthetic environment, and to preserve property values, without unreasonably limiting the right of individuals to employ signs in the legitimate use of their property;

Sec. 311.11 No text for this Section.

Sec. 311.12 To provide for the size, lighting and spacing of off-premise advertising signs according to customary use and to provide special rules for retail areas which are surrounded by Residence Districts, other than the "O" and "E" Residence Districts;

Sec. 311.13 No text for this Section.

Sec. 311.14 To facilitate the swift and effective enforcement and prosecution of this Article while preserving the right of the individual to due process;

Sec. 311.15 To protect the rights of property owners and occupants to display messages protected by the First Amendment of the U.S. Constitution. Therefore, the purpose of these regulations include the intention to clarify the regulations and to remove any doubt that it is the public's right to receive and display Free Speech Messages, including, but not limited to, religious, political, economic, social and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.(STT Res. Z0501 eff. May 5, 2005)

Section 312 **Definitions of Sign Types and Terms:**

As used in this Article, the following terms have the meanings assigned to them in this Section, whether or not capitalized in the text:

Banner Sign: A sign in the nature of a flag, pennant, streamer or ribbon.

Bench Billboard Sign: A sign painted, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public place or roadway. (STT Res. Z9705 eff. Dec. 4, 1997)

Building Frontage: Total lineal feet of building length of that facade which fronts the principal dedicated street, or that facade upon which the main entrance to the building is situated.

Bulletin Board Sign: Any sign or structure located on the property owned or operated by a public, institutional, religious, or charitable organization which is used to identify the name of the institution or organization and to announce its activities.

Business, New: A business which begins commercial activity at a new location or a business which changes it's name.

Business Sign: A sign which directs attention to a business, profession or industry or to products sold, manufactured or assembled or to services or entertainment offered upon the premises where such sign is displayed.

Changeable Copy Sign: A sign that is designed so that characters, letters, or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Commemorative Plaques: A sign which memorializes the historical, political, social, religious, scientific or educational significance of the premises.

Commercial Message: Any message displayed on a sign that is intended to call attention to a business or promote the sale of any goods or services. (STT Res. Z0501 eff. May. 5, 2005)

Construction Sign: Any sign giving the name or names of principal contractors, developers, architects, engineers and lending institutions responsible for construction on the site where the sign is placed, together with related information included thereon.

Developed Property: All real property or a portion thereof that is improved with buildings, paved parking or storage areas, or that is actively and directly used for agriculture, lumbering, mining, recreation or similar activities. "Buffering" and similar open space areas shall not be included in the developed portion of the property except where such areas are required as set backs.

Directional Sign: A sign designed to direct the flow of vehicular or pedestrian traffic in or out of premises. These signs may include the name and nature of the business or non-profit organization activity and shall be internally illuminated for night time operation.

Domestic Advertising Sign: A sign located on the same premises and used for auctions or garage sales or the incidental sale of goods from a residence.

Establishment: A distinct office or distinct place of business from which a business or other activity, or more than one related businesses or activities, is conducted.

Estimated Replacement Value: The cost which would be currently incurred by a sign owner to replace the existing sign with a new sign of substantially the same size, copy, materials and other characteristics.

Façade: That portion of a building including canopy or awning facing the street or that wall of a building through which there is primary access for customers. Where more than one business occupies the same building the facade for each business shall be that portion of the building occupied by the business which faces the street or which provides the primary access.

Finished Grade Level: The normal grade of premises after development. Any mounding at the base of a sign above the normal grade shall not be considered as raising finished grade level.

Free Speech Message: Any message displayed on a sign that is not intended to convey a commercial message. Such messages include but are not limited to, religious, political, economic, social and philosophical messages. (STT Res. Z0501 eff. May. 5, 2005)

Freestanding Sign:

a) Pole - A permanent freestanding sign supported by one (1) or more uprights, poles or braces placed in or upon the ground surface and not attached to any building. Such sign may also be commonly known as a pylon sign.

b) Groundmounted - A permanent freestanding sign other than a pole or pylon sign, not attached to a building, which is placed upon or supported by the ground independently of any other structure. Such sign may also be known as a monument sign. (STT Res. Z9705 eff. Dec. 4, 1997)

Maintenance: The cleaning, painting, repair, or replacement of defective parts of a sign in a manner that does not alter the basic copy, design or structure of the sign.

Nonconforming Sign: A sign existing on any premises which was legal on the effective date of the applicable section or sections of this Resolution and which does not conform with the provisions of this Resolution.

Non-Profit organizations: An organization exempt from taxation under Sec. 501 (c) (3), (4), (7), (8), (10) or (19) of the Internal Revenue Code, Title 26, United States Code, as in effect on the effective date of this Article.

Off-Premise Advertising Sign: A sign which directs attention to a business, commodity, or commercial service or entertainment which is not conducted, sold or offered upon the premises where such sign is located or affixed.(STT Res. Z0501 eff. May 5, 2005)

Outdoor Advertising Device: Any sign displaying a message that is intended to be visible from adjacent property or public right-of-way in the vicinity. (STT Res. Z0501 eff. May 5, 2005)

Permanent Sign: A sign which is either permanently anchored to the ground or permanently affixed to a structure.

Political Sign: A sign announcing or supporting political candidates, groups or issues.

Portable Sign: A sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle, (where the primary purpose is to advertise) or frame capable of being moved from place to place. (STT Res. Z9705 eff. Dec. 4, 1997)

Poster: A graphic device, usually paper or light board, which is displayed on the interior surface of walls or windows. (STT Res. Z9705 eff. Dec. 4, 1997)

Premises: Any tract or tracts of land-which comprise a single, integrated development or use of such land.

Primary System: That portion of the state highway system as designated or as may hereafter be designated by the state as part of the federal-aid primary system of highways, which designation has been approved by the Secretary of Transportation of the United States, pursuant to 70 Stat. 374 (1956), 23 U.S.C. 103.

Real Estate Sign: A sign which is used to offer for sale, lease, rent or trade the property upon which the sign is placed.

Roof Sign: A sign erected or constructed wholly upon or over the roof of any building and supported on the roof structure. Signs which are an integral part of the roof design and whose structural members are not visible, shall be considered wall signs and not roof signs.

Sign: Any device including its supporting structure which is designed to attract attention to its message or location and which is placed so as to be open to the

Surface Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, logo, or any figure or similar character together with any frame or other material or color forming an integral part of a

display. The area of such sign shall be determined by computing the minimum area of a polygon which completely encloses the sign face and in which polygon no interior angle is greater than 180 degrees. Canopy, awnings or other translucent material which are back lighted shall be considered part of the surface area. Surface areas that intersect at an interior angle greater than 90 degrees shall be considered one surface area.

Temporary Sign: A sign which is neither permanently anchored to the ground nor permanently affixed to a structure, or which is mounted on a chassis, including, but not limited to, signs of canvas or other material which are designed to cover the face of any existing sign. (STT Res. Z9705 eff. Dec. 4, 1997)

Variable Message Centers: A sign or graphic object which is displayed in a series of electric lights, movable parts, or other image producing devices, and whose message or graphic changes in form, color, intensity or any other manner more than once in a 24 hour period. (STT Res. Z9705 eff. Dec. 4, 1997)

Vehicular Sign: Signs on parked vehicles, including trailers, which signs are visible from the public right-of-way where the primary purpose of the vehicle is to display a commercial message regarding a commercial enterprise or a product held for sale on the same or nearby property on which the vehicle is parked. (STT Res. Z0501 eff. May. 5, 2005)

Wall Sign: A sign attached to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building.

Window Sign: A sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior.

Zoning Inspector: The individual appointed as such by the Board of Trustees of Symmes Township, Ohio or his designee.

Sec. 313 **Regulations Protecting Free Speech on Signs**
(STT Res. Z0501 eff. May 5, 2005)

Sec. 313.1-1 **Purpose.** It is not the intent of Symmes Township to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment of the U.S. Constitution. Therefore, the purpose of these regulations include the intention to clarify the regulations and to remove any doubt that it is the public's right to receive and display Free Speech Messages, including, but not limited to, religious, political, economic, social and philosophical messages subject, however, to reasonable regulations to assure safety and minimize visual blight. It is the further purpose of these regulations to affirm that an expedient appeal process exists that addresses these First Amendment concerns.

Sec. 313.1-2 **Definition.** For purposes of Section 313, “Free Speech Message” shall mean any message that is not intended to convey a commercial message. “Free Speech Messages” include but are not limited to, religious, political, economic, social and

philosophical messages. “Commercial message” means any message intended to call attention to a business or promote the sale of any goods or services.

Sec. 313.2 **Conflict with Existing Provisions.** In furtherance of the purpose of this Section, if there is any conflict between the provisions of Sections 313.3, 313.4 and 313.5 below, with any other section of the Zoning Resolution, including those provisions regulating signs, and such conflict could be construed to infringe on Free Speech Messages, the provisions of Sections 313.3, 313.4 and 313.5 shall control.

Sec. 313.3 **First Amendment Safeguards.** In order to safeguard the protections offered by the First Amendment, the following regulations shall apply:

Sec. 313.3-1 Every parcel in all zoning districts shall be permitted to display one (1) two-sided or one (1) one-sided ground mounted sign containing any Free Speech Message. Each side of the sign shall not exceed six (6) square feet in area, with a maximum height limitation of four (4) feet above finished grade level. Such signs shall be setback at least six (6) feet from any right-of-way line and at least five (5) feet from all other property lines. In no event shall such sign be erected in the right-of-way. Such sign shall not be subject to the Zoning Certificate requirements of the Zoning Resolution. However, such sign must be kept in good and safe condition.

Sec. 313.3-2 At any time that the Hamilton County Board of Elections has identified a candidate or issue that will be placed on the ballot at the next general or special election, one sign, in addition to the sign permitted by Section 313.3-1, may be erected for each candidate or issue that the occupant wishes to support or oppose. A sign may also be presented for each write-in candidate. Such political signs shall be subject to the dimensional regulations set forth in Section 313.3-1. All such signs, except for the one sign permitted by Section 313.3-1 shall be removed from display not later than the first Friday immediately following the election.

Sec. 313.3-3 If a sign permitted in Sections 313.3-1 and 313.3-2 is not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore the sign to good and safe condition. If the sign is not restored to good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this Section and subject to Article XXV and the applicable Sections of Article XXVIII. In addition, no sign permitted by Sections 313.3-1 and 313.3-2 shall be placed in any right of way. And such signs in the right of way may be removed and stored by the Township without notice.

Sec. 313.3-4 Signs authorized by Sections 313.3-1 and 313.3-2 may be erected and displayed without obtaining a Zoning Certificate or a Building Permit.

Sec. 313.3-5 Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to this Article (Sign Regulations) shall be permitted to display a Free Speech message in lieu of the permitted commercial message on the sign authorized for a commercial message. However, this provision shall not apply to existing signs displaying a message necessary for public safety, such as messages directing vehicular or pedestrian flow, parking restriction signs, or fire lane signs. Whether a sign displays a commercial message or a Free Speech message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including, but not limited to, size, height, area and setback in the same manner as if it were displaying a commercial message. Signs with the Free Speech message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the Free Message permitted by Sections 313.3-1 and 313.3-2.

Sec. 313.3-6 No sign except those authorized and conforming to the Ohio Uniform Code of Traffic Control Devices shall be permitted in any public right-of-way. Any sign unlawfully installed in a public right-of-way shall be deemed abandoned and may be removed and stored by the Township.

Sec. 313.4 **Signs as Principal Use.** Signs shall generally be considered an accessory use regulated pursuant to the underlying zoning district regulations and this Section 313. However, where no structure or building exists on a parcel, and such parcel is located in a district zoned for industry, business, or trade, or the property is used for agricultural purposes, a single outdoor advertising device shall be permitted as the principal use and may display commercial or Free Messages, including off-premise advertising, with a face area not exceeding seventy-two (72) square feet (6 ft. by 12 ft.), excluding temporary embellishments, cut-outs, or extensions. An outdoor advertising devise shall mean a sign displaying a message that is intended to be visible from adjacent property or public right-of-way in the vicinity. The size and location of outdoor advertising devises shall be subject to all regulations set forth in this Code regarding the size, height, location and number of signs permitted on parcels within the applicable zoning district or PUD. Setback and height requirements shall be consistent with the underlying zoning district regulations. On such parcels where a sign is intended to be the principal use, no other structure, building, or activity shall be permitted. On parcels where there is an existing structure or building or a specified activity is intended to be the principal use, all signs shall be considered as accessory and incidental uses and shall be subject to the applicable sign regulations. No buildings, structures or other activities permitted in the zoning district shall be permitted on a parcel on which a sign is used as a principal use unless the sign is changed and used as an accessory use.

Sec. 313.5 **Appeal Process for Sign Application Denials.** In order to confirm a property owner's ability to exercise his or her First Amendment rights without undue delay, a special process shall be instituted for the appeal of the denial of a Zoning Certificate for any sign which requires a Zoning Certificate to be issued before it is constructed or displayed. To the extent that the appeal process of this Section conflicts with the provisions of Section 183 of the Zoning Resolution, the appeal process of Section 313.5 shall control. The powers of the Board of Zoning Appeals set forth in Section 184, specifically Sections 184.1 and 184.2 shall be construed to include the power to hear appeals regarding the issuance or denial of a Zoning Certificate for signs. The standard that must be demonstrated by the applicant shall be practical difficulties in the case of an area or dimensional variance and the standard of unnecessary hardship in the case of a use variance.

Sec. 313.5-1 Pursuant to Section 325.8, it shall be the duty of the Zoning Inspector to either approve or deny applications for Zoning Certificates for signs within fifteen (15) business days of the date of application. Any aggrieved applicant shall have the right to appeal the denial of a Zoning Certificate for a sign. Such appeal shall be heard by the Board of Zoning Appeals.

Sec. 313.5-2 Any such appeal must be taken within twenty (20) days after the decision of the Zoning Inspector by filing a notice of appeal, stating the grounds for such appeal, with the Zoning Inspector and the Board of Zoning Appeals. In the alternative, it shall be sufficient to satisfy this requirement to present the notice to the Administrative Official who shall cause the notice of appeal to be promptly delivered to the Zoning Inspector and the Board of Zoning Appeals. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Sec. 313.5-3 The Board shall fix a time for the hearing of the appeal not sooner than twenty (20) days and not later than forty (40) days from the filing of the notice of appeal. The Board of Zoning Appeals shall give at least ten (10) days' notice in writing to all parties of interest, which shall include the owners of all abutting lots and all owners of land within two hundred (200) feet of the subject property. In addition, the Board of Zoning Appeals 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 the hearing. The appealing party has the right to waive any and all of the time restrictions imposed on the Board of Zoning Appeals. However, absent such waiver, failure of the Board of Zoning Appeals to act within these time limitations shall be deemed an approval of the application for the Zoning Certificate.

Sec. 313.5-4 The Board shall render a written decision on the appeal not later than fourteen (14) days after the date of the public hearing. Failure of the Board of Zoning Appeals to issue a written decision within the stated time shall be deemed an approval of the application of the Zoning Certificate. The Board of Zoning Appeals shall render a decision in accordance with Section 186. Any party adversely affected by a decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful. The Court may affirm, reverse, vacate or modify the decision complained of in the appeal. Chapters 2505 and 2506 of the Ohio Revised Code shall be applicable as they pertain to administrative appeals.

Section 314 **General Rules. Regulations and Limitations:**

Sec. 314.1 All signs shall be deemed accessory uses.

Sec. 314.2 A sign shall be erected, maintained or continued only if it is in full compliance with the regulations for the District in which it is located, and all applicable provisions and regulations of this Article, except that nonconforming signs may be maintained or continued pursuant to Section 314.4-4. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 314.3 No text for this Section.

Sec. 314.4 Compliance with the provisions of this Article shall be according to the following:

Sec. 314.4-1 When erected all new signs shall comply with approved plans.

Sec. 314.4-2 A nonconforming sign shall immediately lose its nonconforming designation and shall be immediately removed or modified to conform if:

1. The sign is relocated; or
2. The sign identifies one or more businesses or other activities conducted on the premises on which the sign is located and all businesses and other activities conducted on the entire premises cease for a period of six (6) months; or
3. The sign is structurally altered to an extent greater than fifty percent (50%) of the estimated replacement value; or
4. The sign is enlarged; or
5. The sign is damaged or replaced to an extent of greater than fifty percent (50%) of the estimated replacement value; or
6. The sign is a temporary sign.

Sec. 314.4-3 No text for this Section.

Sec. 314.4-4 A sign shall lose its nonconforming designation and shall be immediately removed or modified to conform if it is damaged fifty percent (50%) or less of its estimated

replacement value and repairs or reconstruction is not completed within one hundred twenty (120) days from the date of such damage or destruction.

Sec. 314.5 No text for this Section.

Sec. 314.6 Temporary signs - Except as otherwise specified in this Article, the use of one temporary sign per premises shall only be permitted for such periods not to exceed thirty (30) consecutive days and only with the issuance of a Special Temporary Use Zoning Certificate from the Zoning Inspector. The Special Temporary Use Zoning certificate will only be issued under the following conditions:

Sec. 314.6-1 When new construction of improvements on the premises has been completed, in total compliance with this Zoning Resolution, and the permanent sign has not been installed, or installed but not completed;

Sec. 314.6-2 When an existing sign has been damaged and is being repaired, and said sign is the principal means of visual advertisement for the premises;

Sec. 314.6-3 No text for this Section.

Sec. 314.6-4 The temporary sign must be removed upon the installation of a permanent sign.

Sec. 314.6-5 No text for this Section.

Sec. 314.6-6 The maximum size of temporary signs shall be thirty-two (32) square feet per side with a maximum of two (2) sides. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 314.7 No text for this Section.

Sec. 314.8 No sign, except those authorized by a government agency, shall be located or shall be permitted in the traveled way or within a vision clearance area. A vision clearance area is a triangular area formed by the intersection of any combination of right-of-way, private roads, public roads, alleys or driveways and extending vertically from a height of thirty-six (36) inches above grade to ten (10) feet above grade. The triangular area is formed with the apex at the intersection of the curb lines or edge of pavement extended, with the sides of the triangle extending along the curb line twenty (20) feet from the apex, and with a line connecting the ends of the sides to form the third side. No support structure for a sign may be located in a vision clearance area unless the combined total width is twelve (12) inches or less and the combined total depth is twelve (12) inches or less. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 314.9 No text for this Section.

Sec. 314.10 Except as otherwise provided for in this Article, no sign shall be permitted which displays flashing, moving or intermittent lights and symbols or lights, letters and symbols of changing degrees of intensity. Flashing, intermittent or moving lights by themselves, with or without written messages or graphics, are prohibited when placed so as to be open to the outdoor public view.

Sec. 314.11 No text for this Section.

Sec. 314.12 No sign shall be erected, maintained or continued which is fraudulent or obscene.

Sec. 314.13 No text for this Section.

Sec. 314.14 No off-premise advertising sign carrying a commercial message shall be permitted, except as provided by Section 313.4(STT Res. Z0501 eff. May 5, 2005).

Sec. 314.15 No text for this Section.

Sec. 314.16 No sign shall be erected, maintained or extended over or into any street, right-of-way, public way or alley right-of-way, unless specifically provided for within this Article.

Sec. 314.17 No text for this Section.

Sec. 314.18 No sign shall be erected, maintained or continued which constricts the access or the flow of air through any window or door which is required by applicable building or fire codes.

Sec. 314.19 No text for this Section.

Sec. 314.20 Except as otherwise provided for in this Article, no sign, handbill, poster, advertisement or notice of any kind, shall be fastened, placed or painted on or to any curbstone, (except address numbers four (4") inches high), utility service equipment, hydrant, bridge, culvert, drinking fountain, trash container, courtesy bench, rest station building, tree, sidewalk, street, street sign, or other structures which are in the public right-of-way or which constitute public property.

Sec. 314.21 No vehicular signs shall be permitted in any district unless the vehicle is parked in established off-street loading areas or in an established parking area where the sign is not readily visible from the public right-of-way. Vehicular signs on vehicles, which are parked in the part of an established parking area that is furthest from adjoining rights-of-way shall be presumed to not be in violation of this Section.(STT Res. Z0501 eff. May 5, 2005)

Sec. 314.22 All signs must be capable of being removed without altering the building structure or affecting its integrity.

Sec. 314.23 No text for this Section.

Sec. 314.24 No signage or advertisement shall be painted directly onto a roof. Any painted roof advertising which is a nonconforming sign shall be discontinued and shall be painted over or otherwise completely removed when the message or display contained thereon becomes unreadable, or no longer functional as advertising or display. No painted roof sign shall be repainted, touched-up or otherwise maintained so as to preserve its display or message.

Sec. 314.25 No text for this Section.

Sec. 314.26I f a free-standing sign identifies one or more businesses or other activities conducted on the premises on which the sign is located and all businesses and other activities conducted on the entire premises cease for a period of six (6) months, then such free-standing sign shall be immediately removed in its entirety, including supporting structure above finished grade level. The cyclical cessation of a purely seasonal business or other activity shall not be considered a cessation of such business or other activity.

Sec. 314.27 No text for this Section.

Sec. 314.28 No radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound or noise making or transmitting device or instrument shall be allowed, permitted or continued in connection with any sign, nor may it be used separately for advertising purposes in any District or for attention gaining for commercial purposes.

Sec. 314.29 No text for this Section.

Sec. 314.30 No banner signs shall be permitted in any district, except as otherwise permitted in this Article. Official governmental banner signs, including, but not limited to, federal, state and local flags, shall be permitted in any district.

Sec. 314.31 No text for this Section.

Sec. 314.32 All signs herein permitted shall be constructed and maintained in a good working condition. The owner of such signs, as well as the owner of the premises where such signs are located, shall maintain said signs free from dirt and other such debris. All lettering, illustrations, and other such graphics contained on said signs shall be constructed and maintained in a workmanlike manner, free from fading and illegibility, except as otherwise provided in Section 314.24.

Sec. 314.33 No text for this Section.

Sec. 314.34 Signs associated with Nonconforming Land Uses: All signs associated with a legal nonconforming land use shall be permitted as if the business or use were located in the most restrictive zoning district allowing such land use. No new signs associated with nonconforming land uses may be erected, unless in conformance with the standards set forth in this Article. In the event that a sign associated with a nonconforming land use is moved, its new location must conform to the setback requirements for a primary building in the district in which the nonconforming land use is located.

Sec. 314.35 No text for this Section.

Sec. 314.36 The Zoning Commission shall have the authority to amend the regulations in this Article after review by the Commission to address the needs of the owner and public in "DD", "EE", "FF", "GG"and "OO" Planned Zoning Districts and Community Unit Plans.

Sec. 314.37 No text for this Section.

Sec. 314.38 Illumination of Signs. Light Sources to illuminate signs shall be shielded from all adjacent Residence Districts and all streets. In no case shall the lighting exceed standards specified in Chapter 17, in the section labeled "Floodlighted Signs" of the "I.E.S. LIGHTING HANDBOOK 1987 APPLICATIONS VOLUME", published by: Illuminating Engineering Society of North America, copyrighted in 1987, Editor: John E. Kaufman, P.E. FIES.

Sec. 314.39 No text for this Section.

Sec. 314.40 No search lights, strobe lights, or beacons are permitted in any district.

Sec. 314.41 No text for this Section.

Sec. 314.42 In the event of any conflict between this Article XXXI and the remainder of the Zoning Resolution, this Article XXXI shall control.

Sec. 315 No text for this Section.

Sec. 316 **Special Signs:**

The following signs described in Section 316 shall be permitted in any district without a fee, in addition to any other sign permitted in the Article. All signs in Section 316 shall be setback a minimum of ten (10) feet from the edge of pavement, or at the edge of right-of-way, whichever is the greater setback, and five (5) feet from all other property lines.

Sec. 316.1 The following signs are permitted but will require that a Zoning Certificate be issued by the Zoning Inspector, as provided for in Section 325 of this Article. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 316.1-1 **Bulletin Board Signs**. One bulletin board sign is permitted per premise not to exceed twenty (20) square feet per side, maximum of two (2) sides, with a maximum height limitation of six (6) feet from finished grade level for any sign or structure located on the property of a nonprofit organization which is used to identify the name of the organization and to announce its on premise activities. Said sign shall not be animated, may be illuminated, but only by concealed lighting and only between 6:00 A.M. and 11:00 P.M. Bulletin board signs may be combined with other permanent signs.

Sec. 316.1-2 **Construction Signs**. In Residence Districts, one construction sign, not exceeding twelve (12) square feet per side, maximum of two (2) sides, with a maximum height limitation of six (6) feet from finished grade level is allowed. In all other zoning districts, one construction sign, not exceeding thirty-two (32) square feet per side, maximum of two (2) sides, with a maximum height limitation of eight (8) feet above finished grade level, is permitted per premises. All construction signs shall not be illuminated, shall not be installed until construction has commenced, and shall be removed upon completion of construction or abandonment of work. Signage areas within the above allocations may be divided up into two (2)signs.

Sec. 316.1-3 No text for this Section.

Sec. 316.1-4 **Temporary signs for Non-Profit Organizations**. One temporary sign is permitted per premises for functions of non-profit organizations and shall be allowed for a period of up to thirty (30) calendar days before the function and must be removed within two days following the function. Each nonprofit organization shall be limited to three temporary signs within a calendar year. The signage size shall be no larger than thirty-two (32) square feet per side maximum of two (2) sides.

Sec. 316.2 The following signs are permitted without a fee and without requiring a Zoning Certificate in addition to any other sign permitted under this Article.

Sec. 316.2-1 **Real Estate Signs:**

In Residence Districts one real estate sign per lot, not exceeding 7.5 square feet per side, maximum of two (2) sides with a maximum height limitation of four (4) feet from finished grade level, which advertises the sale, rental or lease of the premises on which said sign is located is allowed. Said sign shall not be animated or illuminated. Said sign shall be removed by owner or agent within fourteen (14) calendar days after the sale, transfer of title, rental or lease of the premises. In all other zoning districts, the preceding limitations for real estate signs shall apply, except that the sign area shall not exceed thirty-two (32) square feet per side, maximum of two sides, with a maximum height limitation of eight (8) feet above finished grade level.

Sec. 316.2-2 **Professional name plates**. Professional name plates which state only the name and occupation of the occupant, not to exceed one (1) square foot per side, maximum of two (2) sides are allowed. Said sign shall not be animated or illuminated.

Sec. 316.2-3 No text for this Section.

Sec. 316.2-4 **Commemorative plaques**. Commemorative plaques of a permanent nature, not exceeding sixteen (16) square feet in surface area, are permitted.

Sec. 316.2-5 No text for this Section.

Sec. 316.2-6 **Traffic control signs**. Traffic control signs authorized by any governmental agency, signs, notices, placards, certificates and official papers authorized or required by any governmental agency or court, and public utility warning and underground lines identification signs are permitted.

Sec. 316.2-7 No text for this Section.

Sec. 316.2-8 **Window signs**. Window signs shall be permitted in "E", "EE", "F", "FF", "G", "GG", and "H" districts, but shall not exceed thirty percent (30%) of the glass area on the first floor of the front elevation.

Sec. 316.2-9 No text for this Section.

Sec. 316.2-10 **Domestic advertising**. Domestic advertising signs are permitted in any Residence District. The total message area per premises shall not exceed six (6) sq. ft. per side, maximum of two (2) sides. Such signs must be located on the same premises as the goods offered for sale and shall be displayed only 24 hrs. prior to and after goods are for sale. No setbacks are required, but they shall not be displayed within any streets, public right-of-way or public land.

Sec. 316.2-11 No text for this Section.

Sec. 316.2-12 No text for this Section. (STT Res. Z0501 eff. May 7, 2005)

Sec. 317 No text for this Section.

Sec. 318 **Residence Districts, Other Than The "O" and "E" Residence Districts:**

Sec. 318.1 Signs in Section 318 may be lighted between 6:00 A.M. and 11:00 P.M., provided the source of which is not visible from off the premises. Except as otherwise provided in this Article, signs permitted in the "A-A", "A", "A-2", "B", "B-2", "C", "D", "DD" Districts, Community Unit Plans, and residence uses permitted in the "H" District shall be limited to the following: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 318.1-1 Signs that identify residential subdivisions or other single, two-family, or multi-family premises of two (2) acres or more in total land area are permitted, subject to a maximum of twenty-four (24) square feet of surface area for each main entrance into the premises; maximum overall height of the sign shall not exceed eight (8) feet. Surface area within the above limitation may be allocated between both sides of an entrance street if both sides are in the premises. Such signs shall be setback at least ten (10) feet from the edge of pavement and out of the right-of-way, and at least five (5) feet from all other property lines. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 318.1-2 Signs that identify single, two-family, or multi-family premises of less than two acres in total land area having six (6) or more dwelling units are permitted, subject to a maximum of twelve (12) square feet of surface area per premises, maximum overall height not to exceed eight (8) feet. Surface area within the above limitations may be allocated between both sides of an entrance street if both sides are in the premises. Such signs shall be setback at least ten (10) feet from the edge of pavement and out of the right-of-way, and at least five (5) feet from all other property lines. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 318.1-3 No text for this Section.

Sec. 318.1-4 Signs that identify churches, non-profit organizations, swim clubs, tennis clubs, schools, parks, golf courses, public buildings and similar permitted uses are allowed one (1) freestanding groundmounted sign per premises, with a maximum of twenty (20) square feet of surface area per side, maximum of twenty (20) square feet of surface area per side, maximum of two (2) sides. Such freestanding groundmounted signs shall not exceed ten (10) feet in height and shall be setback at least ten (10) feet from edge of pavement and out of right-of-way, and at least five (5) feet from all other property lines. Bulletin Boards as allowed in Section 316.1-1, may be combined with the freestanding groundmounted sign, provided that the overall height and setback limitations of this Sec. 318.1-4 are met. In addition, wall signs are allowed, subject to a maximum of twenty (20) square feet per building. Wall signs may project up to six (6) feet from the building wall and a minimum ground clearance above pedestrian areas shall be sight (8) feet. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 319 No text for this Section.

Sec. 320 **Office Signage:**

Sec. 320.1 **Freestanding Signs**. The following restrictions shall apply to freestanding signs within the "O" and "OO" Districts:

Sec. 320.1-1 One free-standing groundmounted sign is permitted per premises within the "O" and "OO" Districts, except that on premises with developed property having more than five hundred (500) feet of street frontage, additional freestanding groundmounted signs are permitted subject to a maximum of one freestanding groundmounted sign for each five hundred (500) feet of street frontage. Parcels with frontage exceeding five hundred (500) feet on more than one street frontage may have a freestanding groundmounted sign on each frontage.

Sec. 320.1-2 In the case of a multi development office park, containing more than five (5) developed parcels, one development identification sign shall be permitted. Such freestanding groundmounted sign shall contain only the name of the development.

Sec. 320.1-3 All freestanding groundmounted signs shall conform to the following requirements;

1. No portion of any groundmounted sign shall be closer than ten (10) feet to any right of way line.
2. No portion of any groundmounted sign shall be closer than ten (10) feet to any property line.
3. No groundmounted sign shall exceed ten (10) feet in height from the finished grade level.
4. No groundmounted sign shall contain more than fifty (50) square feet of sign area per side (maximum 2 sides).

Sec. 320.2 **Directional Signs**: The following requirements shall pertain to directional signs within the "O" and "OO" Districts.

Sec. 320.2-1 Two directional signs are permitted per access point.

Sec. 320.2-2 All directional signs shall conform to the following requirements:

1. No directional sign shall be closer than five (5) feet to any right of way line.
2. No directional sign shall exceed four (4) feet in height.
3. The maximum sign area of any directional sign shall be four (4) square feet per side (maximum 2 sides).

Sec. 320.3 **Wall Signs**. The following requirements pertain to wall signs within the "O" and "OO" Districts:

Sec. 320.3-1 All wall signs shall conform to the following requirements:

1. For each office building 1.0 square feet of sign surface area shall be permitted for each linear foot of building frontage (facade). (STT Res. Z9902, eff. June 3, 1999)
2. The maximum projection from the facade surface shall be eighteen (18) inches. Minimum ground clearance above pedestrian areas shall be eight (8) feet.

Sec. 320.3-2 Signage in windows is prohibited.

Sec. 321 **Commercial Signage**:

Sec. 321.1 **Freestanding groundmounted signs**. The following restrictions shall apply to freestanding groundmounted signs within the "E" and "EE" Districts:

Sec. 321.1-1 One freestanding groundmounted sign is permitted per premises within the "E" and "EE" Districts, except that on premises with developed property having more than five hundred (500) feet of street frontage, additional freestanding groundmounted signs are permitted subject to a maximum one freestanding groundmounted sign for each five hundred (500) feet of street frontage. Parcels with frontage exceeding five hundred (500) feet on more than one street frontage may have a freestanding groundmounted sign on each frontage. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 321.1-2 In the case of a shopping center, one freestanding groundmounted sign shall be permitted for development identification. Such sign shall contain only the name of the development.

Sec. 321.1-3 All freestanding groundmounted signs shall conform to the following requirements:

1. No freestanding groundmounted sign shall be closer than ten (10) feet to any right of way line.
2. No freestanding groundmounted sign shall be closer than ten (10) feet to any adjacent property line.
3. No freestanding groundmounted sign shall exceed ten (10) feet in height from the finished grade level.
4. No groundmounted sign shall contain more than fifty (50) square feet of sign area per side (maximum 2 sides).

Sec. 321.2-1 One freestanding pole sign is permitted for each parcel located within six hundred fifty (650) feet of the right of way of a federal interstate highway.

Sec. 321.2-2 All freestanding pole signs shall conform to the following requirements:

1. No freestanding pole sign shall be closer than ten (10) feet to any right of way line.

2. No freestanding pole sign shall be closer than twenty (20) feet to any adjacent property line.

3. No freestanding pole sign located three hundred (300) feet from the right of way of a federal interstate highway shall exceed forty-five (45) feet in height from the finished grade level and no sign within six hundred fifty (650) feet from the right of way of a federal interstate highway shall exceed twenty (20) feet in height from the finished grade level. (STT Res. Z9705 eff. Dec. 4, 1997)

4. No freestanding pole sign shall contain more than one hundred twenty (120) square feet of sign area per side (maximum 2 sides).

Sec. 321.3 **Directional Signs**. The following restrictions apply to directional signs within the "E" and "EE" Districts:

Sec. 321.3-1

1. No directional sign shall be closer than five (5) feet to any right of way line.

2. No directional sign shall exceed four (4) feet in height.

3. The maximum sign area of any directional sign shall be four (4) square feet per side (maximum 2 sides).

Sec. 321.4 **Wall signs**. The following restrictions shall apply to wall signs within the "E" and "EE" Districts:

Sec. 321.4-1 All wall signs shall conform to the following requirements:

1. Any property or business shall be permitted 1.5 square feet of building sign surface area for each linear foot of building frontage (facade) facing the public street on which the principal access is located. For other building frontages, signs may not exceed .75 square feet of sign surface area for each linear foot of building frontage facing a public street. (STT Res. Z9902, eff. June 3, 1999)

2. The maximum projection from the facade surface shall be six (6) feet. The minimum ground clearance above pedestrian areas shall be eight (8) feet.

Sec. 321.4-2 Signage in windows shall be limited to thirty percent (30%) of the window area.

Sec. 321.5 **Variable Message Centers**. The following restrictions shall apply to variable message center signs within the "E" or "EE" Districts:

Sec. 321.5-1 One variable message center sign may be constructed per development as a part of the square footage permitted in the freestanding groundmounted sign or freestanding pole sign.

Sec. 321.5-2 All variable message center signs shall conform to the following requirements:

1. No part of any variable message center sign shall be closer than ten (10) feet to any right of way line.

2. No part of any variable message center sign shall be closer than ten (10) feet to any adjacent property line.

3. Any variable message center sign shall conform to all of the height and area requirements applicable to the freestanding ground mounted sign or the freestanding pole signs of which they are a part.

4. Maximum sign area permitted for use as a variable message center sign is limited to twenty-five percent (25%) of the total sign area permitted on the freestanding groundmounted sign or the freestanding pole sign up to a maximum thirty-five (35) square feet per side (maximum 2 sides).

5. Functional limits and parameters on time of day and temperature displays may be in five (5) second intervals. No other message, graphic or display shall not be moving, flashing, scintillating, animating nor changing in color or light intensity or visible changing in any other manner.

6. The display change interval, which is defined as the time period between when one message, graphic or display becomes illegible and the next message graphic or display just reaches legibility, shall be .3 seconds or less.

Sec. 322. **Industrial Signage**:

Sec. 322.1 **Freestanding Signs**. The following restrictions shall apply to freestanding signs within the "F", "FF", "G", "GG" Districts, and non-residence uses in the "H" District: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 322.1-1 One free-standing groundmounted sign is permitted per premises within the "F", "FF", "G", "GG" Districts and non-residence uses in the "H" District, except that on premises with developed property having more than five hundred (500) feet of street frontage, additional freestanding groundmounted signs are permitted subject to a maximum of one freestanding groundmounted sign for each five hundred (500) feet of street frontage. Parcels with frontage exceeding five hundred (500) feet on more than one street frontage may have a freestanding ground mounted sign on each frontage. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 322.1-2 In the case of a multi development industrial park, containing more than five developed parcels, one development identification sign shall be permitted. Such freestanding groundmounted sign shall contain only the name of the development.

Sec. 322.1-3 All freestanding groundmounted signs shall conform to the following requirements;

1. No portion of any groundmounted sign shall be closer than ten (10) feet to any right of way line.

2. No portion of any groundmounted sign shall be closer than ten (10) feet to any property line.

3. No groundmounted sign shall exceed ten (10) feet in height from the finished grade level.

4. No groundmounted sign shall contain more than fifty (50) square feet of sign area per side (maximum 2 sides).

Sec. 322.2 **Directional Signs**. The following requirements shall pertain to directional signs within the "F", "FF", "G", "GG" Districts, and non-residence uses in the "H" District. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 322.2-1 Two directional signs are permitted per access point.

Sec. 322.2-2 All directional signs shall conform to the following requirements:

1. No directional sign shall be closer than five (5) feet to any right of way line.

2. No directional sign shall exceed four (4) feet in height.

3. The maximum sign area of any directional sign shall be four (4) square feet per side (maximum 2 sides).

Sec. 322.3 **Wall Signs**. The following requirements pertain to wall signs within the "F", "FF", "G", "GG" Districts, and non-residence uses in the "H" District: (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 322.3-1 All wall signs shall conform to the following requirements:

1. Any property or business shall be permitted 1.0 square feet of building sign surface area for each linear foot of building frontage (facade) facing the public street on which the principal access is located. For other building frontages, signs may not exceed .75 square feet of sign surface area for each linear foot of building frontage facing a public street. (STT Res. Z9902, eff. June 3, 1999)

2. The maximum projection from the facade surface shall be six (6) feet. Minimum ground clearance above pedestrian areas shall be eight (8) feet.

Sec. 323. **Prohibited Signs**:

Sec. 323.1 The following signs are prohibited in all districts:

1. Bench billboards

2. Off premise advertising

3. Roof signs
(STT Res. Z9705 eff. Dec. 4, 1997)

4. Vehicular signs
(STT Res. Z0501 eff. May 5, 2005)

Sec. 324. **Special Promotion Signs:**

Sec. 324.1 The following restrictions shall apply to special promotions signs within the "O", "OO", "E" and "EE" Districts:

Sec. 324.2 Special promotions signs shall be permitted for new businesses or establishments during a grand opening period not to exceed fourteen (14) calendar days. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 324.3 The following types of signs shall be permitted as special promotions signs only:

1. Banner signs
2. Inflatable balloons
3. Portable signs

(STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 324.4 New businesses or establishments may display only one (1) special promotion sign subject to the restrictions of Section 324.5. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 324.5 The following restrictions shall apply to special promotion signs:

1. Banner signs shall be set back at least ten (10) feet from the edge of the right of way and fifteen (15) feet from any adjacent property line. No banner sign shall contain more than twenty-two (22) square feet per side (maximum 2 sides) and shall not exceed ten (10) feet in height. (STT Res. Z9705 eff. Dec. 4, 1997)

2. One temporary sign which may be illuminated, shall be permitted per business or establishment which shall be located at least ten (10) feet from any right of way and fifteen (15) feet from any adjacent property line. No temporary sign shall contain more than thirty-two (32) square feet per side (maximum two sides) and shall not exceed ten (10) feet in height.

3. Inflatable balloon shall be placed at least ten (10) feet from any right-of-way and fifteen (15) feet from any adjacent property line. The height of the sign shall not exceed ten (10) feet. The size of the sign shall be such that the inflatable sign does not contain a horizontal or vertical plane that is greater than fifty (50) square feet. Such sign shall not be placed on the roof of a building and shall be securely fastened to the ground for the period of display. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 325 **Zoning Certificates, Fees & Administration:**

Sec. 325.1 Every sign requiring a Zoning Certificate in existence at the time of adoption of this Resolution shall be registered by the owner within one hundred-eighty (180) days after the adoption of this Resolution, on forms provided by the Township Zoning Office.

Sec. 325.2 Except as otherwise provided within this Resolution, it shall be unlawful to erect, enlarge, expand, alter (including face changes), relocate, or reconstruct any sign without first filing with the Township Zoning Inspector an application in writing and obtaining a Zoning Certificate. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 325.3 When a Zoning Certificate has been issued by the Zoning Inspector, it shall be unlawful to change, modify, alter or otherwise deviate from the terms and conditions of said Zoning Certificate.

Sec. 325.4 No text for this Section.

Sec. 325.5 The following changes shall require a Zoning Certificate but no fee:

Sec. 325.5-1 Routine sign maintenance including cleaning, re-painting, replacing lamps and ballast and electrical components and changing lettering or parts of signs designed to be regularly changed. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 325.5-2 The repair of a conforming sign.

Sec. 325.6 Application for a Zoning Certificate shall be made upon the forms provided by the Zoning Inspector and shall include, but not be limited to, the following information:

Sec. 325.6-1 Name, address and telephone number of applicant, property owner and sign contractor.

Sec. 325.6-2 Location by street address of the proposed sign.

Sec. 325.6-3 Drawing to scale showing the design proposed; the size and style of letters, lines and symbols; method of illumination; details and specifications of construction.

Sec. 325.6-4 Site Plan showing the exact location of the sign in relation to the building, all property lines, and rights-of-way lines and plans shall be signed by a registered surveyor.

Sec. 325.6-5 Any other information or requirements as requested by the Zoning Inspector (such as Ohio Department of Transportation approval).

Sec. 325.7 The Township shall have the right to assess a Zoning Certificate fee for each sign. Fees are hereby exempted for those signs listed in Section 316.

Sec. 325.8 It shall be the duty of the Zoning Inspector, who shall be the enforcing officer, upon the filing of an application for a Zoning Certificate, to examine such plans and specifications and the premises upon which it is proposed to erect the sign. If it shall appear that the proposed structure is in compliance with all the requirements of this Resolution, the Zoning Inspector shall then issue the Zoning Certificate within fifteen (15) business days. If not, he shall state in writing to the applicant his reason(s) for denial within fifteen (15) business days of the date of application.

Sec. 325.9 If an otherwise lawful sign is erected, altered or relocated without a Zoning Certificate as required by this Resolution, the owner of such sign may subsequently obtain a Zoning, Certificate for such sign upon compliance with all applicable provisions of this Resolution and the payment of all applicable fees, together with a penalty established by the Symmes Township Board of Trustees. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 325.10 It shall be the responsibility of the Zoning Inspector to register and keep records of all conforming and nonconforming signs.

Sec. 325.11 The Zoning Inspector shall attempt to notify the owner of any illegal sign located in the right-of-way or on public property to remove such sign immediately. If the owner does not remove the sign within 24 hours, the Zoning Inspector is authorized to remove such sign in the interest of public safety and welfare and cite the owner of such sign. Such signs removed by the Zoning Inspector will be held in storage on Township premises and may be disposed of unless claimed within two (2) weeks.

ARTICLE XXXII
TRANSITION BUFFER YARDS

Sec. 326 The purpose of this Article is to require buffering between residential and nonresidential uses and districts, and other incompatible uses, and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of transition areas in accordance with the standards and requirements of this Article. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 326.1 No structure or land which abuts a right-of-way or a boundary between any "A-A", "A", "A-2", "B", "B-2", or "C" Residence District or use and any "D", "E", "F", "G", "O", "H", "EF" or Planned District shall be developed, or redeveloped unless a transition area is established in accordance with the requirements of this Article.

Redevelopment of existing structures shall require conformance with the restrictions of this Article based on the criteria established below:

When the Existing Structure is	Redevelopment is a change in..
0 - 1,000 Sq. Ft.	50% or more of the floor area
1,001 - 10,000 Sq. Ft.	40% or more of the floor area
10,001 - 25,000 Sq. Ft.	30% or more of the floor area
25,001 - 50,000 Sq. Ft.	20% or more of the floor area
50,001 Sq. Ft. and larger	10% or more of the floor area

(STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 326.2 The following types of transition buffer yards shall be required, as applicable, in accordance with the provisions of this Article.

Sec. 326.2-1 **Boundary Buffer**. The purpose of a boundary buffer is to separate adjacent incompatible land uses as identified in Section 326.1 and to screen and soften the detrimental impacts of such uses upon one another and upon the surrounding area.

Sec. 326.2-2 **Streetscape Buffer**. The purpose of a streetscape buffer is to shield or enhance views into a parking lot, establish coordination among diverse buildings, setbacks and uses, to retain the quality of the environment by providing appropriate vertical mass in keeping with dimensions of horizontal voids, and to diminish the presence of wires/poles, lights and other clutter along the public right-of-way.

Sec. 326.3 For any buffer required by this Article, a development plan shall be submitted with the application for the Zoning Certificate to the Symmes Township Zoning Inspector to review for compliance with these regulations and any other applicable regulations. The plan shall show the following:

1. The topography of the site.
2. The location of driveway entrances.
3. Provisions for vehicular and pedestrian circulation.
4. The location of sidewalks on or adjacent to the property.
5. The location of utilities, barriers, shelters, and signs.
6. The location of landscaped areas and the types, quantity, sizes and location of vegetation to be planted in the areas of existing vegetation and existing and proposed topography.

7. Any other relevant information requested by the Symmes Township Zoning Commission.

Sec. 327 **General Standards for Transition Buffer Yards**. The following standards shall be used to determine the appropriate required transition buffer yard.

The Symmes Township Zoning Commission may modify these Transition Buffer Yard requirements where the topography or other physical features of the tract or its relation to surrounding property make complete compliance with the minimum requirements unnecessary or undesirable, provided the surrounding property and the public welfare are adequately protected.

Sec. 327.1 The boundary buffer area shall be provided by the person in charge of or in control of developing the property whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "owner".)

Sec. 327.2 Location:

Sec. 327.2-1 Boundary buffers shall be located along the rear and side boundaries of a lot or parcel. Buffers shall not be located on any portion of an existing, or dedicated or reserved public or private right-of-way. On sloped areas, the buffer should be located to maximize its effectiveness.

Sec. 327.2-2 Streetscape buffers shall be located adjacent to the public right-of-way and may be required along private street easements.

Sec. 327.3 No structure shall be permitted within a required buffer other than a wall, fence or berm, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the buffer area.

Sec. 327.4 When both parcels are owned and being developed by the same owner, the buffer may be placed on either adjoining parcel or astride the boundary.

Sec. 327.5 When adjoining parcels have different owners, the buffer shall be placed on the parcel being developed.

Sec. 327.6 Where development already exists on both sides of a property line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Article given the location of existing buildings and driveways.

Sec. 327.7 All required planting material shall be located within the designated boundary or streetscape buffer yard.

Sec. 327.8 Planting material required by this Article shall conform to the Plant Installation Standards set forth in Section 329 and in accordance with the definitions in Article III.

Sec. 328 **Transition Buffer Yard Requirements.** Buffer yards shall be provided on developing and redeveloping property as set forth in the following standards.

Sec. 328.1 Boundary buffer yards shall be required as follows:

Sec. 328.1-1 In any "D" or "DD" District, a boundary buffer of fifteen (15) feet shall be required along property lines abutting "A-A", "A", "A-2", "B", "B-2", or "C" Residence Districts or residential use property. Such buffer shall have a minimum of three (3) canopy trees

and fifteen (15) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.1-2 In any "O" or "OO" District, a boundary buffer of twenty (20) feet shall be required along abutting "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use property. Such buffer shall have a minimum of three and one-half (3.5) canopy trees and fifteen (15) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.1-3 In any "E" or "EE" District, a boundary buffer of twenty-five (25) feet shall be required along abutting "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use property. Such buffer shall have a minimum of four (4) canopy trees and twelve and one-half (12.5) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.1-4 In any "F" or "FF" District, a boundary buffer of thirty-five (35) feet shall be required along abutting "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use property. Such buffer shall have a minimum of four and one-half (4.5) canopy trees and ten (10) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.1-5 In any "G" or "GG" District, a boundary buffer of forty (40) feet shall be required along abutting "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or resiential use property. Such buffer shall have a minimum of four and one-half (4.5) canopy trees and ten (10) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 ef. Dec. 4, 1997)

Sec. 328.1-6 In any "EF" District, a boundary buffer of fifty (50) feet shall be required along abutting "A-A", "A", "A-2", "B", "B-2", "C", "D" or "DD" Residence Districts or residential use property. Such buffer shall have a minimum of four and one-half (4.5) canopy trees and ten (10) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.1-7 In any "H" Riverfront District, a boundary buffer of thirty-five (35) feet shall be required along property lines for non-residence uses abutting "A-A", "A", "A-2", "B", "B-2", "C", "D", or "DD" Residence Districts property. Such buffer shall have a minimum of four and one-half (4-1/2) canopy trees and ten (10) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.2 Streetscape buffer yards shall be required as follows:

Sec. 328.2-1 Adjoining right-of-way in all districts except, "A-A", "A", "A-2", "B", "B-2", "C", or "D" Residence Districts, shall require streetscape buffers. Streetscape buffers are only required in Residence Districts, other than the "O" and "E" Residence Districts, for parking areas of five (5) or more vehicles.

Sec. 328.2-2 The streetscape buffer shall have a depth of ten (10) feet or greater, shall be located adjacent to the right-of-way and shall extend along the entire road frontage, except such buffer shall not interfere with vehicular sight distance at public street intersections.

Sec. 328.2-3 No parking or pavement shall be allowed in the streetscape buffer except for intersecting drives or required walkways.

Sec. 328.2-4 Streetscape material shall be located so as not to impair the sight distance at intersections. To this end, no landscape material with a height greater than twelve (12) inches shall be located within twenty (20) feet of the right-of-way of an intersection of a public street, except that trees shall be permitted if only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine (9) feet above the ground, following early growth stages.

Sec. 328.2-5 In any "DD" Planned Residence District, or other Residence District requiring a streetscape buffer for parking areas of five (5) vehicles or more, a streetscape buffer of ten (10) feet shall be required. Such buffer shall have a minimum of three (3) canopy trees and ten (10) shrubs per one hundred (100) linear feet of boundary buffer required.

Sec. 328.2-6 In any "O", "OO", "F", "FF", "G", "GG", "H" or "EF" District, a streetscape buffer of ten (10) feet shall be required. Such buffer shall be a minimum of two and one-half (2.5) canopy trees and twenty (20) shrubs per one hundred (100) linear feet of boundary buffer required. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 328.2-7 In any "E" or "EE" District, a streetscape buffer of ten (10) feet shall be required. Such buffer shall be a minimum of one and one-half (1.5) canopy trees and twenty (20) shrubs per one hundred (100) linear feet of boundary buffer required.

Sec. 328.3 Installation alternatives. The following alternatives can be used when determining the planting material to be installed in buffer yards:

Sec. 328.3-1 For boundary buffer yards, the following plant materials may be substituted for the required planting material, upon approval by the Zoning Commission:

1. One and one-half (1.5) understory trees or one (1) evergreen tree may be substituted for one (1) canopy tree for up to fifty percent (50%) of the required canopy trees.
2. A fence, wall or berm of six (6) to eight (8) feet in height may be used and can substitute for shrub requirements.

Sec. 328.3-2 For streetscape buffer yards required in Residence Districts, other than the "O" and "E" Residence Districts, the following plant materials may be substituted for the required planting material, upon approval by the Zoning Commission:

1. One and one-half (1.5) understory trees or one (1) evergreen tree may be substituted for one (1) canopy tree for up to fifty percent (50%) of the required canopy trees.
2. A fence, wall or berm of three (3) to six (6) feet in height may be used and can substitute for shrub requirements.

Sec. 328.3-3 For streetscape buffer yards required in any "O", "OO", "E", "EE", "F", "FF", "G", "GG","H" or "EF" District, the following plant materials may be substituted for the required planting material, upon approval by the Zoning Commission: (STT Res. Z9705 eff. Dec. 4, 1997)

1. Berms a minimum of three (3) feet in height may be used and can be substituted for fifty percent of the shrub requirements.
2. A fence or wall of three (3) or four (4) feet in height with fifty percent (50%) or less of its surface open or a minimum of three (3) feet grade drop from the right-of-way to the vehicular use area may be used and can be substituted for fifty percent of the shrub requirements.

Sec. 329 **Plant Installation Standards**. The following standards shall apply to all new plant material installed as part of a buffer required under the provisions of this and related Articles:

Sec. 329.1 To meet the requirements of this Article, plants shall be species approved as appropriate for this region by a licensed Landscape Architect or Certified Horticulturist.

Sec. 329.2 Quality and Installation.

Sec. 329.2-1 All specifications for the quality and installation of trees and shrubs shall be in accordance with the most recent edition of "American Standards for Nursery Stock" published by the American Association of Nurserymen.

Sec. 329.2-2 All plant material shall be free from disease and damage.

Sec. 329.2-3 All plant material shall be planted in a manner that is not intrusive to utilities, pavement, pedestrian traffic or vehicular traffic.

Sec. 329.2-4 All required plant material shall be planted within one year or by the next planting season, as outlined in the latest edition of "American Standards for Nursery Stock", after all construction activity in the area of the new planting has ceased.

Sec. 329.3 Plant size.

Sec. 329.3-1 Canopy trees shall be deciduous trees with a minimum of twelve (12) feet in overall height or a minimum caliper of two and one-half (2.5) inches when installed, and have an expected height of at least thirty-five (35) feet at maturity.

Sec. 329.3-2 Evergreen trees shall be a minimum of five (5) feet in height when installed.

Sec. 329.3-3 Understory trees shall be a minimum of five (5) feet in height in clump form or one and one-half (1.5) caliper inches in single stem form when installed.

Sec. 329.3-4 Shrubs shall be at least eighteen (18) inches in height or twenty-four (24) inches in spread when installed.

Sec. 330 **Standards for Use of Walls, Fences or Berms**. Whenever a landscape material requires a wall, fence or berm, or such use is proposed, such wall, fence or berm shall meet the following requirements:

Sec. 330.1 Any wall shall be constructed to be durable, in brick, stone, or other masonry materials, with fifty percent (50%) or less of the wall surface left open. Any wall constructed to serve as a screen shall be one hundred percent (100%) opaque.

Sec. 330.2 Any fence shall be constructed to be durable, of wood, metal or wrought iron. Fence posts shall be structurally stable. The finished side of the fence shall face out from the developing property and shall face the adjacent property or street.

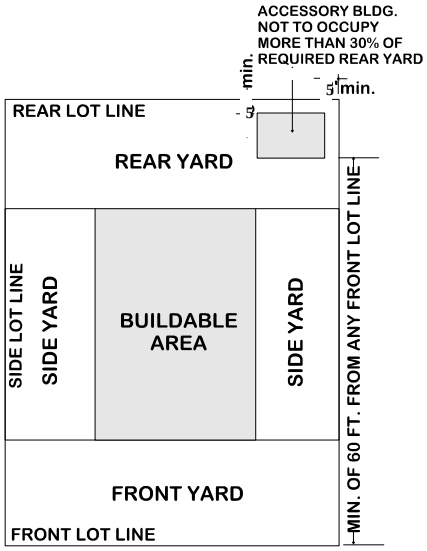
Sec. 330.3 Berms shall be physical barriers made of earth which block or screen the view similar to a hedge, fence or wall. In no event shall a berm have a slope of greater than three feet of horizontal distance for each one foot rise in elevation (3:1). Any berm shall be stabilized to prevent erosion immediately after its construction and shall be landscaped with the next planting season in accordance with the requirements of this Article.

Sec. 331 **Maintenance Responsibilities For All Landscape Materials**

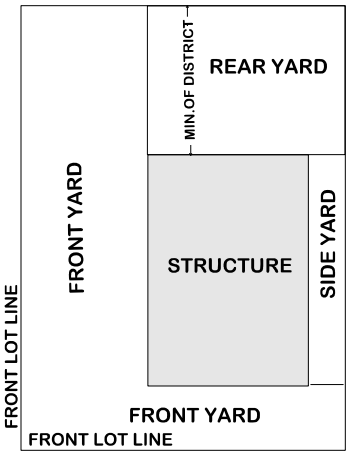
Sec. 331.1 All landscape material must be properly maintained in order for the buffer to fulfil its purpose. The owner of the property and any tenant on the property where required landscaping is located shall be jointly and severally responsible for the maintenance of all landscape materials. appearance and to keep walls, fences, and berms in good repair and neat appearance. (STT Res. Z9705 eff. Dec. 4, 1997)

Sec. 331.2 All landscape material which fails to meet the minimum requirements of this Article at the time of installation shall be removed and replaced with acceptable materials. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. All buffer material shall be protected from damage by motor vehicles or pedestrians which could reduce the effectiveness of the buffer. (STT Res. Z9705 eff. Dec. 4, 1997)

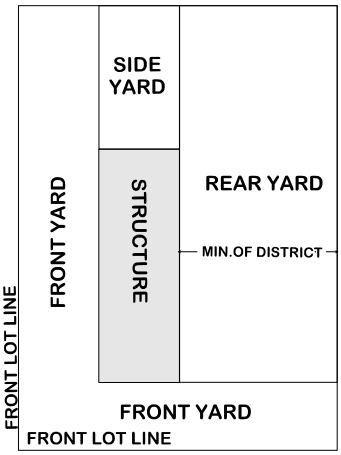
BUILDABLE AND NON-BUILDABLE AREAS



REAR YARDS ON CORNER LOTS



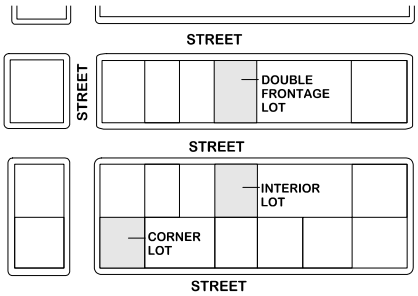
REAR YARD OPTION 1



REAR YARD OPTION 2

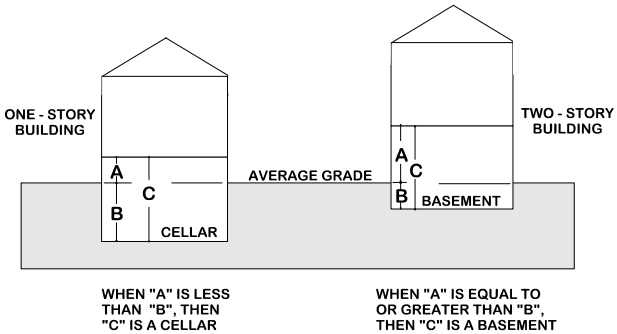
On corner lots the rear yard is generally considered to be parallel to the street upon which the lot has its least dimension as depicted in "Rear Yard Option 1". However, the rear yard may be approved parallel to the street upon which the lot has its greatest dimension, if the minimum distance from the structure to the rear property line complies with the minimum rear yard setback required in the zone district as depicted in "Rear Yard Option 2".

LOT TYPES

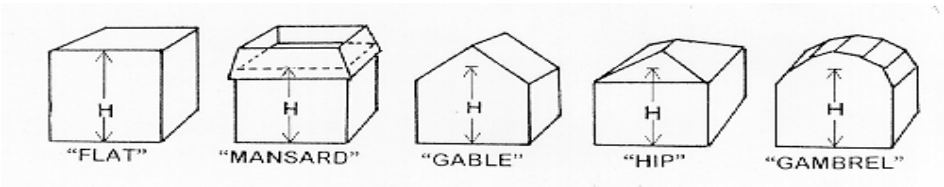


In any district where a lot is located at the intersection of two or more streets there shall be a front yard on each street side of a corner lot. Except that the buildable width of the lot record shall not be reduced to less than the minimum required in the district in which located and no accessory building shall project upon the front yard line of either street.

CELLAR, BASEMENT, AND STORY



MEASUREMENT OF BUILDING HEIGHTS BY ROOF TYPE



Building Height is measured as the vertical distance from the average grade to the highest point of the coping of a flat roof or to the deck of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs excluding elevator shafts, chimneys and other structures.

ARTICLE XXXIII
ACCESSORY USES AND STRUCTURES

(STT Resolution Z9902, effective June 3, 1999)

Sec. 340 **General Authorization**: Except as otherwise expressly provided or limited in this Article, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses and structures conform to all applicable requirements of this Resolution. Any accessory use or structure may be approved in conjunction with the approval of the principal use. No accessory use or structure shall be permitted if it would have significant negative impact, including aesthetic impact, on any adjacent property or on the area as a whole.

Sec. 341 **Zoning Certificates:** No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Article and all other applicable regulations of this Resolution has first been issued in accordance with Article XIX unless otherwise stated below.

A satellite dish antenna that is thirty-six (36") inches or less in diameter and is attached to the wall or roof of the main building (Section 345.2) in any district shall be exempt from all zoning regulations and shall not require a zoning certificate. Other accessory uses not requiring Zoning Certificates, but subject to the minimum yard requirements of this Article, include ornamental landscape structures (Section 342.4), swing sets, jungle gyms and other play devices not requiring a building permit (Section 342.5), and dumpsters and trash handling areas (Section 344).

Sec. 342 **Use Limitations.** In addition to the applicable use limitations of the district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:

Sec. 342.1 **Principal Structure Permit Required.** No accessory use or structure shall be approved, established, or constructed before the principal use is approved in accordance with these regulations. Accessory buildings that are to be used for storage materials necessary for the construction of the principal structure may be erected upon a lot prior to the construction of that structure but only after a permit for the principal structure has been issued.

Sec. 342.2 **Signs Prohibited.** No sign, except as expressly authorized by this Article and Article XXXI shall be maintained in connection with an accessory use or structure.

Sec. 342.3 **Location.** No accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty (30%) percent of the required area of the rear yard. Where the principal structure is at least two hundred (200) feet from the right-of-way, an accessory structure may then be located within the front or side yard, but must be at least one hundred (100) feet from the right-of-way, and all district setback requirements shall be maintained.

Sec. 342.4 **Decorative Features in Front and Side Yards.** Ornamental landscape structures such as fountains, ponds, and other decorative features shall not occupy more than thirty (30%) percent of the front or side yard and shall not exceed five (5) feet in height.

Sec. 342.5 **Play Devices in Rear Yards**. Swing sets, jungle gyms, and other play devices excluding those accessory uses specified in Section 351 shall be located in the rear yard and must maintain a minimum setback of three (3) feet from every property line.

Sec. 343 **Home Occupations.** A home occupation shall be permitted in any zoning district as an accessory use to any permitted dwelling unit in accordance with the following standards:

Sec. 343.1 **General Standards.**

Sec. 343.1-1 **Maximum Area.** The home occupation shall be conducted within the closed living area of the dwelling unit or existing accessory structure, and shall not occupy more than twenty (20%) percent of the total floor area of the dwelling unit;

Sec. 343.1-2 **Use of Accessory Structure.** If the home occupation is conducted within an existing accessory structure, then that structure shall also serve as the garage or storage structure for the residents of the dwelling unit;

Sec. 343.1-3 **Outside Appearance.** There shall be no change in the outside appearance of the dwelling unit or accessory structure, or other visible evidence of the home occupation other than one sign not exceeding two (2) square feet in area, non-illuminated, which shall be mounted flat against the wall of the structure;

Sec. 343.1-4 **Commodity and Stock Prohibited.** No commodity or stock in trade shall be sold, displayed, or stored outside or inside the premises;

Sec. 343.1-5 **Nuisance Prohibited.** The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare, or other nuisances outside the dwelling unit or accessory structure in which it is located;

Sec. 343.1-6 **Employees Prohibited.** No persons shall be employed other than members of the immediate family residing on the premises;

Sec. 343.1-7 **Additional Traffic Generation Prohibited.** No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood;

Sec. 343.1-8 **Essential Residential Character.** The permission for home occupations as provided herein in intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

Sec. 343.2 **Uses Prohibited as Home Occupations.**

Home occupations shall not, under any circumstance, be deemed to include the following activities nor any other activities similar in kind or intensity of use:

1. Nursing homes;
2. Funeral homes, mortuaries and embalming establishments;
3. Restaurants;
4. Bed and breakfast establishments;
5. Hospitals, clinics, or the general practice of medicine or dentistry;
6. Clubs, including fraternities and sororities;
7. Instruction of persons;
8. Day care centers or type A day care home;
9. Retail or wholesale business;
10. Warehousing;
11. Beauty shop or barbershop;
12. Tailoring shops;
13. Shoe or hat repair;
14. Drop-off or pick-up station; and

15. On-premise consultation, sales, or transaction.

Sec. 344 **Dumpsters and Trash Handling Areas for Non-Single-Family Districts, Other Than The "O" and "E" Residence Districts.**
The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

Sec. 344.1 **Setbacks.** Dumpsters, trash handling areas, and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

Sec. 344.2 **Location of Screen.** Any such accessory use of structure shall be screened on three (3) sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or retail district.

Sec. 344.3 **Height and Construction of Screen.** Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than five (5) feet. Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five (25%) percent of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three (3) inches and with no greater than twenty-five (25%) percent of the fence surface left open between posts and/or planks.

Sec. 345 **Satellite Dish Antennas.** A satellite dish antenna, as defined in Article III, restricted to the sole purpose of receiving and amplifying microwave signals, for television reception shall be permitted in all districts subject to the following conditions and restrictions:

Sec. 345.1 **Applicability.** The following categories of satellite dish antennas shall be exempt from all zoning requirements and shall not require a zoning certificate:

Sec. 345.1-1 An earth station antenna that it two meters (78.74 inches) or less in diameter and located or proposed to be located in a retail or industrial zoning district.

Sec. 345.1-2 An earth station antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.

Sec. 345.2 **Site Plan.**

A plan for a wall or roof mounted satellite dish or ground mounted satellite dish antenna that is not exempted under Section 345.1 shall be submitted to the Administrative Official indicting the proposed height, diameter, location, and setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.

Sec. 345.3 **Standards.**

Sec. 345.3-1 Approval of a wall or roof mounted satellite antenna over thirty-sox (36) inches in diameter and attached to the main building shall be subject to the following standards:

1. Location. In all zone districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.

2. Setbacks. In all zone districts wall or rook mounted satellite dish antenna shall not be permitted to project into any required side or rear yard area.

Sec. 345.3-2 Approval of a ground mounted satellite dish antenna shall be subject to the following standards:

1. Location.
   a. In the "AA", "A", "A-2", "B", "B-2", "C", "H", and "MHP" Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line;

   b. In all other zone districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.

2. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
   a. Rear Yard and Side Yard. In all zone districts, fifteen (15) feet.

   b. Front Yard. In no case shall a ground mounted satellite dish antenna be located closer to the front or side street of a lot or building site than the main or principal building unless otherwise authorized by Section 342.3.

3. Landscaping. Ground mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Administrative Official. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.

4. Diameter. The diameter of such antenna shall not exceed the following:
   a. In the "AA", "A", "A-2", "B", "B-2", "C", "H", and "MHP" districts, ten (10) feet.
   b. In all other districts, twelve (12) feet.

5. Height. Ground mounted antennas shall be limited to a maximum height of twelve (12) feet above the grade in the "AA", "A", "A-2", "B", "B-2", "C", "H", and "MHP" districts, and a maximum height of fifteen (15) feet above grade in all other districts.

6. Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.

7. Number Permitted. Only one satellite dish antenna shall be allowed for each principal building.

8. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Building Code.

9. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition.

Sec. 346 **Fences and Walls**.

The restrictions set forth below shall apply to all fences and walls located in all districts, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers.

Sec. 346.1 **Height and Open Face Area in Front and Side Yard.** No fence or wall located in the front or side yard shall be built to a height greater than three (3) feet and shall have an

open face area of no less than fifty (50%) percent or when constructed to a height of not more than four (4) feet above grade, shall have an open face area of no less than seventy-five (75%) percent. Fences and walls as provided in Sections 344.3 and 346.4 shall be exempt from these height and openness requirements.

Sec. 346.2 **Height in Rear Yard.** No fence or wall located in the rear yard shall be built to a height greater than six (6) feet above grade. Fences and walls as provided in Sections 344.3 and 346.4 shall be exempt from these height requirements. Such fences or walls may be solid in construction.

Sec. 346.3 **Entrance Walls in Front Yard.** An entrance wall or one set of entrance walls constructed on opposite sides of the entrance street or drive shall be allowed in a front yard in accordance with the following requirements:

1. It is part of a single family development containing at least ten (10) dwelling units or a multi-family, retail, or industrial development having a minimum of five hundred (500) feet of lot frontage.

2. It is constructed at a maximum height of six (6) feet above grade and does not extend into the sight distance triangle.

3. Signage on such entrance walls shall be subject to size and illumination standards contained in Article XXXI.

Sec. 346.4 **Retaining Walls.** Retaining walls facing a residential district shall be setback from the residential property line a minimum of two (2) feet for each foot of height.

Sec. 347 **Day Care Centers as Accessory to Non-Residential Use.**
A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

Sec. 347.1 **Area of Outdoor Play Space.** At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, and required yards.

Sec. 347.2 **Location and Enclosure of Outdoor Play Space.** All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three (3) feet and no greater than six (6) feet.

Sec. 347.3 **Parking Standards.** Parking standards for accessory used shall be in addition to, and calculated the same as, permitted used as specified in Article XIV.

Sec. 348 **Drive-In or Drive-Through Service Windows.**
A drive-in service window, ATM (automatic teller machine), photo drop off or other similar type facility shall be permitted only as an accessory use in the "O", "E", "OO", and "EE" districts in accordance with the following requirements:

Sec. 348.1 **Principal Use.** The principal use shall be a retail establishment, office, or restaurant located on the same lot.

Sec. 348.2 **Setbacks.** Any freestanding drive-in service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

Sec. 348.3 **Circulation and Stacking Space.** The amount of stacking space and circulation patterns on the lot shall be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street,

Sec. 348.4 **Parking Standards.** Parking standards for accessory uses shall be in addition to, and calculated the same as permitted used as specified in Article XIV.

Sec. 349 No text for this Section.

Sec. 350 **Heliports.** A heliport shall be permitted as an accessory use only in any non-residential district provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

Sec. 351 **Detached Garage, Storage Structures and Other Detached Structures.**
Detached private garages, storage barns, and other detached structures shall be permitted as an accessory use in all Residential Districts and any district with permitted residential uses, in accordance with the following requirements:

Sec. 351.1 **Area and Height.**

Sec. 351.1-1 On parcels of less than one (1) acre, no more than one thousand thirty-two (1,032) square feet in area and twelve and one-half (12.5) feet in height measured to the mean height level between eaves and ridge for gable hip and gambrel roofs.

Sec. 351.1-2 On parcels more than one (1) acre having a minimum width of not less than one hundred fifty (150) feet at building line, no more than two thousand (2,000) square feet in area and twenty-four (24) feet in height measured to the mean height level between eaves and ridge for gable hip and gambrel roofs.

Sec. 351.2 **Setbacks**.

Sec. 351.2-1 On parcels of less than one (1) acres, no detached garage, storage barn or other detached structure shall be closer than five (5) feet from any property line.

Sec. 351.2-2 On parcels more than one (1) acre, no detached garage, storage barn or other detached structure and having more than one thousand thirty-two (1,032) square feet in floor area and being more than twelve and one-half (12.5) feet in height shall be closer than twenty-five (25) feet from any property line.

Sec. 351.3 **Location.** No detached garage or storage barn shall be located in the front or side yard except as otherwise permitted in Sections 342.1 and 342.3.

Sec. 352 **Private Swimming Pools, Tennis Courts, Basketball Courts.**
Swimming pools (Measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten (10) feet from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

Sec. 353 **Pre-School and Elementary Schools as Accessory to Existing Churches.**

Sec. 353.1 **Building Location.** All buildings shall be setback from any property line the minimum distance that is required in the District in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed forty-five (45) feet in height).

Sec. 353.2 **Building Type.** All accessory structures shall be designed to reflect the main building and the use of temporary, portable or modular structures shall be prohibited.

Sec. 353.3 **Area of Outdoor Play Space.** At least one hundred (100) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas and required yards.

Sec. 353.4 **Location and Enclosure of Outdoor Play Space.** All outdoor play space shall be located in the rear yard and fences or otherwise enclosed on all sides to a height of no less than three (3) feet and no greater than six (6) feet.

Sec. 354 **Festivals and Any Other Fundraisers as Accessory to Existing Churches.**

Sec. 354.1 **Festivals, Bingo or any other Fund Raising Activity.** All fund raising activities shall follow the regulations set forth in Article XXXIV.

Sec. 354.2 **Temporary Tents used at Festival and other Fundraiser Activities.** All temporary tents used at festivals or other Fundraisers shall be regulated by Article XXXIV Tents.

Sec. 354.3 **Temporary Signs**. All temporary signs shall follow the regulations in Article XXXI.

ARTICLE XXXIV
TEMPORARY USES

(STT Resolution Z9902, effective June 3, 1999)

Sec. 360 **Authorization**: Temporary Uses as defined in Article III and as hereinafter specified are permitted in accordance with the provisions set forth in this Article.

Sec. 361 **Zoning Certificate Required; Special Standards for Issuance and Revocation.**

Sec. 361.1 **Certificate Required.** Except as provided in Section 363.1, no temporary use shall be established or maintained unless a Zoning Certificate evidencing the compliance of such use with the provisions of this Resolution shall have first been issued in accordance with the provisions of article XIX.

Sec. 362 **Use Limitations.**

Sec. 362.1 **General Limitations.** Every temporary use shall comply with the use limitations applicable in the districts in which it is located as well as with the limitations made applicable to specified temporary uses by Section 363. No temporary use shall be permitted if it would have significant negative impact on any adjacent property or on the area as a whole.

Sec. 362.2 **Hours and Days of Operation.** No temporary use shall be operated during any hours or on any days of the week except such as are designated by the Administrative Official, in the Zoning Certificate required by Section 361. This determination shall be based on the nature of the temporary use and the character of the surrounding area.

Sec. 362.3 **Traffic.** No temporary use shall be permitted if the Administrative Official, upon review of the application, finds that additional vehicular traffic reasonable expected to be generated by such temporary use would have undue detrimental effects of surrounding streets and uses which cannot be adequately mitigated by the applicant.

Sec. 362.4 **Conflicts With Other Temporary Uses.** No temporary use shall be permitted if such use would conflict with another previously authorized temporary use.

Sec. 362.5 **Sign Limitations.** Signs shall be accordance with regulations contained in Article XXXI.

Sec. 362.6 **Parking.** Before approving any temporary use, the Administrative Official shall make an assessment of the total number of off-street parking spaces that will be reasonably required in connection with the proposed temporary use. This shall be done on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. The Administrative Official shall approve such temporary use only if such off-street parking is provided. No temporary use shall be authorized that would, in the opinion of the Administrative Official, unreasonable reduce the amount of off-street parking spaces available for use in connection with permanent uses located on the zoning lot in question.

Sec. 362.7 **Additional Conditions.** Every temporary use shall, in addition, comply with any other conditions as the Administrative Official may reasonable impose to achieve the purposes of this Resolution or to protect the public health, safety, and welfare.

Sec. 363 **Permitted Temporary Uses.**
Subject to the specific regulations and time limits that follow, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified:

Sec. 363.1 **House, Apartment, Garage, and Yard Sales.**
House, apartment, garage, and yard sales are permitted in any residential District, but only when limited to the personal possessions of the owner-occupant of the dwelling unit at which such sale is being conducted. Such use shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) such sales shall be conducted from the same residence in any twelve (12) month period. No zoning certificate shall be required for such use.

Sec. 363.2 **Contractor's Offices and Equipment Sheds.** Contractor's offices and equipment sheds are permitted in any district when accessory to a construction project. No such use shall contain any sleeping accommodations. Such use shall be limited to a period not to exceed the duration of the active construction phase of such project.

Sec. 363.3 **Model Units, Including Real Estate Offices.** Model units including Real Estate offices are permitted in any district when an accessory use to a new development. No such use shall be limited to the period of the active selling or leasing of units or space in such development and to activities related to the development in which such office is located. No such office shall be used as the general office or headquarters of any firm.

Sec. 363.4 **Festivals and Circuses.** Festivals and circuses are permitted in any district when sponsored by a not-for-profit religious, philanthropic or civic group or organization on property owned or leased by such group or organization. Commercial festivals and circuses are permitted in any Office, Retail, or Light Industrial District; provided, however, that any such use shall require the specific prior approval of the Administrative Official on the basis of the adequacy of the parcel size, parking provisions, traffic access and the absence of undue adverse impact on other properties. Such use shall be limited to a period not to exceed ten (10) days.

Such use need not comply with the yard requirements of this Resolution except that structures or equipment that might block the view of operators of motor vehicles on any public or private street and shall not be located within the sight triangle. Such use need not comply with the maximum height requirements of this Resolution. The concessionaire responsible for the operation of any such festival or circus shall submit in advance of the event date a site layout displaying adequate ingress and egress routes for emergency vehicles and no dead-end aisles.

In the event that a temporary use does not require the approval of the Hamilton County Building Department, the applicant or concessionaire shall provide written approval of the County of Township Fire Authority having jurisdiction over the use.

Sec. 363.5 **Tents.** Tents are permitted in all districts in connection with any permitted, accessory of temporary use. No tent shall be allowed to remain for a period of more than two (2) days longer than the use with which it is associated or, in the absence of any such period, ten (10) days. Unless waived in writing by the Administrative Official, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Sec. 364 **Bulk and Yard Regulations.** Except as expressly provided otherwise in Section 362 above, every temporary use shall comply with the bulk and yard requirements of the district in which such temporary use is located.

ARTICLE XXXV
CONDITIONAL USES

(STT Resolution Z-0002, effective May 25, 2000)

Sec. 380 **Purpose**: Conditional uses are those uses having some special impact or uniqueness which require a careful review of their location, design, configuration and special impact to determine, against fixed standards, the desirability of permitting their establishment on any given site. These are uses which may or may not be appropriate in a particular location depending on a weighing, in each case, of the public benefit against the local impact, the amelioration of any adverse impacts through special site planning, and development techniques and contributions to the provision of public improvements and rights-of-way.

Sec. 381 **Authority:** The Board of Zoning Appeals may, in accordance with the procedures and standards set out in this Article, and other regulations applicable to the district in which the subject property is located, approve by resolution those uses listed as conditional uses in the Table 35-1, in the Table of Permissible Uses, or in any other part of this Resolution.

Sec. 382 **Effect of Conditional Use Listing.**

Sec. 382.1 **Compliance with Zoning Requirements:** The listing of a conditional use in the Table 35-1, in a Table of Permissible Uses, or in any other part of this Resolution does not constitute an assurance or presumption that such conditional use will be approved except as provided in Section 382.2. Rather, each proposed conditional use shall be evaluated by the Board of Zoning Appeals on an individual basis. This shall be done in relation to its compliance with the standards and conditions set forth in this Article and with the standards for the district in which it is located, in order to determine whether approval of the conditional use is appropriate at the particular location and in the particular manner proposed.

Sec. 382.2 **Compliance with Other Requirements:** Nothing in this Article shall be deemed to prohibit or unreasonably limit any use guaranteed by state or federal law. However, reasonable conditions may be required by the Board of Zoning Appeals in order to satisfy the purposes as outlined in Section 380.

Sec. 383 **Review Procedure for Conditional Use Applications.**

Sec. 383.1 **Applicant:** An application for a Conditional Use Zoning Certificate may be filed with the Board of Zoning Appeals by the owner, lessee, or other person having a legal or equitable interest in the subject property.

Sec. 383.2 **Application:** An applicant for a conditional use shall file a plan and an application on forms provided by the Administrative Official. The plan for the use and development of the tract shall demonstrate that the general and specific criteria have been met.

Sec. 383.3 **Scheduling of Hearing and Transmittal of Application:** Within five (5) days after filing of an application determined to be complete, the Zoning Administrator shall set a date for a public hearing not less than thirty (30) nor more than sixty-two (62) days after filing of a complete application.

Sec. 383.4 **Staff Report:** Within twenty (20) days after the filing of a complete application, the Zoning Administrator shall prepare and transmit to the Board of Zoning Appeals a written report incorporating or summarizing comments of other departments, agencies, and officials. A recommendation shall be included, setting forth whether the application for a conditional use should be approved, approved with modifications, or denied and reasons for such recommendation.

Sec. 383.5 **Notice and Hearing:** The Board of Zoning Appeals shall hold a public hearing in accordance with the adopted Organization, Procedure, Rules and Regulations for the Symmes Township Board of Zoning Appeals. Notice of the hearing shall be given at least ten (10) days before the hearing by notice in writing sent by the Zoning Administrator to: the applicant and the owners within two hundred (200) feet in all directions. Notice shall also be published in one or more newspapers of general circulation in Symmes Township. Upon the hearing, any party may appear in person or by attorney.

Sec. 383.6 **Decision:** Within twenty-one (21) days after the close of the public hearing, the BZA shall:

(a) Approve the conditional use;

(b) Approve the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or

(c) Disapprove the conditional use.

Sec. 383.7 **Notification of Decision:** Following the decision of the Board of Zoning Appeals, the Zoning Administrator shall return to the applicant one copy of the resolution and submitted plans permanently marked to show either (a) approval of the conditional use; (b) approval of the conditional use subject to further specified approvals or modifications necessary to achieve full compliance with all standards; or (c) disapproval of the conditional use.

Sec. 384 **Coordinated Review and Approval of Applications.** When an application for a Conditional Use Zoning Certificate is filed, applications shall be filed with the Board of Zoning Appeals for all other required approvals, including variances.

Sec. 384.1 **Notice of Applications for Additional Approvals.** Whenever an applicant files an application for other approvals pursuant to this Section, all required notices shall include reference to the request for any and all additional approvals.

Sec. 384.2 **Procedures and Action by Board of Zoning Appeals.** Whenever an applicant files applications for other approvals pursuant to this Section, the Board of Zoning Appeals shall review and process all such applications at the same public hearing. In reviewing such combined applications the Board of Zoning Appeals shall, except as hereinafter provided with respect to limitations on the time for taking action, comply with all of the provisions of this Resolution applicable to each of the applications.

The Board of Zoning Appeals shall act on any such combined application within the longest time period applicable to any one of the individual applications or within such further time as may be consented to by the applicant. The Administrative Official shall issue notices and certificates of such action in accordance with the provisions of this Resolution applicable to the various applications involved.

Sec. 385 **General Considerations for Conditional Uses.** In approving an application for a Conditional Use Zoning Certificate, the Board of Zoning Appeals shall make a finding that the proposed conditional use is appropriate in the location proposed. The finding shall be based upon the general considerations set forth below, as well as the designated specific criteria for specific uses contained in Section 386.

(a) Spirit and Intent. The proposed use and development shall comply with the spirit and intention of the Zoning Resolution and with district purposes. The proposed use and development will be in harmony with the general and specific purposes for which this Resolution was enacted and for which the regulations of the district in question were established and complies with all additional standards imposed on it by the particular provisions of this Resolution authorizing such use.

(b) No Adverse Effect. The proposed use and development shall not have an adverse effect upon adjacent property, or the public health, safety, morals, and general welfare.

(c) Protection of Public Interests. The proposed use and development should respect, to the greatest extent practicable, the natural, scenic, and historic features of significant public interest.

(d) Consistent with Adopted Plans. The proposed use and development shall, as applicable, be consistent with objectives, policies and plans related to land use adopted by Symmes Township Trustees.

Sec. 386 **Specific Criteria Pertaining to Conditional Uses.** In addition to the general considerations contained in Section 385, each conditional use is subject to one or more specific criteria as identified in the Table 35-1. The following list contains all the specific criteria with each preceded by a letter for reference in the Table 35-1.

a. Site shall contain a minimum of five (5) acres and all buildings shall not occupy over ten percent (10%) of the total area of the site.

b. Site shall contain a minimum of twenty (20) acres.

c. Interment shall not be within fifty (50) feet of any property line and any mausoleum, crematory, or other structure shall be at least one hundred (100) feet from every property line.

d. Any structure (except fences), parking area, or storage area shall be setback at least one hundred (100) feet from every property line.

e. Setbacks from any adjacent residential property line shall be a minimum of fifty (50) feet for all buildings and twenty-five (25) feet for all parking areas.

f. Parking shall not be permitted in the area defined as the front yard setback of the existing zone district.

g. Use shall have direct access to a collector or arterial street.

h. The vehicular use area shall be located and designed so as to minimize impact on the neighborhood.

i. Any use for which drop-off or pick-up of children, residents, visitors, products, or emergency vehicles is a common occurrence shall provide for the separation of incoming and outgoing vehicles so as not to impede other traffic.

j. The use shall be located within three hundred (300) feet of an arterial highway.

k. The facility shall be reasonably accessible, either by its location or transportation provided by the applicant, to medical, recreational, and retail services as well as to employment opportunities that may be required by its residents

l. Measures shall be taken to minimize the impact of potential nuisances such as noise, odor, vibration, and dust on adjacent properties.

m. No exterior alterations of an existing structure shall be made that depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.

n. The architectural design and site layout of the structure and the location, nature, and height of any walls, screens, and fences are to be compatible with adjoining land uses and the residential character of the neighborhood.

o. Landscaping shall be installed in accordance with one of the following buffers as described in detail in Article XXXII, Sections 326 through 331.2, inclusive.

p. Signage shall be regulated as follows:
   (1) No signs shall be erected for purposes of identification except a permitted street address sign;

   (2) One sign permitted at a maximum of twelve (12) square feet and non-internally illuminated

   (3) One sign permitted at a maximum of thirty-two (32) square feet

   (4) Subject to sign standards in Article XXXI.

q. The conditional use shall be subordinate to the principal permitted use with regard to usage and character.

r. Outdoor playgrounds, tot lots, exercise areas, and pools shall be fully enclosed by a fence and be a minimum of fifty (50) feet from any residential property line.

s. All exterior lighting shall be directed away from adjacent residential properties and not exceed 0.5 foot candles at the property line when abutting a Residential Use or Residential District.

t. Documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant shall be submitted as part of the application.

u. Security measures shall be submitted as part of the application.

v. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents along with a structured procedure whereby their grievances may be filed and resolved.

w. A refuse collection plan shall be submitted as part of the application.

x. Meals shall be served only to guests or residents of the facility and not to the general public.

y. The intensity of the particular use shall be evaluated with regard to the location, size, and configuration of the tract.

z. An emergency response plan shall be submitted detailing safety measures and response procedures.

aa. No structure, storage area, or vehicular use area shall be located closer than:
(1) One hundred (100) feet to a Residential Use or District;
(2) Two hundred (200) feet to a Residential Use or District

bb. No landing strip shall be closer than one thousand (1,000) feet from a Residential Use.

cc. Coverage of the required rear yard by the unit shall not exceed ten percent (10%), and coverage of the entire lot by the unit and the principal unit shall not exceed twenty percent (20%).

dd. The unit shall contain a maximum of nine hundred (900) square feet and not exceed fifteen (15) feet in height.

ee. The terms of continuation of this use and those under which it shall eventually be removed or terminated are to be specified in the application and contained within the approving Resolution.

ff. There shall be central management of the use to assure seasonal occupancy only (between April 1 and October 31).

gg. Shall not be located within one thousand three hundred (1,300) feet (measured property line to property line) of; residential zone or residentially used property, retirement home, nursing home, hospital, church property, school property, park and recreation property, day care or nurseries or public libraries.

hh. Shall not be located within five hundred (500) feet (measured property line to property line) of other such adult entertainment activity of any kind.

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Sec. 387 **Accessory Uses to Conditional Uses.** Any use or structure that is accessory to a conditional use shall be processed in the same manner as prescribed in this Article for conditional uses. If an application for an accessory use is made concurrently with an application for the primary conditional use, they may be considered together as one application. Whether processed in conjunction with a primary conditional use or as a later supplement to an existing primary conditional use, the accessory use shall meet the appropriate specific criteria listed in Section 386 as well as the general conditions contained in Section 385.

Sec. 388 **Additional Regulations Pertaining to Conditional Uses.** In addition to the general standards contained in Section 385, the specific criteria contained in Section 386, all conditional uses are subject to the following regulations.

Sec. 388.1 **Additional Conditions.**
The Board of Zoning Appeals may impose additional conditions and limitations concerning use, construction, character, location, landscaping, screening, timing of implementation, and other matters relating to the purposes and objectives of this Resolution upon the premises benefitted by a conditional use. Such conditions are intended to prevent or minimize adverse effects upon other property and improvements in the vicinity of the subject property or upon public facilities and services or to assure compliance with general or specific standards. However, such conditions shall not be used as a device to authorize as a conditional use that which is intended to be temporary in nature. All such conditions, including the designated specific criteria for a particular use, shall be expressly set forth in the resolution granting the Conditional Use Zoning Certificate. Violation of any such condition, limitation, or specific criteria shall be a violation of this Resolution and shall constitute grounds for revocation of the Conditional Use Zoning Certificate.

Sec. 388.2 **Effect of Approval of Conditional Use.**
The approval of a proposed conditional use by the Board of Zoning Appeals shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the Township and County, including but not limited to, a Conditional Use Zoning Certificate, a building permit, a certificate of occupancy and subdivision approval.

Sec. 388.3 **Certification Of Conditional Use Plan Compliance.**
Upon receipt from the applicant of an application for a Zoning Certificate, the Administrative Official shall review the application to determine if it is complete pursuant to Article XIX, including any additional conditions required in conjunction with the approval by the Board of Zoning Appeals. Within seven (7) days of receipt of the completed application, the Administrative Official shall either (a) certify that the zoning plan complies with the Boad of Zoning Appeals' approval; or (b) refuse to certify the zoning plan for lack of compliance with the Board of Zoning Appeals' approval.

Sec. 388.4 **Affidavit of Compliance with Conditions.**
Whenever any proposed conditional use authorized pursuant to this Article is made subject to conditions or limitations to be met by the applicant, the applicant shall, upon meeting such conditions, file an affidavit with the Township Zoning Inspector so stating. Such affidavit shall be accompanied by a nonrefundable fee as established by the Symmes Township Trustees, to recover the Township's actual direct cost of an inspection to verify that such conditions and limitations have been met.

Sec. 388.5 **Limitations on Conditional Use Approval.**
The approval of a proposed conditional use by the Board of Zoning Appeals shall be deemed to authorize only the particular use for which it was issued, and such authorization shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of twenty four (24) consecutive months or more.

Except when otherwise provided in the Resolution for approving a conditional use, a conditional use shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot.

Sec. 388.6 **Amendments to Conditional Uses.**
A Conditional Use Zoning Certificate may be amended, varied, or altered only pursuant to the procedures and subject to the standards and limitations provided in this Article for its original approval.

Sec. 389 **Period of Validity.** Subject to an extension of time granted by the Board of Zoning Appeals, no Conditional Use Zoning Certificate shall be valid for a period longer than one (1) year unless a building permit is issued.

Sec. 390 **Appeal of Decision.** Any party aggrieved by the decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County on the ground that such decision was unreasonable or unlawful.

Sec. 391 **List of Conditional Uses.** (SEE TABLE 35-1 AT THE END OF THIS ARTICLE)

Sec. 392 **Additional Regulations Pertaining to Adult Only Entertainment Establishments**

Sec. 392.1 **Definitions.**

The following definitions shall apply to adult only entertainment uses:

Sec. 392.1-1 **Adult Book Store.** Adult Book Store means an establishment deriving a majority of its gross income from the sale or rental of, or having a majority of its stock in trade in, books, magazines or other periodicals, films or mechanical or non-mechanical devices, which constitute adult materials.

Sec. 392.1-2 **Adult Material.** Adult Material means any book, magazine, newspaper pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service, capable of arousing interest through sight, sound, or touch, and;

(1) which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement on sexual excitement, nudity, bestiality, or human bodily functions of elimination; or

(2) which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination.

Sec. 392.1-3 **Adult Motion Picture Theater.** Adult Motion Picture Theater means an enclosed motion picture theater or motion picture drive-in theater used for presenting and deriving a majority of its gross income from adult material for observation by patrons therein.

Sec. 392.1-4 **Adult Only Entertainment Establishment.** Adult Only Entertainment Establishment means an establishment which features services which constitute adult material, or which features exhibitions of persons totally nude, or topless, bottomless, strippers, male or female impersonators, or similar entertainment which constitute adult material.

Sec. 392.1-5 **Bottomless.** Bottomless means less than full opaque covering of male or female genitals, pubic area or buttocks.

Sec. 392.1-6 **Nude (Nudity).** Nude means the showing, representation, or depiction of human male or female genitals, pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

Sec. 392.1-7 **Sexual Activity.** Sexual Activity means sexual conduct or sexual contact or both.

Sec. 392.1-8 **Sexual Conduct.** Sexual Conduct means vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless or sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sec. 392.1-9 **Sexual Contact.** Sexual Contact means any touching of an erogenous zone of another, including without limitation to the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sec. 392.1-10 **Sexual Excitement.** Sexual Excitement means the condition of human male or female genitals, when in a state of sexual stimulation or arousal.

Sec. 392.1-11 **Topless.** Topless means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

Sec. 393 **Telecommunication Towers**. The construction, location, erection, reconstruction, alteration, change, use, or enlargement of a telecommunications tower, upon application and compliance with Ohio Revised Code Section 519.211 and this Resolution, including Section 54.1, if the Board finds that the applicant has satisfied all of the following standards:

Sec. 393.1 **Use Regulations.** The following use regulations shall apply to telecommunications antennas, towers, and support structures permitted to be regulated pursuant to Section 519.211 of the Ohio Revised Code:

(a) A telecommunications site may be permitted in all zoning districts subject to the requirements set forth herein.

(b) If a telecommunications company proposes to place the telecommunications tower or antenna in an area zoned for residential use, the applicant must establish that:

i. The lot size of the proposed telecommunications site is no less than the minimum square foot area requirements of the zone district within which it is located and a minimum of two hundred (200) feet from every property line; and

ii. The proposed telecommunications tower will have a minimum set back of two hundred (200) feet from the base of the tower or any guy wire anchors to the property line. However, if one or more of the property lines of the proposed site abuts an area other than an area zoned for residential use, the minimal setback from the property line which abuts the area other than an area zoned for residential use shall be five (5) feet.

(c) Micro antennas not exceeding five (5) feet in height may be placed on any existing conforming buildings in any zoning district.

(d) Except for buildings, fences and parking areas essential to the operation of a particular telecommunications tower, all other uses accessory to the telecommunications antenna and towers including, but not limited to, business offices, maintenance depots, and materials and general vehicle storage, are prohibited from the site unless otherwise permitted in the zoning district in which the telecommunications antenna and/or tower is located.

(STT Resolution Z-0801, effective April 3, 2008)

Sec. 393.2 **Standards of Approval for Telecommunications Antennas and Towers in an Area Zoned for Residential Use:**(STT Resolution Z-0801, eff. 4-03-08) The following standards shall apply to all telecommunications antennas and towers which are proposed for construction in an area zoned for residential use:

(a) The telecommunications company shall demonstrate, using the latest technological evidence, why the telecommunications antenna or tower must be placed in a 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 which would probably also permit the telecommunications antenna to function properly in the company's grid system. This area shall be considered the allowable zone.

(b) If the telecommunications company proposes to build a telecommunications tower (as opposed to mounting the antenna on an existing structure), it is required to demonstrate that it has contacted the owners of nearby tall structures within the allowable zone, asked for 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" shall include, but not be limited to: smoke stacks, water towers, buildings over thirty-five (35) feet in height, antenna support structures or other telecommunications towers even if owned by other telecommunications companies.

(c) The applicant must demonstrate that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering" of telecommunications towers within an area zoned for residential use.

(d) The Board may deny the application to construct a new telecommunications tower in an area zoned for residential use if the applicant has not made a good faith effort to mount the telecommunications antenna on existing structures.

(e) An applicant must demonstrate that technically suitable and feasible sites are not available in an area other than an area zoned for residential use and that the site is located in the least restrictive district that includes a technically suitable and feasible site.

(f) Telecommunications Antenna/Tower Height

The applicant shall demonstrate that the telecommunications antenna/tower is the minimum height required to function satisfactorily and to accommodate the co-location requirements as set out in Subsection 2(i) of this Section. No telecommunications antenna that is taller than the minimum required height shall be approved. Telecommunications towers shall be monopole construction unless it is demonstrated that another type of tower is required for safety purposes.

(g) Telecommunications Tower Safety

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 it's 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 Federal Communications Commission (FCC) regulations or applicable building code regulations, and the operation or construction is in compliance with such regulations, then this requirement for safety shall be deemed to have been met.

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 a 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 Subsection 3 of this Section. However, no order of removal shall be made if it is inconsistent with applicable FCC regulations.

(h) Screening

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) nor more than six (6) feet in height, a tight screen of hardy evergreen shrubbery, or natural or existing screening not less than four (4) feet in height. The use of razor or barbed wire is prohibited. Screening walls and fences shall be located not less than thirty (30) feet from each property line. Spaces between any screening device and adjacent property lines shall be buffered by use of landscape plant materials including, but not limited to, grass, hardy shrubs, evergreen ground cover, etc.

All screening devices and landscape materials shall be maintained in good condition.

(i) Limiting the Number of Telecommunications Towers

In order to reduce the number of telecommunications antenna support structures needed in the Township in the future, the owner of an existing telecommunications tower shall not unreasonably deny a request to accommodate other uses, including other telecommunications companies, and the telecommunications antenna of local police, fire, and ambulance departments. The owner of an existing telecommunications tower may request reasonable compensation for the use of the telecommunications tower.

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:

i. towers less than seventy-five (75) feet in height shall be designed, engineered and constructed to support telecommunications antennas installed by one or more telecommunications service users; and

ii. towers more than seventy-five (75) feet in height but less than one hundred fifty (150) feet shall be designed, engineered and constructed to support telecommunications antennas installed by two (2) or more wireless communication service users; and

iii. towers one hundred fifty (150) feet in height or taller shall be designed, engineered and constructed to support telecommunications antennas installed by three (3) or more telecommunications service users.

As used in paragraphs i, ii, and iii above, the term “users” shall include the telecommunications antennas of police, fire and ambulance 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 additionalstructures that may be required if additional users are added to the telecommunications tower.

(j) Licensing

The telecommunications company must demonstrate to the Township that it is licensed by the FCC. No approval will be granted to any applicant unless proof of current FCC license for the proposed use of the telecommunications tower is provided.

The owner of the telecommunications tower must also annually provide to the Township on January 1 of each year, a list of all users of the telecommunications tower and each user shall provide the Township with a copy of each users' license with the FCC.

(k) Required Parking

If the telecommunications site is fully automated, adequate parking shall be required for maintenance workers. If the site is not fully automated, the number of required parking spaces shall equal the number of employees working on the largest shift. All parking specifications and requirements shall be consistent with the applicable parking requirements as established in the Symmes Township Zoning Resolution, Article XIV, Sections 143, 144, and 145.

(l) Appearance

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. The applicant shall demonstrate that the proposed telecommunications tower is the least aesthetically intrusive facility for the neighborhood and function. It is further recommended that all buildings and structures be architecturally compatible with the architecture of the adjacent buildings and structures. Telecommunications towers shall meet all Federal Aviation Administration (FAA) regulations. No telecommunications towers may be artificially lighted except when required by the FAA. Furthermore, no telecommunications tower or antenna and accessory buildings and structures shall contain any signage. All utility lines serving the telecommunications towers shall be underground, unless there is a demonstrated safety hazard created by underground installation.

(m) Site Plan Required

A full site plan shall be required for all proposed telecommunications sites, except telecommunications antennas to be placed on existing structures, at a reasonable scale, but not smaller than 1 inch to 100 feet (1"=100'), indicating, as a minimum, the following:

i. The total area of the site; and

ii. The existing zoning of the property in question and of all adjacent properties; and

iii. All public and private right-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned; and

iv. Existing topography with a maximum of five (5) foot contours intervals; and

v. The proposed finished grade of the development shown by contours not exceeding five (5) foot intervals; and

vi. The location of all existing buildings and structures and the proposed location of the telecommunications tower and all telecommunications support structures including dimensions, heights, and where applicable, the gross floor area of the buildings; and

vii. The locations and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility; and

viii. All existing and proposed sidewalks and open areas on the site; and

ix. The location of all proposed fences, screening and walls; and

x. The location of all existing and proposed streets; and

xi. All existing and proposed utilities including types and grades; and

xii. The schedule of any phasing of the project; and

xiii. Documentation which shows all buildings and structures on adjacent lots and any additional lot which has a lot line within five hundred (500) feet of the lot on which the telecommunications tower is proposed to be located. The approximate elevation of the highest point of each building or structure shall be noted. Applicant may identify any additional features in the area (such as existing screening, fences and topography) which may be helpful in considering the impact of the proposed telecommunications tower on nearby property; and

xiv. Any other information as may be required to determine conformance with the Symmes Township Zoning Resolution.

For telecommunications antennas to be placed on an existing structure, the applicant shall submit such information as required by the Township Zoning Inspector to insure compliance with the applicable provisions of this Section.

Sec. 393.3 **Maintenance:** 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. Any owner of a telecommunications tower that has determined to cease operation, discontinue service or transfer ownership shall be required to give written notification to the Township Zoning Inspector of such intent not less than thirty (30) days prior to its cessation of business, discontinuance of service or transfer of ownership. Facilities shall be removed from the site within six (6) months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunications companies subject to the issuance of a Zoning Certificate from the Symmes Township Zoning Commission.

Discontinued shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations which had occurred.

Any telecommunications tower removed from its service for a period of six (6) continuous months or more and that has not been removed is hereby determined to be a nuisance.

Whenever, upon inspection, it shall appear that a telecommunications tower has been abandoned or its use discontinued, the Township Zoning Inspector or a designated representative shall notify, either by personal delivery or by certified mail, the owner of the property on which the tower is located that the tower must be taken down and removed. If the telecommunications tower is not removed after appropriate notification, the Township Zoning Inspector may take appropriate steps to have the tower and facilities removed and recover costs of such removal jointly and severally from the property owner and communications company.

Sec. 393.4 **Miscellaneous:**

(a) No telecommunications tower shall be permitted on any lot on which any non-conforming building or structure is located nor upon which any non-conforming use or activity is occurring without first obtaining a variance from the Township Board of Zoning Appeals.

(b) No telecommunications tower shall be constructed, replaced, or altered without first obtaining the applicable building permit.

(c) Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, and conforms to all applicable requirements of the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

(d) Any special Zoning Certificate issued under this Section shall be revocable and may be revoked after notice and hearing if any continuing condition of the Zoning Certificate has been violated and is not remedied within thirty (30) days of written notice from the Township Zoning Inspector.

(e) 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.

Sec. 394 **Transient Vendor.** To authorize by the grant of a special zoning certificate after public hearing the location and operation of a transient vendor provided that the Board makes specific findings of fact, based upon evidence presented, that the temporary business activity is properly integrated in the overall neighborhood related to each of the following factors:

1. Location of the temporary sales;
2. Size of the business;
3. Location and intensity of the display of goods;
4. Parking adequacy;
5. Hours of operation;
6. Noise;
7. Access and traffic impact;
8. Duration of the business; and
9. Compatibility with adjacent uses

TABLE 35-1
CONDITIONAL USES

SPECIFIC USES	Conditional Uses By District								Specific Criteria Letters as Per Sec. 386
	AA-C	D	MHP	O	E	F	G	H	
RESIDENTIAL USES:									
Accessory Apartment	C							C	m, p1, q, y
Bed and Breakfast	C	C						C	f, h, m, p2, s, x
Day Care Type A	C	C	C					C	e, g, h, i, n, p1, r, s, y
Granny Cottage	C	C							n, p1, cc, dd, ee
Group Home	C	C							f, k, m, n, p1, s, t, v
COMMERCIAL USES:									
Marina, including Lounge and Resturant								C	e, h, l, p3
Veterinary facility, riding	C	C		C					a, aa1
Restaurant or Bar as accessory to office use				C					o, p1, q
Adult Entertainment or Related activity (see definitions in Section 392)						C	C		p3, t, y, gg, hh
Transient Vendor	C	C	C	C	C	C	C	C	See Section 394
INDUSTRIAL USES:									
Flammable Liquids/ Gases, Heating Fuel Dist. & Storage							C		j, l, p1, u, y, z, aa2
Mini-Storage Facility					C				e, g, o, p3, u
River Activities:									
Loading, Parking								C	h, l, p, y, bb
Outside Storage								C	l, o, p1, y, aa1
River Terminal Uses and Airpirt Landing Strips								C	l, p2, y, aa2
Telecommunications Towers (*Conditional Use if located witin 300 feet of a Residential District)	C	C	C	C	C	*	*	*	See Section 393
Vehicle Storage Yard						C			o, p3, y, aa1
Warehouse as accessory use				C	C				e, h, l, p1, q, s

TABLE 35-1
CONDITIONAL USES

SPECIFIC USES	Conditional Uses By District								Specific Criteria Letters as Per Sec. 386
	AA-C	D	MHP	O	E	F	G	H	
INSTITUTIONAL USES:									
Cemetery	C								b, c, g, o, p3, s
Correctional Facility Halfway						C	C		b, g, i, o, p3, q, (s), t, u, v, y
Day Care Center, Child		C							h, i, l, o, p2, r, s
Hospital		C							e, f, g, h, i, o, p3, s, y
School	C	C	C					C	l, o, p3, s
University of College	C								d, l, o, p3, s
Church	C	C	C					C	e, g, h, o, p2, s, y
PUBLIC SERVICE USES:									
Government Owned Facility	C	C	C					C	e, f, h, i, o, p3, s
Library	C	C	C					C	e, g, h, o, p2, s, y
Park and Ride Facility	C	C	C					C	e, g, h, i, l, o, p2, s, y
RECREATIONAL, CULTURAL & ENTERTAINMENT USES:									
Campground, Public or Private								C	b, i, l, p3, u, z, ff
Cultural Facitity:									
Botanical Center	C							C	e, f, h, p3, s
Museum	C							C	d, g, h, l, o, p3, s, y
Outdoor drama theatures (not drive-ins)	C							C	a, d, h, l, o, p3, s, v
Zoo	C							C	b, g, h, l, o, p3, s, u, v, w, y, z, aa2
Recreation Community:									
Athletic/ Play Field	C	C						C	h, l, o, p3, s, u, v, w, y
Club, Private	C	C	C					C	f, g, h, n, o, p3, s, y
Golf Course	C	C						C	b, e, f, h, p3, s, x
Recreation Center, Internal	C		C					C	h, l, n, o, p2, s
Summer Camp	C							C	b, i, l, p3, s, u, z, ff
Swim/ Tennis Facility	C	C	C					C	e, h, i, l, n, o, p3, q, r, s, u, y

Zone Districts
AA-C = AA, A, A-2, B, B-2, & C Residential Districts
D = Multi-Family Residential Districts
MHP = Manufactured Home Park
O = Office District
E = Retail Business District
F = Light Industrial District
G = Heavy Industrial District
H = Riverfront District

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SUMMARY OF ZONING REGULATIONS

USE	DIST.	HEIGHT STYS	HEIGHT FT.	FRT. YD.	SIDE YARD	REAR YARD	LOT WIDTH	LOT AREA
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"A-A"**	2 ½	35'	50'	25'	60'	150'	ONE (1) ACRE
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"A"**	2 ½	35'	50'	15'	35'	100'	20,000 SQ. FT.
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"A-2"**	2 ½	35'	40'	10'	35'	80'	14,000 SQ. FT.
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"B"**	2 ½	35'	35'	8'	35'	70'	10,500 SQ. FT.
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"B-2"**	2 ½	35'	35'	5' one 13' Combined	30'	60'	7,500 SQ. FT.
RESIDENCE: agriculture, single-family, home, churches, schools, recreation, etc.	**"C"**	2 ½	35'	30'	5'	30'	50'	6,000 SQ. FT.
RESIDENCE: uses permitted above and multiple dwellings, institutions, etc.	**"D"**	2 ½	35'	30'	5'	30'	**Dwelling 50' Other 60'**	5,000 SQ. FT. Single -family 4,356 SQ. FT. Other Dwellings 10,000 SQ. FT. Other Uses
RESIDENCE: professional and business services	**"O"**	3	45'	30'	5'	30'	**Dwelling 50' Other 60'**	5,000 SQ. FT. Single -family 4,356 SQ. FT. Other Dwellings 10,000 SQ.FT. Other Uses
MOBILE HOME PARK: mobile homes and accessory bldgs. & uses.	**"MHP"**			40' or req'd frt. yd.	50'	50'	10 AC. Min.	7 UNITS/ NET ACRE
RESIDENCE: retail shops, small bakeries, garages, etc.	**"E"**	2	30'	50'	**Dwelling 5'**	**Dwelling 35'**	**Dwelling 50' Other 60'**	5,000 SQ. FT. Single -family 4,356 SQ. FT. Other Dwellings 10,000 SQ. FT. Other Uses
EXCAVATION & LANDFILL: agriculture / solid waste disposal	**"E-F"**	STRUCTURES SUBJECT TO SPECIFIC REVIEW						
FLOOD PLAIN M'G'T. OVERLAY	**"FPM"**	USES PERMITTED APPLICABLE TO UNDERLYING ZONE DISTRICT						
LIGHT INDUSTRIAL: industrial uses without offensive emissions	**"F"**	2	30'	50'	20'	**20'**		DWELLINGS NOT PERMITTED
HEAVY INDUSTRIAL: any use, nuisance uses require authorization	**"G"**	2	30'	50'	20'	**20'**		DWELLINGS NOT PERMITTED
RIVERFRONT: summer homes, cabins, bathing beaches, docks, etc.	**"H"**	2	35'	50'	15'	35'	100'	20,000 SQ. FT.
COMMUNITY UNIT PLAN: single family attached and detached homes	**"CUP"**	Precise plan of development is required which shows use, location, height and size of structure, vehicular parking, circulation and landscaped area. Deed of acceptance must be executed by owner.						
PLANNED MULTIPLE RESIDENCE: uses same as "D" district	**"D-D"**							
PLANNED RESIDENCE: uses same as "O" district	**"O-O"**							
PLANNED RESIDENCE: uses same as "E" district	**"E-E"**							
PLANNED LIGHT INDUSTRIAL: uses same as the "F" district	**"F-F"**							
PLANNED HEAVY INDUSTRIAL: uses same as the "G" district	**"G-G"**							

*SUBJECT TO TRANSITION REGULATIONS