Chapter 25

GENERAL PROVISIONS AND PERFORMANCE STANDARDS

25.01 GENERAL PROVISIONS

A. No buildings shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which do not comply with all of the district regulations established by this Resolution for the District in which the building or land is located.

B. Every building hereafter erected or structurally altered shall be located on a lot as herein defined.

C. Uses which are not specifically permitted are prohibited. Smoke shops, marijuana cultivators, processors and retail dispensaries are prohibited within all Districts.

D. In any Residence District placing a trailer shall be prohibited, except that one (1) trailer 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.

E. In any Resort District, the wheels or any similar transporting device of any trailer shall not be removed nor shall such trailer be otherwise temporarily or permanently fixed to the ground or attached to something having a temporary or permanent location on the ground by any person, firm or corporation in any manner.

F. Except as authorized by Section 519.21 of the Ohio Revised Code, nothing contained in this Resolution shall prohibit 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.

G. Nothing contained in this Resolution or amendments thereto 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 or amendments thereto; provided, however, construction under such permit shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this resolution.

H. If the improvement described in any zoning certificate or permit has not begun within one year from the date of issuance thereof, said zoning certificate or permit shall expire; it shall be revoked by the Community Development Director; and written notice thereof shall be given to the persons affected. Evidence of improvement shall be construction above or below ground.

If the work described in any zoning certificate or permit has not been completed within two (2) years of the date of issuance thereof, said certificate or permit shall expire and be revoked by the Community Development Director, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled certificate or permit shall not proceed unless and until a new zoning certificate or permit has been obtained or an extension granted. A one (1) time extension of up to one (1) year may be granted by the Community Development Director or his or her designee, if a request is received in writing and includes the reasons or basis for the proposed extension. These requests will be reviewed at the discretion of the Community Development Director or his or her designee.

25.02 YARD SALES AND GARAGE SALES

Yard sales, garage sales and any other type of personal property sales in residential districts are permitted but limited to the sale of used personal property of the occupants of the premises, and shall be restricted to a duration of three consecutive days with no more than three such sales conducted by any household in any single calendar year. The length of time of display of property shall be for the duration of the sale only. A Zoning Certificate is not required for the first two sales conducted on the premises during a single calendar year, however, a permit shall be required for the third such sale within the same calendar year at a cost as set forth in an approved fee schedule. Signs associated with yard and garage sales may be erected in accordance with Chapter 24 with no additional fee.

25.03 NON-CONFORMING USES

In conformance with Section 519.19 of the Ohio Revised Code, 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 a zoning resolution or amendment thereto, may be continued, although such use does not conform with such resolution or amendment, but if any such use is voluntarily discontinued for two years or more, any future use of said land shall be in conformity with this Zoning Resolution and Sections 519.01 et seq inclusive of the Ohio Revised Code.

Property Owners may complete construction of a lawful non- conforming use as set forth in 25.01 (G).

In the event of natural disasters such as storms and fire non-conforming uses may be restored and/or reconstructed provided restoration and/or reconstruction commences within six (6) months and is complete within one year.

Non-conforming uses may be extended and/or substituted provided the extension and/or substitution will not adversely impact upon adjacent properties; complies with all existing set-back and height restriction provisions of the district in which the property is located; is compatible with and of the same general character as the non-conforming use and does not violate the spirit of this resolution. To extend or substitute a non-conforming use the property owner must file an application with the Board of Zoning Appeals and demonstrate to the Board of Zoning Appeals compliance with this section.

25.04 COMPLIANCE WITH REGULATIONS

Except as hereinafter provided:

A. No land shall be used except for a purpose permitted in the district in which it is located. If a use is not specifically permitted it is prohibited.

B. No building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located. If a use is not specifically permitted it is prohibited.

C. No building shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit herein established for the district in which the building is located.

D. No building shall be erected, converted, enlarged, reconstructed, or structurally altered except in conformity with the area regulations of the district in which the building is located.

E. The minimum yards, parking space, open spaces, including lot area per family, required by this Resolution, for each and every building existing at the time of passage of this Resolution, or for any building hereafter erected, shall not be encroached upon or considered as required yard or open space for any other building, nor shall any lot area be reduced below the requirements of this Resolution for the District in which the lot is located.

F. 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 (1) main building on one (1) Lot.

25.05 CONVERSION OF DWELLINGS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Resolution, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces.

25.06 TRAFFIC VISIBILITY ACROSS CORNER LOTS

In any Residence District on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the "corner" at a height of more than three (3) feet above the curb or street grade, or to as to interfere with traffic visibility across the corner.

25.07 PENDING APPLICATION FOR BUILDING PERMITS

Nothing herein contained shall require any change in the overall layout, plans, construction, size or designated use of any development- building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of his Resolution or amendments thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this Resolution or amendments thereto and completion thereof carried on in a normal manner with the subsequent six (6) months period and not discontinued until completion, except for reasons beyond the builder's control.

25.08 SIDEWALKS

A. Sidewalks shall be required on both sides of the street for all single family lots platted in an A, R-1, R-2, R-3, R-4, and R-PUD residential zoning district except for large lot developments (2 acre lots or greater) as defined in the Clermont County Subdivision Regulations unless the subdivision offers neighborhood amenities such as a swimming pool, tennis court or clubhouse.

B. Sidewalks shall be required within all multi-family residential developments. The sidewalk system shall provide a pedestrian connection between all buildings within the development and between the buildings and any amenities.

C. In any case where a platted subdivision or multi-family development abuts a collector or arterial street, sidewalks shall be provided along the collector or arterial for the entire distance the property abuts said street.

D. Alternative pedestrian pathways will be considered for any Planned Unit Development provided all lots and/or buildings within the PUD have access to the pathway system. Such alternatives shall be presented during the site plan review process and must be approved by the Board of Trustees.

25.09 HOME OCCUPATION

A Home Occupation may be conducted in residential zoning districts after issuance of a zoning certificate approving the Home Occupation and subject to the following.

A. There shall be no display that will indicate from the exterior that the home is being utilized in whole or in part for any purpose other than that of a dwelling.

B. Any item sold upon the premises in association with the Home Occupation shall be stored within an enclosed building, with the exception of firewood, that may be stored outdoors in a single location in the rear yard in an area not to exceed 10 feet x 10 feet, and four feet in height. This outdoor storage exception for firewood shall apply for household use as well.

C. Any activity associated with the Home Occupation must be conducted within a completely enclosed permanent building, with the exception of Household Pets being watched that may be let out within a controlled yard area.

D. Any person who is an employee or contractor who reports to the premises or works at the premises may be only a member of the immediate family residing permanently at the premises, otherwise there shall be no employees reporting to, visiting or staging at the premises of the Home Occupation.

E. No mechanical equipment except that which is normally present for customary domestic or household purposes shall be used, stored or parked at the premises in association with the Home Occupation.
   1. Mechanical equipment not customary for normal domestic household purposes may be parked or stored at a residential property, however, only within a completely enclosed structure.

F. Activities associated with the Home Occupation shall create no more noise, disruption or delivery trips within the neighborhood except as would otherwise be found with ordinary residential use.

G. Deliveries for the Home Occupation, including pickup, will not exceed one per day (not averaged) by a normal residential scale delivery vehicle plus mail delivery.

H. The Home Occupation shall generate no more than a maximum of two customer/client trips to the premises in any given day (not averaged).

I. The maximum area within all buildings used for the Home Occupation shall not exceed 400 square feet.

25.10 AGRICULTURAL USES in R-1, R-2, R-3, H, R-PUD, SRUV and T residential districts in accordance with Ohio Revised Code Section 519.21 are allowed as follows:

A. For properties described in Ohio Revised Section 519.21(B)(1) (generally, lots under one acre), agricultural uses are limited to the keeping of Household Pets only.

1. Structures designed for the temporary or permanent habitation or containment of Household Pets shall be located in rear yards only and no closer than 15 feet from side or rear lot lines.

2. Any doghouse, dog run or other accessory structure for Household Pet habitation, except for a chicken coop, shall be no larger than 24 square feet. No chicken coop shall exceed 30 square feet and seven feet in height.

3. No more than six chickens may be kept on a property. Chickens shall be securely confined to the rear yard area by fencing or structure.

4. Bees may be maintained as a hobby. Any beehive or bee structure must be located in the rear yard area at least 25 feet from any property line, and there shall be no more than two beehives per lot.

5. Anyone using their residential property for animal rescue shall at no time have more than a total of four Household Pets on the premises.

B. For properties described in Ohio Revised Code Section 519.12(B)(2) (generally lots from one to five acres), buildings or structures incident to the use of land for agricultural purposes are regulated as follows:

1. Structures for Household Pets and bees are subject to the conditions set forth in Section 25.10A.

2. The keeping of other animals or fowl (other than chickens) is permitted only in suitable structures located a minimum of 200 feet from rear and side lot lines and only in the rear yard of the lot. Any horse, cattle, sheep or hog or other animal exceeding 35 pounds in weight shall be sheltered not less than 300 feet from rear and side lot lines. All equipment must be kept inside the structure at all times.

C. Household Pets are dogs, cats, indoor caged birds, snakes, mice, gerbils, ferrets, hamsters, rabbits, guinea pigs, fish, turtles, lizards, iguanas, similar indoor-only caged animals, and chickens (excluding roosters).