



PLANNING COMMISSION STAFF REPORT

FOR CONSIDERATION BY PLANNING COMMISSION ON NOVEMBER 26, 2024

TATE TOWNSHIP – ZONING MAP AMENDMENT

CASE NO. 1794

REPORT DATE: 2024-11-21

APPLICANT:

Axel Enterprises
4026 Bach Buxton Rd
Batavia, OH 45103

PROPERTY OWNER:

Gary Reed and Kathleen Gregory
PO Box 378
Bethel, OH 45106

PARCEL ID:

PIN 323016A055

ADDRESS OF REQUEST:

The subject property is located across the street from 2935 State Route 125, Bethel, OH 45106. Adjacent to the westbound lane of SR 125 approximately 0.36 miles east of its intersection with Macedonia Lane.

REQUEST:

Requesting to amend the zoning designation of a parcel (PIN 323016A055) consisting of +/- 11.523 acres from the “A”, Agricultural District to “C-3”, Commercial District for the purposes of operating a construction business in Tate Township.

ZONING:

The existing zoning for the subject property is “A” Agricultural District. The surrounding land consists entirely of “A” Agricultural Districts. There is “C”, commercial zoned land along SR 125 to the west and to the east, approximately 0.36 miles in either direction. *See attached zoning map.*

Note: The County zoning map may show inaccuracies to what the Tate Township Official Zoning Map has the property listed as.

LAND USE:

The subject property is currently agricultural or vacant.

HISTORY:

There is no relevant history for this parcel.

CONTENTS OF REPORT:

- Exhibit A: Township Application
- Exhibit B: Parcel Map
- Exhibit C: Zoning Map
- Exhibit D: Proposal Map
- Exhibit E: Portion of the Tate Township Zoning Resolution C Districts

RELATIONSHIP TO TOWNSHIP ZONING & FUTURE LAND USE:

Tate Township Zoning Resolution Article 6 “Zoning District Regulations” goes over the regulations for all zoning districts within the Township. This map amendment is requesting to become the C-3 Commercial District. This is the most intense commercial zoning district in the Township, and permits and conditionally permits land uses that are permitted in the C-1 and C-2 zoning districts. The subject property is located on SR 125 and approximately 0.36 miles in either direction of this parcel is “C-1”, “C-2”, and “C-3” zoned land.

This area is located adjacent to other vacant agricultural land, as well as residential and an industrial/commercial land use. The land surrounding the subject property is primarily agricultural and residential, with a creek that surrounds the property.

Tate Township does not have a land use plan, and therefore the Zoning Resolution and Zoning Map should be the guiding documents to use to review this request for a rezoning map amendment. Tate Township is in the process of working on a land use plan in order to prepare for development in the future. There have been efforts to do this in the past, however, the previous land use plans were never adopted by the Township. Based on conversations with Township Staff, commercial development is something that should occur along State Route 125.

As there are other commercial zoning districts in the area in the vicinity, and the future preferred land uses along SR 125 are commercial in nature, this can be seen as compatible with surrounding land uses.

A SEGMENT OF THE TATE TOWNSHIP ZONING RESOLUTION:

***Tate Township Zoning Resolution
Article 6: Zoning District Regulations***

6.7 Commercial “C-3” District

A. Permitted Uses

- 1. Any use or structure permitted and as regulated in the “C-2” District except as hereinafter modified*

- 2. Any conditional use as permitted and as regulated in the “C-2” District except as hereinafter modified
 - 3. Building material sales and storage yard, retail lumber and storage yard including millwork and prefabrication
 - 4. Trucking, catering, express, or hauling terminal or transfer establishments including storage of vehicles
 - 5. Wholesale sales and warehouses
 - 6. Bottling of soft drinks, creamery and dairy operations, ice cream and candy manufacturing, ice plants or distributing stations
- B. Uses Permitted as Conditional Uses
- 1. Drive-in theaters under the conditions established for such uses in Article VI, Section B.6.
- C. Uses Prohibited
- 1. Storage of flammable liquids, above ground, other than for use on the premises.
- D. Dimensions and Area Regulations for lots and Structures.
- The regulations or Dimensions and Area for Lots and Structures are set forth in the Schedule in Appendix A.

Article 6 A through C-3 Zoning District language will be available in Attachment E of this Staff Report.

SITE ACCESS:

Access is proposed from SR 125 which is the only access point for the parcel of land. There are no additional access points proposed as part of this application. Based on drawings submitted to the Township there will be an access point and a parking lot for a proposed building.

DEVELOPMENT CHARACTER:

The proposed development for the construction of a construction business could be considered compatible with the existing area due to the industrial/commercial land use in the vicinity, and the possibility of the future land use plan desiring commercial development on SR 125. The proposed use would be compatible with the “C-3” zoning district, as it is the commercial district that allows the highest intensity of uses. The surrounding area is agricultural, residential, and includes a property with an industrial/commercial land use based on aerial photos. Based on this, and future desires of a commercial corridor along SR 125 the proposed development would be acceptable in this area.

AGENCY REVIEW AND NOTIFICATION:

AGENCY	REFERRAL SENT	COMMENTS RECEIVED
Township (Fire/EMS/Service)		

Community and Economic Development (CED)	X	X
Engineer's Office (CCEO)	X	X
Water Resources Department (WRD)	X	
Water Management & Sediment Control (WMSC)	X	
Soil and Water Conservation District (SWCD)		
Ohio Department of Transportation (ODOT)	X	X
School District		

REFERRAL AGENCIES' COMMENTS:

Community and Economic Development Comments:

- 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.

Engineer's Office Comments:

- ODOT should also be consulted regarding potential impacts and/or access to SR 125. Our office has no other objections or comments to offer at this time.

Water Resources Department Comments:

- I have not received comments from WRD.

Water Management & Sediment Control Comments:

- I have not received comments from WMSC.

ODOT Comments:

- ODOT does not have any concerns if it will be his headquarters for his construction company. If there will be additional commercial development, they will need to complete a traffic study and follow ODOT's State Highway Access Management Manual for a change of use.

STAFF ANALYSIS:

Following a comprehensive analysis, staff has evaluated Tate Township Zoning Map Amendment Case 1794 and its request to amend the zoning designation of a parcel (PIN 323016A055) consisting of +/- 11.523 acres from the "A", Agricultural District to "C-3", Commercial District for the purposes of operating a construction business in Tate Township. It is unknown whether the application is in alignment with the future land use goals of the Township, due to there not being a formal Land Use Plan. The area is primarily agricultural and residential, and the proposed development could be compatible with the surrounding land due to proximity to other "C" zoning districts. It is important to recognize

that the map amendment of the land will permit everything that is permitted and conditionally permitted in the “C-3” zoning district and not only the development that is being proposed.

STAFF RECOMMENDATION:

Based on the staff analysis in the following report, the following motion is recommended, **RECOMMEND APPROVAL WITH CONDITIONS** of Tate Township Zoning Map Amendment Case 1794 and its request to amend the zoning designation of a parcel (PIN 323016A055) consisting of +/- 11.523 acres from the “A”, Agricultural District to “C-3”, Commercial District for the purposes of operating a construction business in Tate Township.

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.

Exhibit A

TATE TOWNSHIP ZONING DEPARTMENT

146 N East St Bethel, OH 45106
(513)-734-0618 sbaird@tatetownship.org

Application for Zoning Map Amendment

SUBMITTAL DATE 10/3/2024
RESOLUTION NO. _____
FEE \$ 350.00

CASE REVIEW NO. 17945B
RECEIVED BY Shelby Baird
Shelby Baird

APPLICANT INFORMATION

Applicant's Name/Firm Axel Enterprises Phone 513-460-7999
Applicant's Mailing Address 4026 Bach Buxton Rd Batavia OH 45103
Primary Contact's Name Ty Gibbs Phone 513-460-7999
Email Address tgibbs@axel-enterprises.com

* The applicant will be responsible for any review fees that exceed the initial application filing fee.
** If the applicant is not the property owner, the owner must provide a notarized "Consent to Rezone" Statement.

PROPERTY INFORMATION

Property Address/Location Access from 2935 State Route 125 Bethel OH 45106
Owner's Name Gary Reed + Kathleen Gregory Phone _____
Owner's Tax Mailing Address PO Box 378 Bethel OH 45106
Property Address _____
Parcel No. (s) 323016A055, _____, _____
Total Acreage 11.523 Zoning Designation A

According to Ohio Revised Code/ORC 519.12, Amendments to the Zoning Resolution can be initiated in three ways:

1. Motion of the Township Zoning Commission (+10 parcels)
2. Passage of a resolution by the Board of Township Trustees (+10 parcels)
3. Filing an application by one or more owners or lessees of the property within the area proposed to be changed or affected by the amendment, with the Township Zoning Commission.

SUPPORTING INFORMATION

Is this property being considered for a zone change in its entirety? YES NO

Tate Township Zoning
Application for Zoning Map Amendment – Page 2

If "NO" what is the proposed acreage requesting to be rezoned? _____

Is the property located within an adjoining Township or Village? YES NO

Was this property zoned differently in the past 5 years? YES NO

The current owner acquired the property on 7/21/98 (if lessee, please attach lease terms).

Existing Zoning District(s) A

Proposed Zoning District C-3

Existing Land Use Farming

Proposed Land Use Commercial Development for Axel Enterprises HQ
and ~~future~~ multiple future commercial buildings

Explain how the proposed zoning of the property is appropriate, considering the surrounding zoning designations and existing land uses.

This Parcel is on 125 and is should be
preserved for commercial development and can be the
start of commercial building and developments coming to Bettel

Describe the specific reasons or objectives behind the proposed zoning map amendment.

What are the desired outcomes or benefits that you expect from this change?

Several Commercial Building Built on site which
will encourage more of this kind of development on
125 - (See attached picture of building concept)

How does the proposed zoning map amendment align with the overall goals of the land use development in Tate Township? Consider the recent development of nearby properties.

This will ~~being~~ encourage future commercial development
in the right areas

How does the proposed zoning map amendment fit within the existing infrastructure capacity of the township? Consider factors such as transportation, utilities, and public services.

It will begin the commercial corridor on 125
the county and township have talked about in
the past

Have you conducted any studies or assessments to evaluate the potential impacts of the proposed zoning change? This could include traffic studies, environmental impact assessments, or economic feasibility studies.

I have not

Tate Township Zoning
Application for Zoning Map Amendment – Page 3

Has there been any community engagement or outreach conducted to gather feedback and input from the residents or stakeholders in the affected area? If so, please provide details on the nature and outcome of these engagements.

there has not

Are there any potential conflicts or concerns from neighboring property owners or other stakeholders that you are aware of? If so, please explain and provide any relevant documentation or correspondence.

none that we are aware of

What measures or strategies are being proposed to mitigate any potential negative impacts or conflicts resulting from the zoning map amendment? This could include buffer zones, landscaping, or other design elements.

there is a creek and tree line surrounding 3 sides of the property that creates a natural buffer and will not be removed

Are there any legal or regulatory considerations that need to be taken into account when evaluating the proposed zoning map amendment? This could include compliance with state or local zoning laws, environmental regulations, or any other relevant legal requirements.

no

ATTACHMENTS

- ✓ 1. Please provide a list of all adjacent property owners, as requested on the attached form (pg. 4).
- ✓ 2. Please provide a copy of the tax map that identifies the subject property, and clearly denotes the zoning classification of all properties within 200 ft. of the subject property, as well as the school district(s) involved.
- ✓ 3. Please provide the legal description of the area requested to be zoned.

Tate Township Zoning
Application for Zoning Map Amendment – Page 5

AFFIDAVIT

I hereby dispose and say that I am acting on behalf of the owner or lessee of this property and have familiarized myself with the rules and regulations of the Tate Township Zoning Resolution with respect to preparing this application. I hereby certify that I have read the foregoing documents and supplements attached thereto and that I have answered all questions fully and to the best of my ability. I hereby agree to make payment to Tate Township for any professional review fees that exceed the usual and customary fees associated with the submittal of this application. I hereby consent to the inspection of the subject property and of any buildings or structures to be constructed thereon by the township zoning inspector. I hereby attest to the truth and exactness of the information supplied herewith.

Applicant
Tyler Gibbs

Print Name
Tyler Gibbs

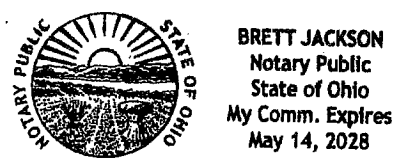
Signature

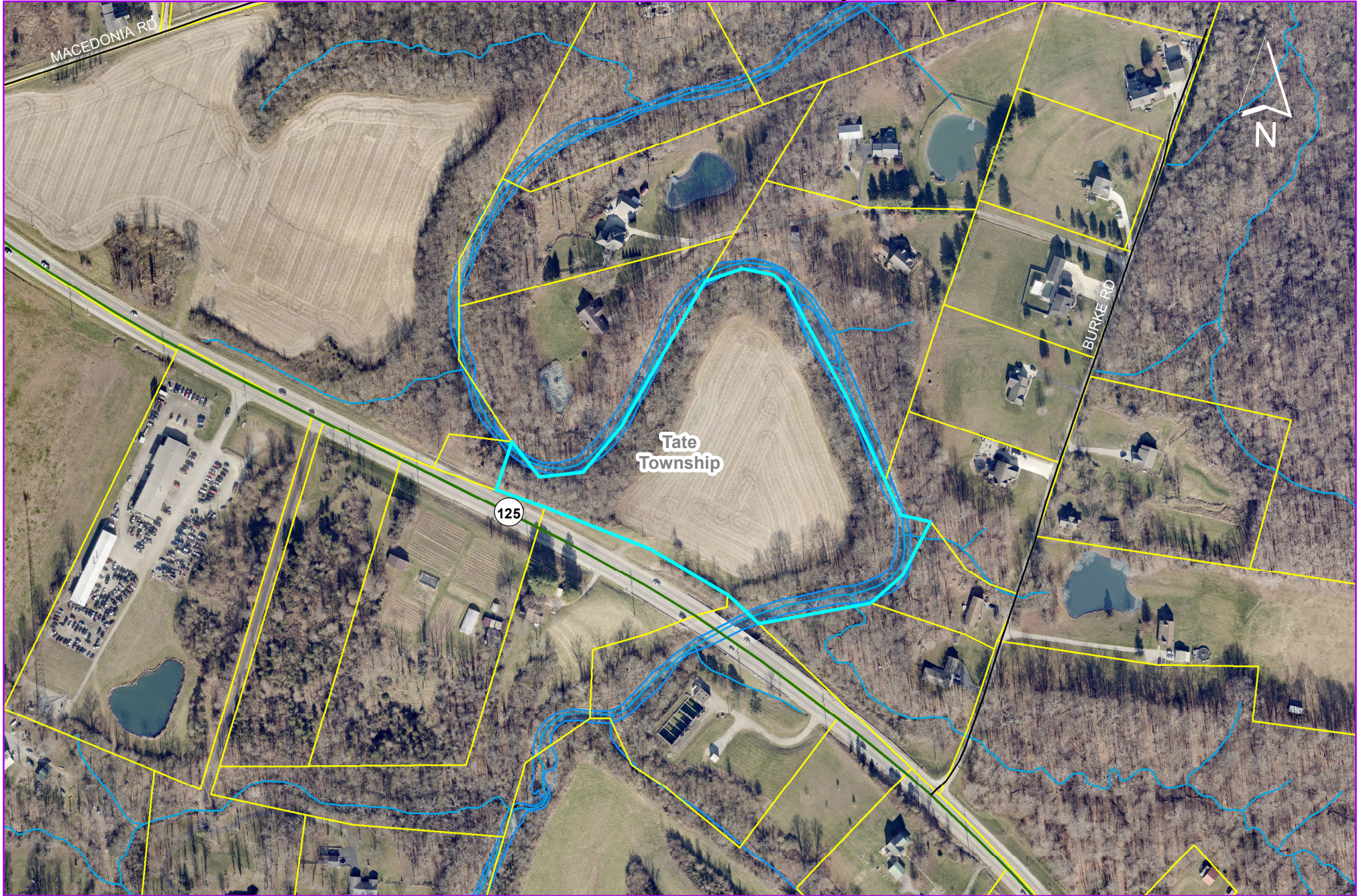
State of Ohio, County of CLERMONT

Subscribed and sworn to before me this 2 day of OCTOBER, 2024.

Brett Jackson

on 5-14-28
Notary Public
My Commission expires

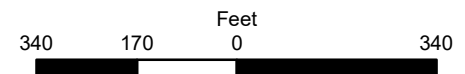


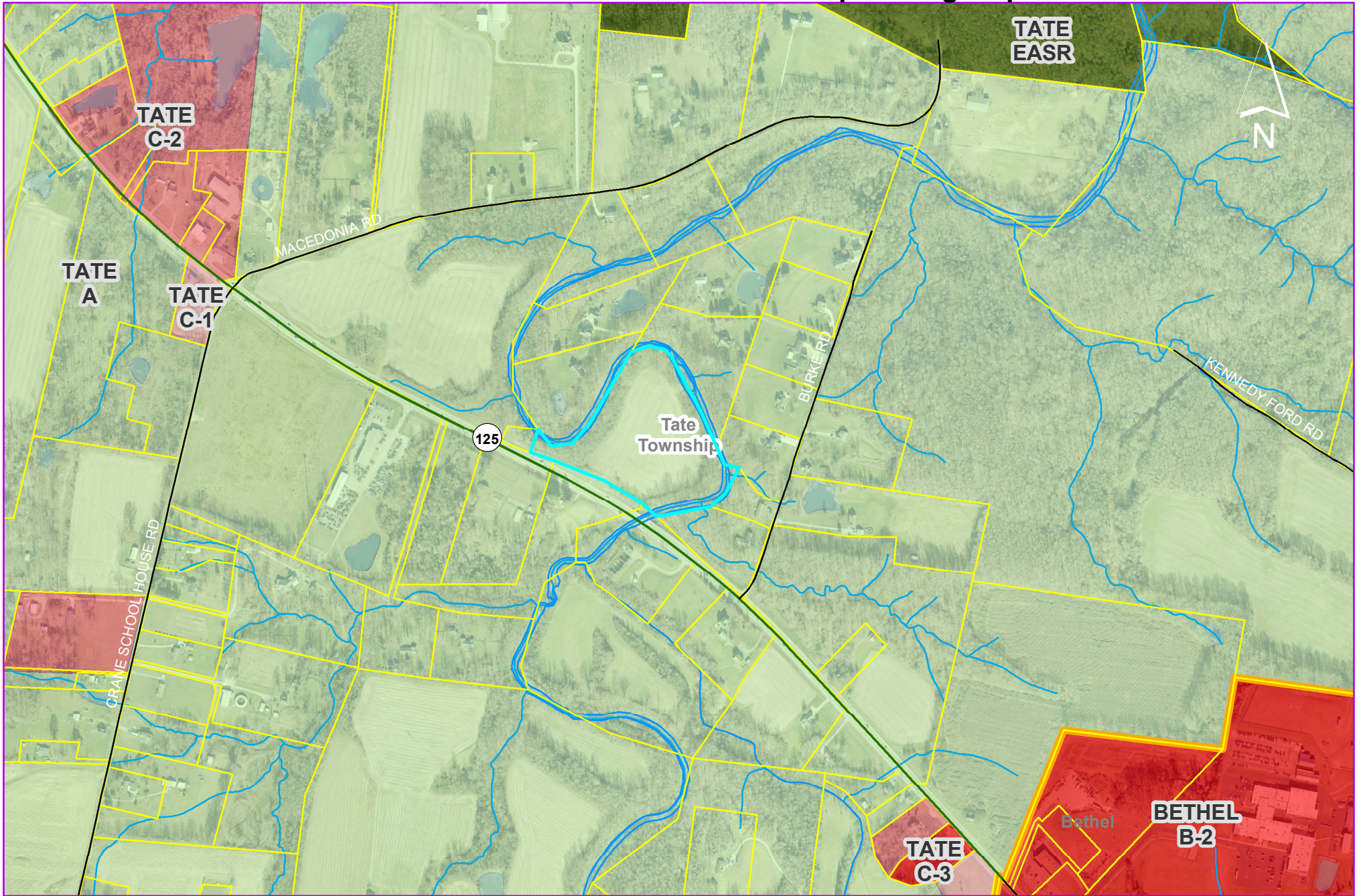


PROPERTY INFORMATION:

Parcel Number: 323016A055

Total Site Area: +/- 11.523 ac.





PROPERTY INFORMATION:

Parcel Number: 323016A055

Total Site Area: +/- 11.523 ac.

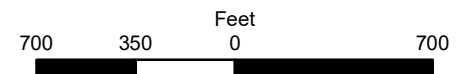
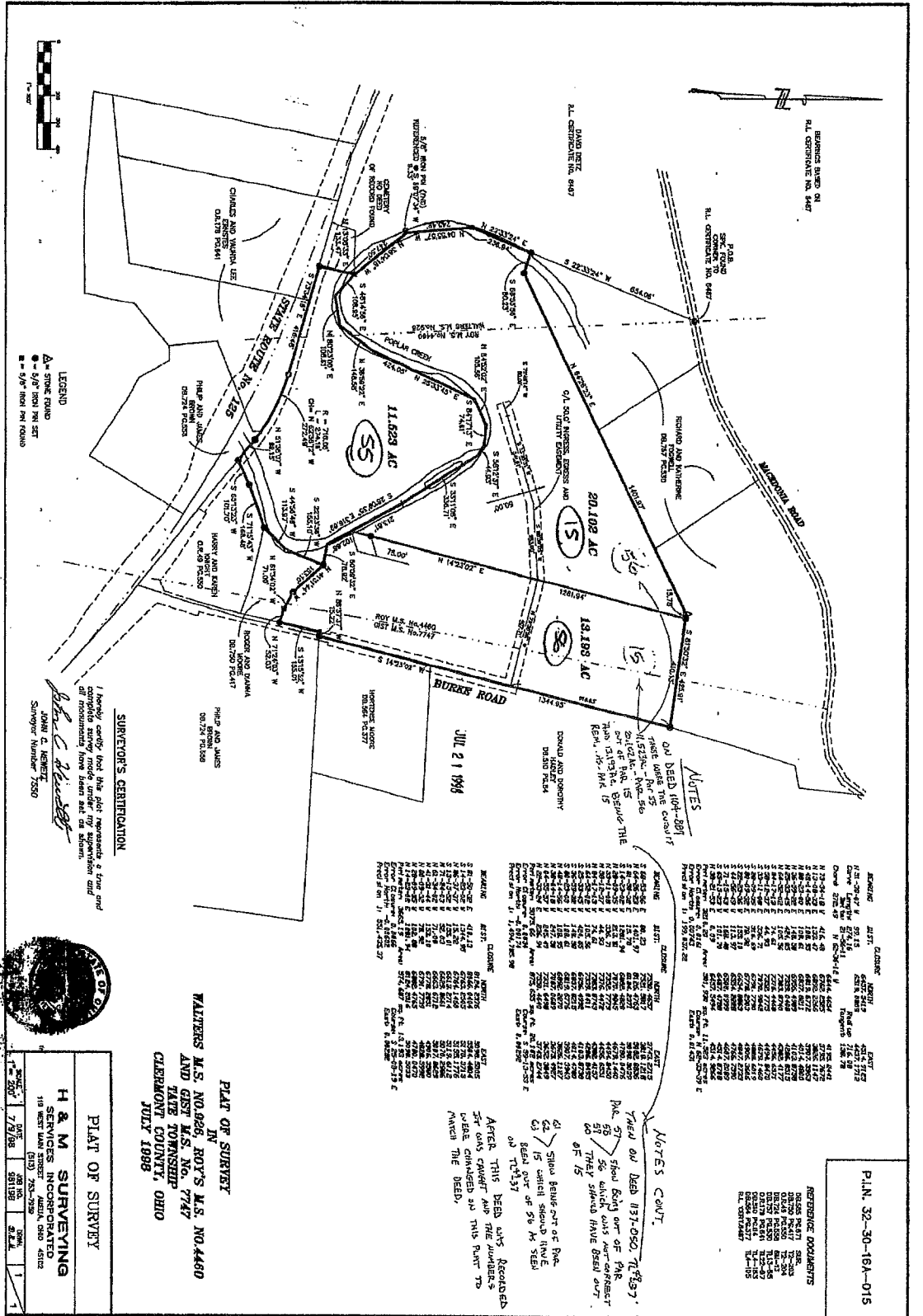


Exhibit D



LEGEND
 Δ = STONE FOUND
 ● = 5/8" IRON PIN SET
 ■ = 3/4" IRON PIN FOUND

SURVEYOR'S CERTIFICATION
 I hereby certify that this plat represents a true and correct survey made under my supervision and all monuments have been set as shown.
 JOHN C. HENRY
 Surveyor Number 7350



PLAT OF SURVEY
 IN
 WALTERS M.S. NO. 926, ROY'S M.S. NO. 440
 AND TATE TOWNSHIP
 CLERFORD COUNTY, OHIO
 JULY 1998

PLAT OF SURVEY
H & M SURVEYING
 SERVICES INCORPORATED
 118 WEST MAIN STREET
 AUSTIN, OHIO 43102
 DATE: 7/9/98
 SHEET: 01199
 OF: 011
 S.M.L.

BEARING	DIST.	CLOSURE	BEARING	DIST.	CLOSURE
S 13° 15' 00" E	11.528	11.528	S 13° 15' 00" E	11.528	11.528
S 77° 45' 00" W	19.183	19.183	S 77° 45' 00" W	19.183	19.183
S 13° 15' 00" W	20.102	20.102	S 13° 15' 00" W	20.102	20.102
S 77° 45' 00" E	11.528	11.528	S 77° 45' 00" E	11.528	11.528

NOTES
 1. BEED 104-081 if
 hole under the corner
 of P.M. 58
 2. BEED 104-081 if
 hole under the corner
 of P.M. 58
 3. BEED 104-081 if
 hole under the corner
 of P.M. 58

NOTES CONT.
 1. BEED 104-081 if
 hole under the corner
 of P.M. 58
 2. BEED 104-081 if
 hole under the corner
 of P.M. 58
 3. BEED 104-081 if
 hole under the corner
 of P.M. 58

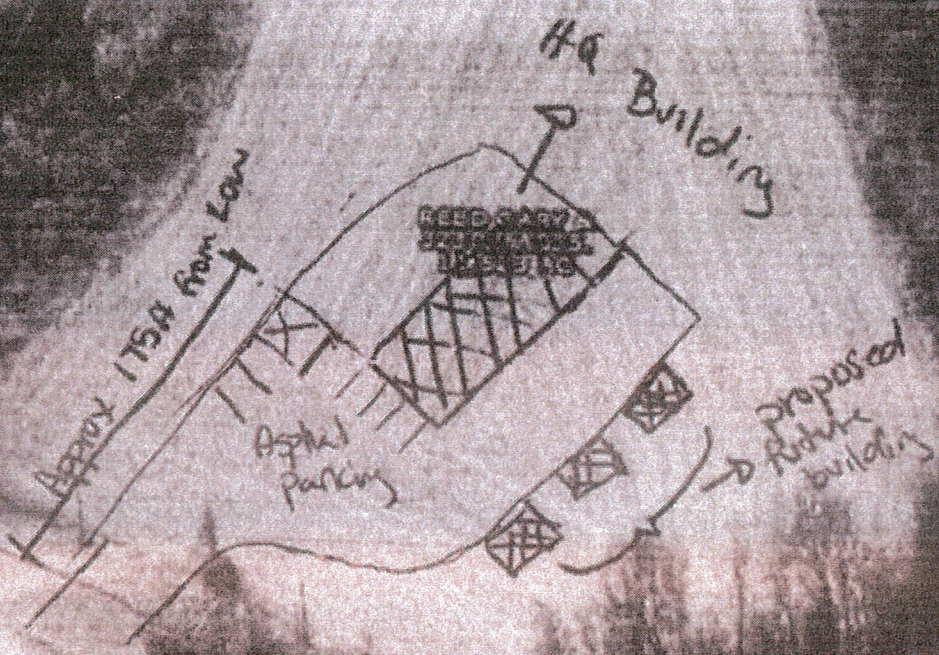
REFERENCE DOCUMENTS
 Walters M.S. No. 926
 Roy's M.S. No. 440
 Tate Township
 Clerford County, Ohio

P.L.N. 32-30-16A-015

POWER
ELIZABETH
3230
5'0

Proposed Site-Plan
w/ Buildings &
Parking/Access

DABNEY
MICHAEL O
323016A063
5'003 AC



ERNSTES CHARLES
REED VAUNDA
323017H111
677 AC

125

BOARD OF
CLERMONT CO COMM
323 01 6A052
4'85 AC

NEWB
O
323
112

Proposed Architecture
Design of Main
Building



Exhibit 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 StructuresThe 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.

SECTION 4. Residential “R-3” District

A. Uses Permitted

1. Multi-family residential buildings and apartment buildings containing at least four (4) dwelling units per building, but not more than sixteen (16) units per building. Multi-family buildings and apartments may be permitted only where public sewers are available and of sufficient quantity (size and treatment capacity) to adequately serve the development.
2. Accessory uses normally associated with apartments or apartment complexes, including but not limited to, swimming pools, tennis courts and other recreational facilities, community buildings or meeting places all of which are intended solely for the use of residents of the apartment or apartment complex to which it is accessory.
3. 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.
4. Yard sales as described in appendix 3.

B. Uses Permitted as Conditional Uses

1. None

C. Uses Prohibited

1. All uses not specifically permitted by this Section are prohibited in the Residential “R-3 District D. Dimension and Area Regulations for Lots and Structures

1. Height

No permitted multi-family building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height

2. Gross Density

- a) Each lot shall have minimum area of 14,520 square feet for a four (4) unit building and 3,620 additional square feet for each additional unit thereafter up to a maximum of twelve (12) units per gross acre (43,560 square feet). No single building, however, may contain more than sixteen (16) units.
- b) The area of the lot or lots on which a dwelling group is to be erected shall be at least twenty (20%) percent greater than the aggregate of the minimum lot areas otherwise required for the individual dwellings in the group.
- c) Each lot upon which there is erected a multi-family building shall have a minimum width, measured at the building setback line of: one hundred (100) feet for buildings containing from four (4) to seven (7) units, one hundred-forty (140) feet for buildings containing eight (8) to eleven (11) units; one hundred-fifty (150) feet for buildings containing twelve (12) to sixteen (16) units.
- d) The required lot width for dwelling groups shall be determined by the area, yard and building spacing requirements established in this Section.

3. Yard Requirements

- a) Front Yard: Each building shall have a minimum front yard setback of fifty (50) feet measured from the street right-of-way
- b) Side Yard: Each building shall have a minimum side yard of twenty (20) feet on each side
- c) Rear Yard: Each building shall have a minimum rear yard of thirty-five (35) feet
- d) For purposes of establishing yard requirements, group dwelling shall be considered as a single structure. No building within a dwelling group, however, may be closer than twenty (20) feet to any other building within the same group.

4. Floor Area Requirements

Minimum floor area requirements for each unit within a multi-family building shall be : six hundred (600) square feet for efficiency units; seven hundred-twenty (720) square feet for one bedroom units; eight hundred-sixty (860) square feet for two bedroom units; one thousand-ten (1010) square feet for each three bedroom unit and; an additional one hundred-sixty (160) square feet for each additional bedroom per unit thereafter.

5. Parking Requirements

- a) Off street and off driveway parking shall be provided at a ratio of two and one-half (2 1/2) spaces for each residential unit within a multi-family building or dwelling group. Each required space shall be a minimum of nine (9) feet in width and twenty (20) feet in length exclusive of access drives and/or aisles. Off street parking areas shall be graded for proper drainage and surfaced with an asphaltic or Portland Cement binder pavement so as to provide a durable and dustless surface and shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles.
- b) No off street parking may be located within the required front yards as established in this section.
- c) Where side or rear yards are used to provide the off street parking required by this section, a buffer yard shall be required between the parking area and any adjoining lot. Such buffer yard shall be used to provide an adequate site, noise and pollution barrier. Depressions, raised berms, landscaping, fencing or any combination thereof are satisfactory methods to create such a barrier. Where a landscape buffer screen is used, an evergreen planting screen shall be used to provide an adequate barrier. The plant material used shall be a minimum height of four feet at the time of planting and shall be planted and arranged in order to provide an immediate effect. Deciduous and semi-deciduous plant material may be used with evergreens to provide an immediate effect and accent in color. In all cases where plant material is used as a buffer screen, the plants shall be placed in such a manner that the mature growth of such plants is a minimum distance of three (3) feet from said property line.

SECTION 5. Commercial' C-1 District

A. Uses Permitted

1. Any local retail business such as a grocery, fruit or vegetable store, drugstore, carryout, drapery and curtain shop and the like.
2. Bakery, provided all products are sold at retail on the premises
3. Personal services uses, such as barber shops, beauty shops, beauty parlor, photographic or artist studios, dressmaking, tailoring, shoe repair, repair of household appliances, dry cleaning and pressing and receiving stations for personal services.
4. restaurant, soda fountain, lunchroom; but excluding drive-in and "pickup" eating and drinking establishments.

B. Uses Permitted as Conditional Uses

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

1. Neighborhood shopping centers and other groupings of five or more commercial, retail and/or service establishments in building(s) and on a lot under single ownership. The conditions under which the Board may permit neighborhood shopping centers are as follows:
 - a) Access drives may not be placed closer than one hundred (100) feet to street intersections nor less than two hundred (200) feet from another access way to the same property.
 - b) Driveways and parking areas shall be graded for proper drainage and surfaced with an asphaltic or Portland Cement binder pavement so as to provide a durable and dustless surface.
 - c) In addition to the off street automobile parking and storage requirements, for retail business as established in this Resolution, there shall be provided ten (10) spaces for each ten thousand (10,000) square feet of gross floor area of building(s) on the lot or in the neighborhood shopping center.
 - d) Each required parking space shall be a minimum of ten (10) feet in width and twenty-five (25) feet in length exclusive of access drives and/or aisles.
 - e) When a permitted neighborhood shopping center borders on a district zoned for residential uses, there shall be a buffer screen to provide adequate site, noise and air pollution barrier between the neighborhood shopping center and any adjacent residential district. Depressions, raised berms, landscaping, fencing or any combination thereof are satisfactory methods to create such a barrier. Where a landscape buffer screen is used, an evergreen planting screen shall be used to provide an adequate barrier. The plant material used shall be a minimum height of four feet at the time of planting and shall be planted and arranged in order to provide an immediate effect. Deciduous and semi-deciduous plant material may be used with evergreens to provide an immediate effect and accent in color. In all cases where plant material is used as a buffer screen, the plants shall be placed in such a manner that the mature growth of such plants is a minimum distance of three (3) feet from said property lot line or public right-of-way.

C. Uses Prohibited

1. Any use which is of storage, warehousing or manufacturing nature.
2. Storage of flammable liquid above ground in excess of six hundred gallons
3. Coal yards, lumber yards, junk yards
4. Any other use not specifically permitted by this section

D. Dimension and Area Regulations For Lots and Structures

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

SECTION 6 Commercial “C-2” Two District

A. Permitted Uses

1. Any use or structure permitted and as required in the “C-1” District, except as hereinafter modified.
2. Gasoline filling stations with underground storage tanks
3. Neighborhood shopping centers as permitted and regulated in “C-1” District.
4. Automobile, truck, trailer and farm implement establishments, for display, hire, sale and major repair, including sales lots, provided all operations other than display and sale shall be within a completely enclosed building.
5. Animal hospital, veterinary clinic or kennel
6. Trade or business schools, provided machinery used for instructional purposes is not objectionable due to noise, fumes, smoke, order or vibration
7. Carpenter, paper hanging, electrical, plumbing, heating, printing or lithographing shops
8. Funeral homes or mortuary
9. Hardware and building material stores provided that all sales are retail and no materials are stored outside of fully enclosed buildings
10. Theaters and movie houses excluding drive-ins

B. Uses Permitted as Conditional Uses

The following uses shall be considered conditional uses and will require written approval of the Board of Appeals

1. Drive-in eating and drinking establishments, summer gardens and roadhouses including entertainment and dancing under the following conditions:
 - a) All permitted establishments must comply with the conditions established in Article VI, Section 8 - B - 2 for Motor Vehicle Oriented Business.
2. Commercial baseball field, swimming pools, golf driving ranges or similar open air commercial recreational uses and facilities if located at least two hundred (200) feet from any residential district.
3. Hotel, motels, and motor hotels subject to the following conditions:
 - a) No vehicular entrance to or exit from any hotel or motel, wherever such may be located, shall be within two hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block on another street which the premises in question does not abut.

b) Any lot used for motel shall not be less than one (1) acre in area and shall contain not less than one thousand (1000) square feet per sleeping unit. All buildings and structures shall be distant at least fifty (50) feet from a rear lot line and at least twenty-five (25) feet from the front and side lot lines. The buildings and structures on the lot shall not occupy in the aggregate more than twenty-five (25) percent of the area of the lot. When a motel is part of a major shopping area with combined parking, or exceeds two stories in height, the land area may be reduced to seven hundred-fifty (750) square feet per sleeping unit.

c) All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site maintained in good condition.

d) Signs shall be limited to two (2) indirectly illuminated signs with a total area of not more than forty (40) square feet; no part of the building shall be outlined or otherwise decorated with electric lights

e) Driveways and parking areas shall be graded for proper drainage and surfaced with an asphaltic or Portland cement binder pavement so as to provide a durable and dustless surface.

f) Off-street parking shall be provided at a ratio of one and one-half (1 1/2) spaces for each room offered for rent and one (1) space for each employee on the minimum shift. Each space shall have a minimum of nine (9) feet in width and twenty (20) feet in length and shall be so arranged and marked as to provide for orderly and safe parking and storage of vehicles.

4. Bar, cocktail lounge, night club, billiard and pool halls, bowling alley, dance hall, roller skating rink and similar establishments.

C. Uses Prohibited

1. All residential buildings and uses except those for transients as permitted in this section.

2. All other uses not specifically permitted by this Section are prohibited in Commercial "C-2" District

D. Dimensions and Area Regulations for Lots and Structures.

The regulations or Dimensions and Areas for Lots and Structures are set forth in the Schedule in Appendix A.

SECTION 7 Commercial "C-3" District

A, Permitted Uses

1. Any use or structure permitted and as regulated in the "C-2" District except as hereinafter modified

2. Any conditional use as permitted and as regulated in the "C-2" District except as hereinafter modified

3. Building material sales and storage yard, retail lumber and storage yard including millwork and prefabrication

4. Trucking, catering, express, or hauling terminal or transfer establishments including storage of vehicles

5. Wholesale sales and warehouses

6. Bottling of soft drinks, creamery and dairy operations, ice cream and candy manufacturing, ice plants or distributing stations

B. Uses Permitted as Conditional Uses

Drive-in theaters under the conditions established for such uses in Article VI, Section B.6.

C. Uses Prohibited

1. Storage of flammable liquids, above ground, other than for use on the premises.

D. Dimensions and Area Regulations for lots and Structures.

The regulations or Dimensions and Area for Lots and Structures are set forth in the Schedule in Appendix A.

SECTION 8 Recreational Services “RS” District.

A. Uses Permitted

1. Agriculture, farming, stock raising, dairying, truck garden and nurseries
2. Retail sales of grocery items, art and craft products, antiques sporting and athletic goods, bait, fuel and ice, bottled gas, photographic supplies, gifts, novelties, souvenirs, and similar products.
3. Playgrounds, golf courses and other privately owned recreational centers
4. Riding stables and private stables
5. Accessory uses buildings and uses customarily incidental to any of me above uses including bulletin boards and signs not exceeding thirty-six (36) square feet appertaining to the sale of a product or services offered on the lot on which the sign or bulletin board is located.

B. Uses Permitted as Special Exceptions

The following uses shall be considered as special exceptions and will require written approval of the Board of Zoning Appeals. Every application for the construction, operation, maintenance and occupancy of a special exception shall be accompanied with plans and specifications fully setting out locations of all structures, building or vehicle sites, parking areas, access driveways, accessory buildings and a plan of landscaping. Before any permit is issued for a special exception, the plans and specifications shall first be approved by me Clermont County Health Department and/or appropriate sanitary district

1. Recreational vehicle parks and campgrounds established and maintained in accordance with the following regulations:

- a) Location and Access: No recreational park or campground shall be located except with direct access to an arterial or highway and with sufficient frontage thereon to permit appropriate design of entrances or exits. No entrance or exit from a recreational vehicle park or campground shall be permitted through a Residential District nor require movement of traffic from the park or campground through a residential District
- b) Spaces for occupancy, uses permitted and length of stay. Spaces in recreational vehicle parks or campgrounds may be used by travel trailers, equivalent vehicles, constructed in or on automotive vehicles, tents, or other short term housing arrangements or devices. Spaces shall be rented by the day only, and occupants of such space shall remain in the same recreational park not more than fourteen (14) consecutive days.