



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON JULY 25, 2023

Goshen Township – Zoning Text Amendments

APPLICANT: Goshen Township Zoning Commission
6757 Goshen Road
Goshen Township, OH 45122

REQUEST: Modifications to the Goshen Township Zoning Resolution

PROPOSED TEXT AMENDMENTS: See attached Exhibit A for specific text amendments

CONTENT OF REPORT:

Exhibit A: Text Amendments

Exhibit B: Township Application and Resolution

STAFF ANALYSIS:

Goshen Township has proposed several modifications to the existing resolution that seek to clarify standards and

Section 2.06(A)(5) Allows the Zoning Inspector to grant minor administrative relief of certain area standards.

Section 3.08 Defines process and procedure for 2.6(A) (5) above

Section 5.03(C),
Table 5-1, and
5.04(A)(2) Clarifies and modifies standards for “barns or storage structures”

Section 7.01,
Table 7-1 Modifies accessory structure use, size, and location standards.

The proposed text amendments are not in conflict with the provisions established in Section 519.12 of the Ohio Revised Code relative to the Township Zoning Authority and are consistent with actions meant to protect and preserve public health and safety. As the recommendation of the Planning Commission is nonbinding staff acknowledges that the proposed text amendments are permissible and the Township has the authority to process them according to their discretion.

RECOMMENDATION:

Staff recommends a motion to **RECOMMEND APPROVAL** as to form of the Goshen Township Text Amendments as submitted.

- (2) The BZA shall act by resolution when at least three members, who are eligible to vote, concur on a decision.

(G) Modification of Approval

No substantial modification of a variance approval or conditional use approval, as determined by the Zoning Inspector, shall be permitted without a new application and applicable fee pursuant to this article.

2.06 ZONING INSPECTOR

The Board of Trustees shall appoint a Zoning Inspector who shall serve as the zoning inspector referenced in the ORC.

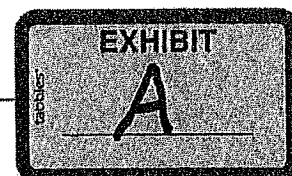
(A) Roles and Powers

The Zoning Inspector shall have the following roles and powers:

- (1) The Zoning Inspector shall have the authority to conduct inspections of structures and land to determine compliance with this resolution.
- (2) The Zoning Inspector shall have the authority to review and decide on applications for zoning permits and to ensure compliance with this zoning resolution in accordance with the applicable procedures in this resolution.
- (3) The Zoning Inspector shall have the authority to collect all fees required for all applications.
- (4) The Zoning Inspector shall have the authority to provide input, staff reports, or other guidance to the Board of Trustees, Zoning Commission, and/or BZA, when requested.
- ~~(4)~~(5) The Zoning Inspector shall have the authority to grant minor administrative relief of certain area standards and shall keep records of all such relief approved by the Zoning Inspector.
- ~~(5)~~(6) After written request from a person having a legitimate present or future interest in the property, the Zoning Inspector shall have the authority to issue a zoning permit for any building or premises existing at the time of enactment of this resolution, certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this resolution.
- ~~(6)~~(7) It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- ~~(7)~~(8) It shall be the duty of the Zoning Inspector to issue citations of zoning violations and keep adequate records of all violations.
- ~~(8)~~(9) The Board of Trustees may also appoint additional personnel to assist the Zoning Inspector in such roles and powers as outlined in this section.
- ~~(9)~~(10) The Zoning Inspector shall have the authority to seek the advice of professional consultants, when authorized by the Board of Trustees.
- ~~(10)~~(11) The Zoning Inspector shall have the authority to conduct additional duties as designated by the Board of Trustees or as specified in this zoning resolution.

(B) Decisions

- (1) Any decision of the Zoning Inspector may be appealed in writing to the BZA within 20 days of the Zoning Inspector's decision pursuant to Section 3.07: Appeals.



- (b) A decision of the BZA shall not become final until the expiration of 30 days from the date of such decision unless the BZA shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- (c) A certified copy of the BZA's decision shall be transmitted to the applicant or appellant at the applicant's address as shown on the records of the BZA and to the Zoning Inspector. Such decision shall be binding upon the Zoning Inspector and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the appellant, whenever the BZA authorizes a zoning permit.
- (d) The BZA may, in conformity with the provisions of this section, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as necessary; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.
- (e) Failure to comply with the conditions of a decision shall be deemed a violation of this zoning resolution.
- (f) Any party adversely affected by a decision of the BZA may appeal the decision to the Clermont County Court of Common Pleas.

(C) Appeal Review Criteria

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

3.08 ADMINISTRATIVE RELIEF OF AREA STANDARDS

(A) Applicability

The Zoning Inspector, in combination with the Zoning Supervisor, shall be granted the ability to approve minor modifications to a site plan or similar development requests for area requirements up to 10 percent of the maximum or minimum requirement (rounding to the closest whole number) for the following standards:

- (1) Front, side, or rear yard setbacks
- (2) Height
- (3) Lot coverage
- (4) Parking space requirements
- (5) Landscaping material and buffering requirements
- (6) Signage
- (7) Size requirements for buildings and structures
- (8) Lot sizes and widths

(C) Permitted Use Table

TABLE 5-1: PERMITTED USE TABLE												
PERMITTED USES P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS						NONRESIDENTIAL ZONING DISTRICTS					USE-SPECIFIC STANDARDS
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	TC	M-1	M-2	SEE SECTION:
AGRICULTURAL USE CLASSIFICATION												
Agricultural Uses on Lots of Greater than Five Acres	Exempt pursuant to Section 3.02(A).											
Agricultural Uses on Lots of Five Acres or Less	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	5.04(A)(1)
Barns or Storage Structures	PS											5.04(A)(2)
Nurseries or Greenhouses	PS	PS	PS	PS	PS	PS		P		P	P	5.04(A)(2)5.04(A)(2)5.04(A)(2)
RESIDENTIAL USE CLASSIFICATION												
ORC Section 5119.34(B)(1)(b) Residential Facility	PS	PS	PS	PS or C	PS or C	PS or C			PS			5.04(B)(1)
ORC Section 5123.19(A)(5) Residential Facility	PS	PS	PS	PS or C	PS or C	PS or C						5.04(B)(2)
Bed and Breakfast Establishments	C	C							C			5.04(B)(3)
Dwellings, Single-Family	P	P	P	P			C		C			5.04(B)(4)
Dwellings, Two-Family				P	P	P						
Dwellings, Multi-Family					P	P						
Permanently Sited Manufactured Housing	PS	PS	PS	PS			C					5.04(B)(5)
Skilled Nursing or Personal Care Facilities					C	C	C	PS				5.04(B)(6)
PUBLIC AND INSTITUTIONAL USE CLASSIFICATION												
Active Parks and Recreation	C	C	C	C	C	C	PS	PS	PS	PS	PS	5.04(C)(1)
Cemeteries	PS	PS	PS	PS	PS	PS						5.04(C)(2)
Churches and Places of Worship	C	C	C	C	C	C	C	PS	C			5.04(C)(3)
Community Centers			C	C	C	C						
Cultural Institutions	C	C	C	C	C	C	PS	PS	PS			
Educational Facilities (Primary and Secondary)	C	C	C	C	C	C	PS	PS				
Educational Facilities, Higher								P		P		
Government Offices and Buildings	C	C	C	C	C	C	PS	PS	PS	PS	PS	5.04(C)(4)
Hospitals								PS				5.04(C)(5)
Passive Parks, Recreation, and Open Space	P	P	P	P	P	P	P	P	P	P	P	
Quasi-Public, Fraternal, or Service Facilities	C	C	C	C	C	C	C	C	C	C	C	5.04(C)(3)
COMMERCIAL AND OFFICE USE CLASSIFICATION												

Article 5: Base Zoning Districts and Principal Use Regulations
5.04: Use-Specific Standards

TABLE 5-1: PERMITTED USE TABLE													
PERMITTED USES P = Permitted Use PS = Permitted with Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	RESIDENTIAL ZONING DISTRICTS						NONRESIDENTIAL ZONING DISTRICTS					USE-SPECIFIC STANDARDS SEE SECTION:	
	R-1	R-2	R-3	R-4	R-5	R-6	B-1	B-2	TC	M-1	M-2		
Wholesale Businesses											P	P	
MISCELLANEOUS USE CLASSIFICATION													
Essential Services	P	P	P	P	P	P	P	P			P	P	
Gas and Oil Wells	PS	PS	PS	PS	PS	PS	PS	PS	PS		PS	PS	5.04(F)(1)
Mixed Use Buildings								PS	PS	PS			5.04(F)(2)
Multi-Tenant Developments								P	P	P	P	P	
Private Airports and Landing Fields	C												
Wireless Telecommunication Facilities	C	C	C	C	C	C	C	P	P	P	P	P	5.04(F)(3)

5.04 USE-SPECIFIC STANDARDS

(A) Agricultural Use Classification

(1) Agricultural Uses on Lots Less than Five Acres

The following standards shall apply to all agricultural uses that are not otherwise exempted from zoning pursuant to 3.02(A): Agricultural Use Exemption:

- (a) All buildings and structures, except fencing, associated with the raising or keeping of livestock on lots that are larger than one acre in area but smaller than five acres, shall be set back a minimum of 100 feet from all lot lines.
- (b) The maximum height shall be the same as the maximum height in the applicable district.
- (c) Fencing utilized to corral or pen livestock shall be set back a minimum of 20 feet from all lot lines.
- (d) The raising of crops and trees is permitted on any lot by-right and shall not require a zoning permit.
- (e) The raising of livestock on lots less than one acre in area shall be prohibited except for the raising of small livestock as an accessory use. See Section 7.01: Accessory Use Regulations.
- (f) The use shall be exempt from the requirement that all activities must be located within an enclosed building.

(2) Barns and Storage Structures

A barn or storage structure may be permitted as a principal use in the R-1 zoning district subject to the following:

- (a) The lot on which the structure is to be located shall be a minimum of two acres in size.
- (b) The lot shall not be located within a platted subdivision.

Article 7: Accessory and Temporary Use Regulations

7.01 ACCESSORY USE REGULATIONS

(A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this resolution.

(B) General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be ~~incidental~~ subordinate to and serves the principal building or use, ~~unless otherwise authorized~~.
- (3) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves, except as authorized herein. Accessory structures may be located on an adjoining but separate lot from the principal structure only in cases where the lots are under the same ownership and are developed and used as one cohesive property.
- ~~(3)~~(4) An owner shall be required to apply for and receive a zoning permit unless exempted or not required by this section.
- ~~(4)~~(5) An accessory use or structure shall not be established unless a principal use has first been established on a site in conformance with the applicable provisions of the zoning resolution.
- ~~(5)~~(6) Accessory uses and structures are prohibited in any open space area that is preserved by a covenant deed restriction, or other private agreement.
- ~~(6)~~(7) Accessory structures used for exempted agricultural purposes shall be exempt from these regulations.
- ~~(7)~~(8) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision, unless specifically allowed as a home occupation.
- ~~(8)~~(9) Accessory buildings and structures with a floor area less than or equal to 20 square feet shall not require a zoning permit but shall comply with the location and setback requirements of this section.
- ~~(9)~~(10) Buildings and structures that are an integral part of an agricultural use (e.g., barns, silos, sheds, etc.) that is exempt from the regulations of this resolution are similarly exempted from these accessory use regulations.

(C) Size Requirements and Location

(1) Setbacks

- (a) Detached accessory structures shall be set back a minimum of 10 feet from the principal building. This setback shall not apply to fences, walls, or hedges that are regulated by Section 8.02: Fencing, Walls, Hedges, and Similar Structures.

- (b) Detached accessory structures shall be set back a minimum of 50 feet from any street right-of-way.
- (c) Detached accessory structures shall be located within a side or rear yard, unless otherwise provided in the Table 7-1, and accessory structures may be permitted in the front yard within the R-1 zoning district subject to the following requirements:
 - (i) The accessory structure is located on a lot that is a minimum of two acres in area.
 - (ii) The lot on which it is located is not in a platted subdivision.
 - (iii) The accessory structure is set back a minimum of 75 feet from that the street right-of-way.
- ~~(e)~~(d) Accessory buildings and structures with a floor area greater than 200 square feet shall be set back a minimum of 10 feet from the side and rear lot lines unless otherwise specified.
- ~~(d)~~(e) Accessory buildings and structures with a floor area less than or equal to 200 square feet shall be set back a minimum of five feet from the side and rear lot lines.

(2) Maximum Size

- (a) For residential districts, the maximum lot coverage shall be 30 percent, for lots 0.5 acre and below; 40 percent, for lots over 0.5 acre and up to 1 acre; and 50 percent for lots over 1 acre including, but not limited to, the footprints of the principal building, driveways, and the following accessory buildings and structures:
 - (i) Detached garages and carports;
 - (ii) Detached storage/utility sheds, gazebos, and other similar structures;
 - (iii) Porches and decks (not attached to the principal dwelling);
 - (iv) Freestanding solar panels;
 - (v) Swimming pools, hot tubs, and spas; and
 - (vi) Other accessory buildings similar in nature to the above mentioned structures, as determined by the Zoning Inspector
- (b) There is no maximum square footage of accessory buildings or structures in any zoning districts.

(3) Maximum Height

The maximum height of accessory structures or buildings shall be 25 feet. The height shall be measured as defined in Section 5.05(A)(4): Height Measurement and Exceptions.

(D) Permitted Accessory Uses

Table 7-1 lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 7-1.

(7) Numerical References (Last Column)

The numbers contained in the "Use-Specific Standards" column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the "Use-Specific Standards" column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

(8) Unlisted Uses

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in Table 7-1, the applicant may choose to take one of the actions identified in Section 5.03(B)(6): Unlisted Uses.

(9) Accessory Uses in Planned Development Districts

Accessory uses for development within a planned development district shall be regulated based on the principal use. Accessory uses for residential principal uses shall be as regulated for residential zoning districts in Table 7-1. Accessory uses for nonresidential principal uses shall be as regulated for nonresidential zoning districts in Table 7-1.

TABLE 7-1: PERMITTED ACCESSORY USE TABLE					
PERMITTED USES P = PERMITTED USE PS = PERMITTED WITH ADDITIONAL USE-SPECIFIC STANDARDS C = CONDITIONAL USE BLANK CELL = PROHIBITED	RESIDENTIAL ZONING DISTRICTS	BUSINESS ZONING DISTRICTS	ZONING PERMIT REQUIRED	YARDS PERMITTED F = FRONT S = SIDE R = REAR	USE-SPECIFIC STANDARDS SEE SECTION
	R-1, R-2, R-3, R-4, R-5, AND R-6	B-1, B-2, TC, M-1, AND M-2			
Accessory Dwelling Units	C		Yes	R	7.01(E)(1)
Accessory Recreational Structures	PS		Yes	R	7.01(E)(2)
Amateur Radio Antennas	PS		Yes	S or R	7.01(E)(3)
Automated Teller Machines (ATM) (Indoors)		P	No	Inside principal building	
Automated Teller Machines (ATM) (Outdoors)		PS	Yes	S or R	7.01(E)(4)
Community Gardens	PS	PS	Yes	F, S, or R	7.01(E)(5)
Detached Accessory Buildings or Structures	P	P	Yes	F (R-1 only), S, or R	
Drive-Through Facilities		PS in B-1 and B-2	Yes	S or R	7.01(E)(6)
Farm Markets	PS	PS	No	F, S, or R	7.01(E)(7)
Home Occupations	PS		Yes	Inside principal building	7.01(E)(8)
Outdoor Dining		PS	Yes	F, S, or R	7.01(E)(8)(j)
Outdoor Display or Sales		PS	Yes	See 7.01(E)(10)	7.01(E)(10)
Outdoor Storage and Bulk Sales		PS	Yes	See 7.01(E)(11)	7.01(E)(11)
Outdoor Vending Machines and Drop Boxes		PS	No	See 7.01(E)(12)	7.01(E)(12)
Outdoor Wood Furnaces	PS		Yes	S or R	7.01(E)(13)
Playsets, Treehouses and Trampolines	P		No	S or R	

Exhibit B

GOSHEN TOWNSHIP, CLERMONT COUNTY

DEPARTMENT OF PLANNING & ZONING
 6757 GOSHEN ROAD, GOSHEN OHIO, 45122
 513.722-3400 PHONE 513.722-3100 FAX

ZONING COMMISSION APPLICATION	
FEES: MINOR ADJUSTMENT PD/PDO/PUD RESIDENTIAL \$1200 COMMERCIAL \$1200 MAJOR ADJUSTMENT PD/PDO/PUD RESIDENTIAL \$1400 COMMERCIAL \$1400 <u>TEXT AMENDMENT</u> ZONE CHANGE \$2000 PLANNED UNIT DEVELOPMENT (PD/PDO/PUD) \$1400 ARCHITECTURAL REVIEW BOARD (Appeals) \$1200.00	
THERE SHALL BE NO REFUND OR PART THEREOF ONCE PUBLIC NOTICE HAS BEEN GIVEN	

APPLICATION NUMBER
ZC-2023-005
DO NOT WRITE IN THIS SPACE

1. PROJECT ADDRESS: 6757 Goshen Rd ZIP CODE: 45122

2. NAME	STREET ADDRESS	CITY	ST	ZIP	PHONE NUMBER
OWNER <u>Goshen Twp.</u>					
CONTRACTOR					
DESIGNER					
APPLICANT <u>Goshen Twp.</u>					
APPLICANTS E-MAIL ADDRESS					

3. ZONING COMMISSION ACTION REQUESTED:
 ZONE CHANGE FROM ZONE _____ TO ZONE _____
 PD PDO PUD
 MINOR ADJUSTMENT TO A PD/PDO/PUD
 MAJOR ADJUSTMENT TO A PD/PDO/PUD
 TEXT AMENDMENT

4. STATE IN DETAIL ALL EXISTING & PROPOSED USES OF THIS BUILDING OR PREMISES:
Text Amendments to our Zoning Resolution

5. SQUARE FEET: _____ 6. USE: _____ 7. HEIGHT: _____
 8. EST. START DATE: _____ 9. EST. FINISH DATE: _____ 10. # OF SIGNS: _____

THE DEPARTMENT OF PLANNING & ZONING IS DEDICATED TO THE CONTINUING PROSPERITY OF GOSHEN TOWNSHIP. WE PROMOTE HIGH STANDARDS FOR DEVELOPMENT AND QUALITY PROJECTS. WE LOOK FORWARD TO SERVING OUR CITIZENS AND BUSINESS COMMUNITY TO MAKE GOSHEN TOWNSHIP THE BEST IT CAN BE.

The owner of this project and undersigned do hereby certify that all the information and statements given on this application, drawings and specifications are to the best of their knowledge, true and correct. The applicant and owner of the real property agree to grant Goshen Township access to the property for review and inspection related to this Zoning Commission application.

NOTE: FILING THIS APPLICATION DOES NOT CONSTITUTE PERMISSION TO BEGIN WORK.

[Signature]
 APPLICANT'S SIGNATURE
6/29/23
 DATE

[Signature]
 PROPERTY OWNER'S SIGNATURE
6/29/23
 DATE

TOWNSHIP ADMINISTRATOR

PLANNING & ZONING
 CLERMONT COUNTY

GOSHEN TOWNSHIP BOARD OF TRUSTEES

RESOLUTION NO. R-615-2023

The Board of Trustees of Goshen Township, Clermont County, Ohio met in regular session on June 27, 2023 with the following members present:

Bob Hausermann, Chairman

Lisa Allen, Trustee

Dan Hodges, Trustee

Lisa
Mr. (Mrs) Allen moved for the adoption of the following Resolution:

A RESOLUTION TO PROPOSE TEXT AMENDMENTS TO THE GOSHEN TOWNSHIP ZONING RESOLUTION

WHEREAS, pursuant to Ohio Revised Code (ORC) 519.02, the Board of Trustees in the interest of the public health, safety and welfare, may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas that may be occupied, set back building lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the township; and

WHEREAS, pursuant to Ohio Revised Code (ORC) 519.12 the Board of Trustees, desires to initiate text amendments to the Goshen Township Zoning Resolution; and

WHEREAS, the Board hereby finds that the proposed text amendments as set forth in Exhibit A to this Resolution are in keeping with good land planning and are not in conflict with the best interest of the township and the public; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Goshen Township, Clermont County, Ohio with at least two-thirds of its members thereto concurring as follows:

SECTION I.

That the Board of Township Trustees of Goshen Township, Clermont County, Ohio shall certify the proposed text amendments, indicated by underlined text, to §2.06, Zoning Inspector, §3.08, Administrative Relief of Area Standards, Table 5-1: Permitted Use Table, §5.04 Use-Specific Standards, §7.01 Accessory Use Regulations and Table 7-1: Permitted Accessory Use Table, of the Goshen Township Zoning Resolution, as set forth on the attached "Exhibit A," to the Goshen Township Zoning Commission; and


SECTION II.

That the Board of Township Trustees of Goshen Township does hereby find and determine that all formal actions relative to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with all applicable legal requirements including Section 121.22 of the Ohio Revised Code.

(Mr.) Mrs. Dan Hodges seconded the motion and on roll call, the vote resulted as follows:

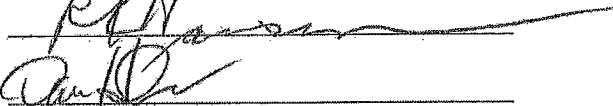
Trustee Allen:

Yes / No / Abstain



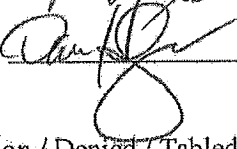
Trustee Hausermann:

Yes / No / Abstain



Trustee Hodges:

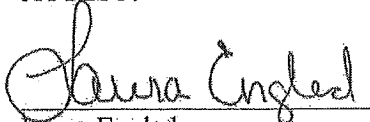
Yes / No / Abstain



Trustee Action: Approved / Approved w/Modification / Denied / Tabled until _____

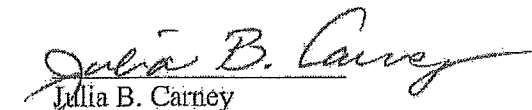
This Resolution was duly passed on the 27th day of June 2023.

ATTEST:



Laura Engled
Fiscal Officer Goshen Township
Clermont County, Ohio

Approved as to form:



Julia B. Carney
Assistant Prosecuting Attorney
Clermont County Prosecutor's Office