



# PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON NOVEMBER 28, 2023

**CASE NO.** 105 RW 2023

**REPORT DATE:** 2023-11-22

**APPLICANT:**

Maddox Development Co. LLC  
4026 Bach Buxton Road  
Batavia, OH 45103

**PROPERTY OWNER:**

Maddox Development Co. LLC  
4026 Bach Buxton Road  
Batavia, OH 45103

**PARCEL ID:**

324919.002 and 324919.003

**ADDRESS OF REQUEST:**

The northeast quadrant of the intersection of Patterson Road and Airport Road in Tate Township.

**REQUEST:**

Requesting to rezone two parcels (324919.002 and 324919.003) consisting of +/- 2.74 acres from the A, Agricultural District to the R-2, Residential District.

**HISTORY:**

At the time of this report, no history was found for the subject property involved in this petition for zoning map amendment.

**CONTENTS OF REPORT:**

- Attachment A: Township Application
- Attachment B: Parcel Map
- Attachment C: Zoning Map
- Attachment D: Proposal Map
- Attachment E: Portion of the Tate Township Zoning Resolution R-2 Residential District

**DEVELOPMENT PROPOSAL:**

Per the application, the property owner (Maddox Development Co. LLC), requests to rezone two parcels (324919.002 and 324919.003) consisting of +/- 2.74 acres from the A, Agricultural District to the R-2, Residential District. The proposed zoning change is proposed for the purposes of developing residential structures on six lots consisting of three single family residences and three duplex residences totaling nine dwelling units. All proposed lots have access on Airport Road, and the southernmost parcel also has frontage on Patterson Road. It is presumed that all six lots will be accessed via Airport Road.

The proposed development is residential and somewhat compatible with the adjacent land uses in the area which is primarily single-family residences, a two-family residence is located +/- 800 feet to the north of the subject properties. The subject properties are nearby, but not adjacent to existing R-2 Residential District. If the map amendment were to be approved, there would be one parcel still zoned A, Agricultural that is between the R-2 Residential District and the subject properties with a width of 180 feet.

**RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:**

Tate Township does not have a comprehensive plan that covers the future land use vision for the Township. The Clermont County Comprehensive Plan shows this area of Tate Township as “residential” areas, as the land uses in the area show. Due to the lack of future considerations of this Township, the guidelines in the Clermont County Comprehensive Plan are as follows: “The county recognizes the importance of providing a variety of housing opportunities and housing types to address the goals of this Plan”, the addition of single family and two-dwelling units would diversify the housing types in this area of the Township. The specific sizes of these housing types, are based on the Townships zoning requirements. Land Use Goals and Objectives include:

- Encourage the design of new development to be compatible with and complementary to existing land uses. Incompatible uses should not be closely located. Site design and buffering should be used to the maximum extent feasible to reduce the impacts on adjacent properties, especially between residential and nonresidential areas.
- Encourage compatible infill, redevelopment and development in proximity to existing development and services when appropriate to avoid “leap frog” growth patterns which may result in higher service costs.

These goals and objectives are met with the proposal for single family and duplex dwellings as the land surrounding the subject property is residential in nature, and the proposed zoning district is a residential district that is nearby to existing R-2 zoned land, so to avoid a “leap frog” growth pattern further out in the Township.

The Tate Township Zoning Resolution regulates the minimum lot sizes in each district based on whether or not the lots are served by approved sanitary sewer. In the A District the minimum lot size is 43,560 square feet or 1 acre regardless of whether or not there is service by a sewer. In the R-2 District, the minimum lot size for a lot that is served by an

approved sanitary sewer is 7,500 square feet for a single family dwelling and 3,000 additional square feet for any additional dwelling unit. Without an approved sanitary sewer the minimum lot size is 20,000 square feet for a single family dwelling and 20,000 square feet for any additional dwelling unit. The R-2 District allows up to 3 dwelling units by right on a lot, depending on the square footage of the lots. The R-1 District would be more compatible in this area as it would afford a smoother transition from the A District to the R-2 District, however, there is no R-1 in the area, and the R-1 District does not allow duplex residential dwellings as a permitted or conditional use application.

## **A SEGMENT OF THE TATE TOWNSHIP ZONING RESOLUTION:**

### ***Tate Township Zoning Resolution***

#### ***Article VI: Zoning District Regulations***

##### ***SECTION 3. Residential “R-2” District***

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

- 1. Any use or structure permitted and as required in the “R-1” District, except as hereinafter modified.*
- 2. Two-family and three-family dwellings*
- 3. . Conversions of single-family dwellings into two-family or three-family dwellings provided that the structure, when converted, conforms with the lot area, frontage and yard requirements prescribed, for such two or three family dwellings, in this Article and the Schedule of Dimensions and Area Regulations.*
- 4. The office or studio, in the residence of a physician, surgeon, dentist artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, (as defined by the Classification system of the current U.S. Dept. of Commerce, Bureau of Census - “Census of General Social and Economic Characteristics”); but not including a beauty parlor, barber shop, music school, dancing school, business school or school of any kind with organized classes or similar activity; and provided that no more than one-half (1/2) of the floor area of one (1) floor of the dwelling is devoted to the permitted use; that no such use shall require external alterations or involve construction features not customary in dwellings; and that the entrance to such office or studio shall be within the dwelling. An unlighted name plate of not over two (2) square feet in are and attached flat against the building shall be permitted.*
- 5. Accessory buildings and uses customarily incidental to any of the above permitted uses and as regulated in the “R-1” District except as hereinafter, modified.*
- 6. On lots less than five (5) acres in size that are platted or approved as described in ORC Section 519.21(B), all structures shall conform to the set back requirements and dimensions set forth in the Schedule of Dimension and Area Regulations in Appendix A*
- 7. Yard sales as described in appendix 3.*

###### ***B. Uses Permitted As Special Exceptions***

*The following uses shall be considered special exceptions and will require written approval of the Board of Zoning Appeals.*

- 1. Any special use permitted and as regulated in the “R-1” Residential District*
- 2. Nursery schools and Child Care Centers, provided that there are established and maintained in connection therewith one or more completely and securely fenced play lots which if closer than fifty (50) feet to any property line shall be screened by a masonry wall or compact evergreen hedge of not less than five (5) feet in height, located not less than twenty (20) feet from any property line and maintained in good condition.*

###### ***C. Uses Prohibited***

*All uses not specifically permitted by this Section are prohibited in the Residential “R-2” District*

###### ***D. Dimension and Area Regulations for Lots and Structures*** *The regulations on the dimensions and areas for lots and structures are set forth in the Schedule of Dimensions and Area Regulations in*

*Appendix A. The applicable regulations shall be observed in the Residential “R-2” District.*

**AGENCY REVIEW AND NOTIFICATION:**

<b>AGENCY</b>	<b>REFERRAL SENT</b>	<b>COMMENTS RECEIVED</b>
Township ( <i>Fire/EMS/Service</i> )		
Community and Economic Development (CED)	X	X
Engineer's Office (CCEO)	X	
Water Resources Department (WRD)	X	X
Water Management & Sediment Control (WMSC)		
Soil and Water Conservation District (SWCD)		
Ohio Department of Transportation (ODOT)		
School District		

**REFERRAL AGENCIES' COMMENTS:**

**Community and Economic Development Comments:**

- The submittal packet indicates lot splitting from 2 lots to 6 lots. A Minor Lot Split application to the County would be required for these purposes.

**Engineer's Office Comments:**

-

**Water Resources Department Comments:**

- Sanitary sewer capacity is available for the proposed 3 single family and 3 duplex development on parcels 324919.002 and 324919.003 on Airport Road.

**Water Management & Sediment Control Comments:**

**ODOT Ohio Department of Transportation Comments:**

- The subject property is not located on a state route.

**STAFF ANALYSIS:**

Following a comprehensive analysis, staff has evaluated Tate Township Zoning Map Amendment Case 105 RW 2023 and its request to rezone a two parcels (324919.002 and

324919.003) consisting of +/- 2.74 acres from the A, Agricultural District to the R-2, Residential District. Without the availability of a Township Comprehensive Plan, the direction of the area should be based on zoning districts in the area and overall compatibility with the neighborhood. If the commission were to rezone the parcels it would allow for up to three-family dwelling units to be built on the lots depending on their size. Due to the proximity of the R-2 District in the area, this may not be out of place, however, with one lot in between the subject property and the existing R-2 District, it could create the possibility of rezoning pressure on the lot in between the two lots. Although a rezone to the R-1 District may be more compatible, the applicant is proposing duplex dwelling units, which are only permitted in the R-2 District.

Staff sees this as an opportunity to further the Clermont County Comprehensive Plan Land Use Goals and Objectives and so long as the proposed development will be designed in a manner consistent with the Clermont County Subdivision Regulations.

**STAFF RECOMMENDATION:**

Based on the staff analysis in the following report, the following motion is recommended, **APPROVAL WITH CONDITIONS** of Tate Township Zoning Map Amendment Case 105 RW 2023 requesting to rezone two parcels (324919.002 and 324919.003) consisting of +/- 2.74 acres from the A, Agricultural District to the R-2, Residential District.

1. Any future development of the site must comply with any and all regulations from Clermont County, Tate Township, the State of Ohio, or any other applicable agency.

TATE TOWNSHIP ZONING BOARD  
NOVEMBER 6, 2023

MEMBERS PRESENT

Betty Armacost  
Tiffany Riddle  
David Kelsey  
David Zimmerman  
Alicia Blankenship

ALSO PRESENT

Betty Armacost called the meeting to order at 7:00 PM. The purpose of this meeting is to consider the application for a zone change 105RW2023 from (100-A agricultural) to (R2) for property parcels #324919-002 and #324919.003, Bethel, Ohio located on the east side of Airport Road. The property is owned by Maddox Development Co., LLC. The Zone Change application was filed by Maddox Development Co., LLC.

Ms. Armacost asked the zoning inspector when the application would be submitted to the county planning commission. The reply was this week. It must be received by November 14<sup>th</sup> in order for the commission to hear it at the end of November.

Ms. Riddle made a motion to approve the application for the zone change. 2<sup>nd</sup> by Mr. Kelsey. Roll call: Ms. Armacost, yes, Ms. Riddle, yes, Mr. Kelsey, yes, Mr. Zimmerman, yes, Ms. Blankenship, yes. All yes.

Motion to adjourn by Ms. Riddle, 2<sup>nd</sup> by Mr. Kelsey. Meeting adjourned.



Kathy Brannock, Secretary

ADMINISTRATIVE FOR NO, 7

APPLICATION FOR TOWNSHIP ZONING AMENDMENT Tate  
Township ZONING COMMISSION

Case No. 105 PW 2023

Filed Date NOV 1 / 2023

NOTE: This request must be typewritten and filed (10 copies) with the Township Zoning Inspector.

Applicant Maddox Development Co LLC Add. \_\_\_\_\_

Premises Affected Parcel: 324919.002, 324919.003 Add. \_\_\_\_\_

Lessee of \_\_\_\_\_ Add. \_\_\_\_\_

To the township zoning commission and board of township trustees :

I hereby make application and request the township zoning commission to consider and petition township trustees to amend the zoning resolution as hereinafter requested, dated 10/19/23

Premises affected are situated on the East side of Airport Rd  
and known as Parcel# 324919.002, 324919.003

The lot or lots has a frontage of 580 feet and a depth of 250 ft. avg

The premises is presently in the A Zoning district.

It is requested that the premises be rezoned to R2 district.

The following are all of the individuals, firms or corporations owning property adjacent to both sides and rear, and the property in front of (across the street from) the premises which are the subject of this request: (Check from tax records, in County Courthouse if not know.) Use additional sheet if required.

NAME	ADDRESS
1. <u>Richard Reinert</u>	<u>2580 Airport Rd Bettel OH 45106</u>
2. <u>3450 Patterson Rd LLC</u>	<u>1727 E Galbraith Rd Cincinnati OH 45215</u>
3. <u>Danielle Ginn</u>	<u>3449 Patterson Rd Bettel OH 45106</u>
4. <u>Mary Shelton</u>	<u>3451 Patterson Rd Bettel OH 45106</u>
5. <u>Jack + Amanda Stuard</u>	<u>17 Partridge Dr Amelia OH 45102</u>
6. <u>Kimberly Diamond</u>	<u>2563 Airport Rd Bettel OH 45106</u>
7. <u>Tara Horan</u>	<u>2567 Airport Rd Bettel OH 45106</u>
8. <u>Tonia + David Wilson</u>	<u>2571 Airport Rd Bettel OH 45106</u>
9. <u>Jeanette Garrison</u>	<u>2605 Ireton Trees Rd Moscow OH 45153</u>
10. <u>Freda Valentine</u>	<u>2577 Airport Rd Bettel OH 45106</u>

The reasons for such a reclassification are as follows: (Use additional pages if necessary)

Maddox Development would like to subdivide the lot into 6 parcels and build 3 single family homes and 3 duplexes

Section V Site Plan Requirements:

A. All applications for site plan review shall be accompanied by:

1. A completed application form provided by the Zoning Inspector of Tate Township;
2. The required site plan review fee in accordance with the Tate Township fee schedule; and
3. Ten (10) copies of the site plan.

B. For site plans less than 25 acres, the site plan shall be drawn for the subject property to a scale not smaller than one (1) inch equals one hundred (100) feet, to be considered complete. For sites larger than 25 acres, an appropriate scale should be used. All site plans shall be dated and shall include the following information as required by this Resolution:

1. All property lines, shape and dimension of the lot to be built upon showing directional bearings and distances, adjacent land ownership and streets, and location with reference to identifiable street intersection.
2. Name of development, legal description of property, north arrow, scale, acreage name and address of record owner and engineer, architect or land planner, or the person responsible for preparing the site plan;
3. Vicinity map locating the subject property in Tate Township. Each vicinity map and site plan shall be oriented with parallel north arrows. North arrow shall be oriented to the top of the page;



4. The total lot area of the subject property,
5. The present zoning of the subject property and all adjacent properties:
6. All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned,
7. Existing topography, and approximate delineation of any topographical changes shown by contour with appropriate intervals to ensure accurate review,
8. The location of every existing and proposed building with number of floors and gross floor area;
9. Any modifications, changes and additions to existing building(s), including floor area, heights and setbacks;
10. Delineation of all existing and proposed nonresidential uses in the project:
  - a. Commercial uses-location and type of all uses including approximate number of acres, gross floor area and heights of buildings,
  - b. Open Space-Recreation-the approximate amount of area proposed for open space, including the location of recreational facilities, and identification of unique natural features to be retained, and/or
  - c. Other public and semi-public uses location and type of all uses, including approximate number of acreage, and height of buildings;
11. For multi-family developments, the proposed finished grade(s) of new buildings supplemented where necessary with spot elevations:
12. For commercial developments, location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces and of stalls:
13. Location of proposal pedestrian walkways, identifying approximate dimensions:

14. Location of proposed streets, identifying approximate dimensions of pavement, right-of-way and grades;
15. Location of all existing and proposed water, sanitary sewer, and storm drainage lines, indication approximate pipes sizes. Indication should also be given regarding the provision of electric and telephone service;
16. Limits of existing flood hazard areas within and adjacent to the property, accurately showing the limits of building encroachments and earth fill within this area, with 100 year water surface elevations and proposed finished floor elevations denoted;
17. Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed methods of handling said problems;
18. Existing and proposed location(s) of outdoor lighting, signs, screen plantings, fences, and landscaping. Any existing woodlands of mature vegetation, and any other significant natural features, such as water bodies, drainage sources, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same;
19. For commercial developments, location and screening or other description to indicate control and handling of solid waste. Indicate dumpster pad where dumpster is to be used;
20. A schedule of development, including the staging and phasing of:
  - a. Streets and other public facility improvements in order of priority,
  - b. Dedication of land to public use or set aside for common ownership, and
  - c. Nonresidential buildings and uses, in order of priority,
21. For multi-family and commercial developments elevations of all faces of buildings and structures at an appropriate scale for the graphic representation of the materials employed. Such elevations must also indicate:
  - a. Heights of buildings and structures;
  - b. Roofs and overhangs; and
  - c. Special design features; and

22. Additional information or engineering data, in such form and content as necessary to determine that the site plan meets the standards of this Article and other requirements and performance standards of the Zoning Resolution for Tate Township and of other public agencies in Clermont County to ensure proper integration of the proposed project in the area and the prevention of adverse and undesirable impact on the community.

The aforementioned information required for site plan review may be combined in any suitable and convenient manner as long as the data required is clearly indicated and comprehended.

Please attach a sketch showing the property involved in the proposed change from A district to R-2 district and locate by name on the sketch the respective lots of those beforementioned properties affected by this request. The sketch should also contain the dimensions of properties shown and a North arrow, and the category of existing development of those beforementioned lots, and the district boundary line.



Member

Applicant's Signature

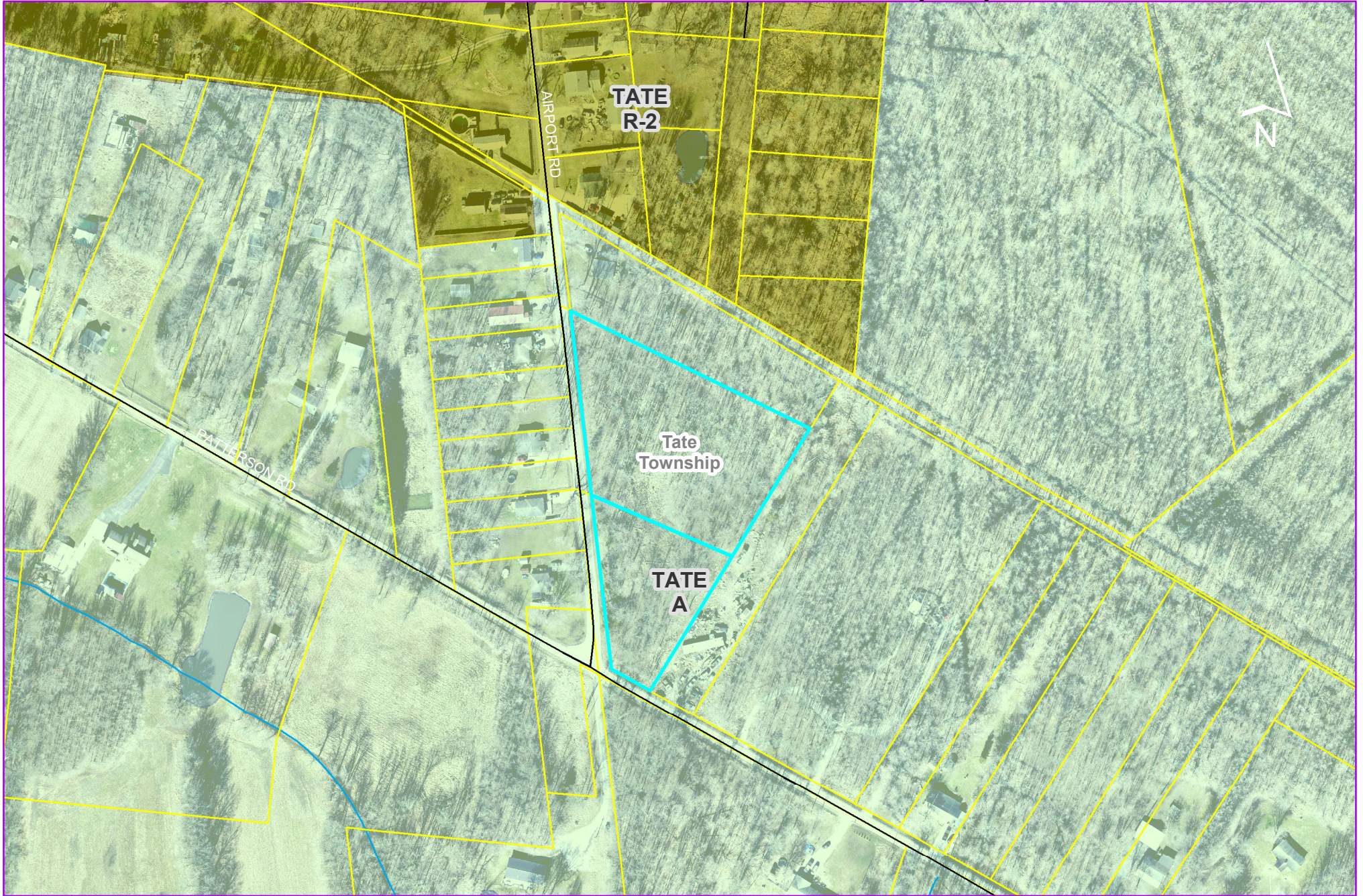


**PROPERTY INFORMATION:**

Parcel Numbers: 324919.002 and 324919.003

Total Site Area: +/- 2.74 ac.

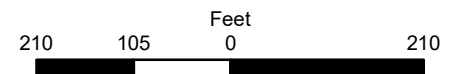




**PROPERTY INFORMATION:**

Parcel Numbers: 324919.002 and 324919.003

Total Site Area: +/- 2.74 ac.





# Attachment E

## ARTICLE VI ZONING DISTRICT REGULATIONS

### SECTION 1. AGRICULTURE “A” DISTRICT

#### A. Uses permitted

1. Agriculture, farming, stock raising, dairying, truck gardening, and nurseries, sales limited to items raised on premises.
2. Public and semi-public owned or operated properties.
3. Single family dwellings.
4. Roadside stands offering for sale only agricultural products. Such stands shall be located at least twenty (20) feet from the edge of the pavement.
5. Home occupations - A home occupation shall be a permitted use if it complies with the following requirements:
  - a) The external appearance of the structure in which the use is conducted shall not be altered. There shall be no more than one unlighted sign not more than two (2) square feet in area.
  - b) No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
  - c) There shall be no outside storage of any kind related to the use, and only commodities produced on the premises may be sold on the premises; no display of products may be visible from the street.
  - d) Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
  - e) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
  - f) No additional parking demand shall be created
  - g) No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.
6. Accessory buildings and uses customarily incidental to any of the above uses including bulletin boards and signs not exceeding thirty-two (32) square feet in area appertaining to the lease, hire, or sale of a building or premises or any material that is mined, manufactured, grown, or treated on the property; provided, however, that such signs shall be located upon or immediately adjacent to the articles processed, stored, or sold.
7. Churches and other places of worship, Sunday school buildings and parish houses.
8. Yard sales as described in appendix 3

#### B. Uses Permitted As Special Exceptions - The following uses shall be considered special exceptions and will require written approval of the Board of Appeals.

1. Mining and Extractions of Minerals or Raw Materials. The Board may attach such conditions and safeguards as it deems necessary to protect neighboring properties or districts from fire hazards or smoke, noise, odor, dust, or any other detrimental or obnoxious effects incidental to such operations, in addition the Board shall require a written agreement, approved by the Board, from the owners of such operation to the effect that, upon termination of such operations, the land involved shall be reclaimed to as near its original state as is practical in the opinion of the Board.

2. Manufacturing, processing, treating and storing of minerals or raw materials which are extracted from the same property on which they are to be manufactured, processed, treated, or stored. The Board may grant approval if it determines that the proposed use will not constitute a fire hazard or emit smoke, noise, odor, or dust which would be obnoxious or detrimental to neighboring properties. The Board may attach such conditions and safeguards as it deems necessary to protect the character of the District.
3. Cemeteries, Columbariums or Crematories
4. Riding Stables and Private Stables
5. Amusement Parks, Playgrounds, Golf Courses and other privately owned recreational center.
6. Drive-in Theaters - subject to the following conditions:
  - a) The applicant presents plans and specifications for the proposed theater in a form suitable for making the determinations required herein.
  - b) There is approval of the plan of access to the highway from the agency responsible for the maintenance of such highway.
  - c) The entrances and exits shall be located, where possible, so as to afford unobstructed sight distances for five hundred (500) feet in each direction along the highway.
  - d) All buildings and structures (excluding fences) shall be at least one hundred (100) feet from any property line.
  - e) The picture screen shall not face or be placed so as it may be viewed from any major highway, and shall be screened from view by trees or fence, from any adjacent road.
  - f) Provisions shall be made to subdue speaker sounds when the theater abuts a residence or residential lot or lots.
7. Radio and television Transmitters and Antennas.
8. Sanitariums
9. Private Airports and Landing Fields
10. Home occupation - a person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Article VI, Section 1A Number 5. The criteria for the issuance of such a permit for a home occupation are as follows:
  - a) There shall be no more than two(2) non-residential employees or volunteers to be engaged in the proposed use.
  - b) Sales of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
  - c) The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
  - d) Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
  - e) Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
  - f) The external appearance of the structure in which the use is conducted shall not be altered. There shall be no more than one unlighted sign not more than two (2) square feet in area.



- g) Minor or moderate alterations may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
- h) No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
- i) No more than two (2) additional parking places may be proposed in conjunction with the home occupation, which shall not be located in a required front yard.

11. Invalidation of Home Occupation Conditional Use Permit - For the purposes of this Resolution, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

#### C. Uses Prohibited

- 1. All establishments or enterprises operated publicly or privately for disposal of garbage, rubbish, offal or other waste or surplus material not originating upon the premises.
- 2. Junk Yards
- 3. Mobile homes located on individual lots or in places other than a designated trailer park except that one mobile home may be parked or stored in a garage or other accessory building, provided that no occupancy for human habitation be maintained or business conducted therein while such trailer is so parked or stored.
- 4. On lots of one (1) acre or less, no agricultural uses permitted.
- 5. All other uses not specifically permitted by this Section.

#### D. Dimension and Area Regulations for Lots and Structures

The regulations on the dimensions and area for lots and structures are set forth in the Schedule of Dimensions and Area Requirements in Appendix A. The applicable regulations shall be observed in the Agricultural District.

On lots less than five (5) acres in size that are platted or approved as described in ORC Section 519.21 (B), all structures shall conform to the set back requirements and dimensions set forth in the Schedule of Dimension and Area Regulations in Appendix A.

## **SECTION 2. Residential “R-1” District.**

### **A. Uses Permitted**

1. Single-family dwellings
2. Churches and other places of worship, Sunday school buildings and parish houses
3. Public and private elementary and high schools
4. Publicly owned or operated properties including community buildings and fire stations
5. Cemeteries, including mausoleums; provided that mausoleums shall be at least two hundred (200) feet from every street centerline or any adjoining lot line.
6. Roadside stands, offering for sale only agricultural products which are produced upon the premises, including a sign advertising such products not exceeding twelve (12) square feet in area, provided that both the stand and sign shall be removed during any season or period of time when they are not in use.
7. Temporary buildings incidental to construction work, provided that such temporary buildings shall be removed upon the completion or abandonment of the construction work.
8. Accessory buildings and uses customarily incidental to any of the above permitted uses including bulletin boards for public, charitable, or religious institutions and signs not exceeding twelve (12) square feet in area pertaining to the lease, hire, or sale of a building or premises providing that such signs shall be removed as soon as the premises are leased, hired or sold.
9. On lots less than five acres in size that are platted or approved as described in ORC Section 519.21(B), all structures shall conform to the set back requirements and dimensions set forth in the Schedule of Dimension and Area Regulations in Appendix A
10. Yard sales as described in appendix 3.

### **B. Uses Permitted as Special Exceptions**

The following uses shall be considered special exceptions and will require written approval of the Board of Appeals:

1. Golf courses, except miniature courses and practice driving tees operated for commercial purposes; including such buildings, structures and uses as are necessary for their operation; except those of which the chief activity is a service customarily carried on as a business.
2. Hospitals and institutions of an educational, religious, charitable or a philanthropic nature, provided however, that such buildings shall be located upon sites containing no less than five (5) acres, occupy not over ten (10%) percent of the area of the lot, and that such buildings be setback from all required yard lines a distance of not less than two (2) feet for each foot of building height.

### **C. Uses Prohibited**

All uses not specifically permitted by this Section are prohibited in the Residential “R-1” District

### **D. Dimension and Area Regulations for Lots and Structures**

The regulations on the dimensions and areas for lots and structures are set forth in the Schedule of Dimensions and Area Regulations in Appendix A. The applicable regulations shall be observed in the Residential “R-1” District.

### **SECTION 3. Residential “R-2” District**

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

1. Any use or structure permitted and as required in the “R-1” District, except as hereinafter modified.
2. Two-family and three-family dwellings
3. Conversions of single-family dwellings into two-family or three-family dwellings provided that the structure, when converted, conforms with the lot area, frontage and yard requirements prescribed, for such two or three family dwellings, in this Article and the Schedule of Dimensions and Area Regulations.
4. The office or studio, in the residence of a physician, surgeon, dentist artist, lawyer, architect, engineer, teacher, or other member of a recognized profession, (as defined by the Classification system of the current U.S. Dept. of Commerce, Bureau of Census - “Census of General Social and Economic Characteristics”); but not including a beauty parlor, barber shop, music school, dancing school, business school or school of any kind with organized classes or similar activity; and provided that no more than one-half (1/2) of the floor area of one (1) floor of the dwelling is devoted to the permitted use; that no such use shall require external alterations or involve construction features not customary in dwellings; and that the entrance to such office or studio shall be within the dwelling. An unlighted name plate of not over two (2) square feet in are and attached flat against the building shall be permitted.
5. Accessory buildings and uses customarily incidental to any of the above permitted uses and as regulated in the “R-1” District except as hereinafter, modified.
6. On lots less than five (5) acres in size that are platted or approved as described in ORC Section 519.21(B), all structures shall conform to the set back requirements and dimensions set forth in the Schedule of Dimension and Area Regulations in AppendixA
7. Yard sales as described in appendix 3.

#### **B. Uses Permitted As Special Exceptions**

The following uses shall be considered special exceptions and will require written approval of the Board of Zoning Appeals.

1. Any special use permitted and as regulated in the “R-1” Residential District
2. Nursery schools and Child Care Centers, provided that there are established and maintained in connection therewith one or more completely and securely fenced play lots which if closer than fifty (50) feet to any property line shall be screened by a masonry wall or compact evergreen hedge of not less than five (5) feet in height, located not less than twenty (20) feet from any property line and maintained in good condition.

#### **C. Uses Prohibited**

All uses not specifically permitted by this Section are prohibited in the Residential “R-2” District

**D. Dimension and Area Regulations for Lots and Structures**The regulations on the dimensions and areas for lots and structures are set forth in the Schedule of Dimensions and Area Regulations in Appendix A. The applicable regulations shall be observed in the Residential “R-2” District.

DIST	Maximum Height of	Minimum Lot Size Served By Approved Sanitary Sewer (Sq. Feet)	Minimum Lot Area When Not Served By Sanitary Sewer (Sq. Feet)	Maximum % Of Lot Area Which May Be Covered By Buildings	Minimum Lot Width At Front Yard Line (Feet)	Minimum Front Yard Depth ** (Feet)	Minimum Side Yard (Feet)	Minimum Rear Yard (Feet)	Accessory Buildings			
									Front Yard (Feet)	Side yard (Feet)	Rear Yard (Feet)	
"A"	35	43,560	43,560	30	150	75	(9) 20	30	Must be in side or rear	* 3	* 10	
"R-1"	35	10,000	20,000	30	100	50	(9) 10	30	Must be in side or rear	5	10	
"R-2"	35	(1) 7,500/ 3,000	(1) 20,000/ 20,000	30	(2) 75/ 100	35	(9) 10	30	Must be in side or rear	3	5	
"R-3"	For the dimension & area in the "R-3" District see pages 17 & 18											
"C-1"	45	None	As required by Co. Health Board	None	None	(3) 60/35	(4) None / 40	15	Same as required for principle building or use.			
"C-2"	50	None	As required by Co Health Board.	None	None	(3) 60/35	(5) none/75	10				
"C-3"	50	None	As required by Co. Health Board	None	None	(3) 60/35	(5) None/7500	10				
"RS"	35	43,560	43,560	20	150	75	20	30	Must be in rear yard	10	10	
"I-1"	75	(X) 90,000	(X) 90,000 plus any additional as	50	(X) 200	(X) 100	(6) 50/100 (X)	(8) 75 (X)	(X) Same as required for principle building or use.			
"I-2"	100	(X) 175,000	(X) 175,000 plus any additional as required above	50	(X) 300	(X) 100	(7) 50/ 200 (X)	(8) 75 X				

\* Does not include Agricultural Structures.

\*\* Minimum front yard from right of way.

- (1) First number for single family unit - second number must be added for each additional unit.
- (2) 75 foot lot frontage permitted when lot is served by approved sanitary sewer.
- (3) Front yard of 60 Feet depth shall be required for all lots fronting on Federal, State or County Highways; 35 ft. minimum shall be required for all lots fronting on Township roads.
- (4) No side yard shall be required except when the commercial lot abuts a residential zoned lot, in such cases a 40 foot minimum side yard is required.
- (5) No side yard shall be required except when the commercial lot abuts a residential zoned lot, in such cases a 75 foot minimum side yard is required.
- (6) 50 foot side yard shall be required except when industrial lot abuts a residential zoned lot, in such cases a minimum side yard of 100 feet is required.
- (7) 50 foot side yard shall be required except when industrial lot abuts a residential zoned lot, in such cases a minimum side yard of 200 feet is required.
- (8) The rear yards required in Industrial Districts do not apply where the rear lot line of the Industrial lot abuts a railroad right-of-way.
- (9) Minimum side yard includes not to exceed minimum distance from ground to sky.

(X) Permitted Commercial uses in the Industrial Districts must meet the same Yard, area and lot dimensions as required in the Commercial C-1 District.

NOTE:

1. In the Mobile Home Park and Subdivision District the dimensions and area requirements shall comply with at least the minimum standards of the Ohio State Health Department and the Clermont County Board of Health.
2. Mobile Home Subdivisions shall comply with the same dimensions and area requirements as would be required of a single-family residence in the "R-1" District.