

**MINUTES OF THE:  
WALNUT TOWNSHIP ZONING COMMISSION (ZC)  
May 19, 2022 – 7:26 PM**

**Zoning Commission members present:** Charles Pillon, Thomas Upp Jr., Greg Groves  
Mike Wolfe, & Ben Patterson - absent

**Zoning Inspector:** Mike Berry – present

**Number of members of the public present:** 1

The meeting was called to order at 7:26 PM by Zoning Commission Chairman Charles Pillon.

**MEETING PROCEEDINGS**

**Approval of Minutes:**

April 21, 2022 Regular meeting minutes. Thomas Upp made a motion to accept the minutes as presented. Greg Groves seconded the motion. The Roll Call passed with three yes votes.

**OLD BUSINESS**

There was discussion on the proposed Zoning Resolution (ZR) Amendments that were sent to Regional Planning (RP) by Mike Berry from the 4/21/2022 meeting. James Mako, RP Director informed Mr. Berry that the RP staff will only review ZR amendments that are documentation that the Zoning Commission has formally made a motion to have those sections of the ZR modified or added to. Lacking that documentation RP could not review what was sent to them.

At that time, it was decided to review the 4/21/2022 proposed amendments again. After discussion of the entire document, it was decided to submit an edited version to RP for review.

Charles Pillon moved to send the edited document named “2022 – 01 Proposed Zoning Resolution Amendment (for RPC Review) – Exhibit A dated 5/19/2022”, second by Thomas Upp, motion passed with 3 yes votes.

## NEW BUSINESS

Terry Horn passed out additional proposed amendments dated 5/19/2022 for the ZC to consider at the next ZC meeting. These included the following:

- A. Proposed Amendment of 6-pgs including the following sections:
  - 1. ARTICLE III DEFINITIONS
    - a. TRAILER
  - 2. 7.2 PROCEDURE AND REQUIRMENTS FOR APPEALS AND VARIANCE
  - 3. 10.7 PARKING AND STORAGE OF VEHICLES, RECREATIONAL VEHICLES AND TRAILERS
  - 4. 10.10 PARKING REGULATIONS
  - 5. 10.14 PARKING LOT AND SITE LIGHTING REGULATIONS
  - 6. 11.22 Bed and Breakfast Establishments
- B. 10.9 Sign Regulations 21-pgs edited from Goshen Twp., Clermont Co., OH

Charles Pillon mentioned that cabins are not current permitted anywhere in the ZR except B-3 as a conditional use which is not a current Zoning District.

There was discussion on bringing back B-2 and B-3 Zoning Districts. Terry Horn noted that the PUD Zoning District was created to take the place of B-2 and B-3.

**Adjournment:** At 9:58 PM, Charles Pillon made a motion to adjourn. Thomas Upp seconded the motion. The motion passed with 3 yes votes.

Minutes Recorded By: Diane Powell

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Charles Pillon - Chair

Mike Wolfe – Vice Chair

## Walnut Township Zoning Commission

### 2022 - 01 Proposed Zoning Resolution Amendment (for RPC Review)

## Exhibit A

### ARTICLE III DEFINITIONS

*Add paragraph F:* F. TERMS NOT DEFINED - If a term used in this resolution is not defined in this article, the Zoning Inspector shall have the authority to provide a definition based upon the definitions used in accepted sources, including but not limited to: A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, A Survey of Zoning Definitions, published by the American Planning Association and Meriam-Webster.

*Add definition:* – “ADDITION – A structure that is added to and compliments the original structure visually as if it was a part of the original structure.”

1. The following examples do not qualify as an “Addition”:
  - a. Attaching a prefabricated carport or shed to a residence or an accessory structure.

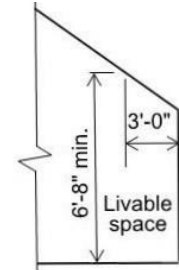
*Revise definition:* ACCESSORY STRUCTURE - A structure that is movable or has a permanent foundation detached from the principal building and subordinate to the principal use of a building on the lot or tract and serving a purpose customarily incidental to the use of the principal building. Accessory structures are located on the same lot as the primary building and are not designed or permitted for human occupancy as a dwelling. Accessory Structures have a roof and is enclosed by wall cladding, windows and doors all of permanent weather resistant construction with the exception that carports are permitted to be partially open see Carport definition. Cloth, canvas, tarps and plastic sheathing are NOT permitted to be used to enclose an Accessory Structure.

Examples of accessory structures are detached private garages, carports, sheds (see definition), pool houses, storage buildings, and other similar type buildings.

*Add definition:* CONTAINER, SHIPPING: a container with strength suitable to withstand shipment, storage and handling. In the context of international shipping trade “container or “shipping container” is virtually synonymous with “intermodal freight container”, a container designed to be moved from one mode of transport to another without loading or unloading.

*Revise definition:* ~~DWELLING—TWO-FAMILY – A separate building occupied or constructed to be occupied exclusively as a residence by two families or housekeeping units.~~ A single structure consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

*Revise definition:* FLOOR AREA, LIVABLE – The portion of floor area of a dwelling unit that is constructed, completed, and usable for living purposes with normal living facilities which includes, sleeping, dining, cooking, entertainment, common space, areas for personal hygiene, or combination thereof. Unheated rooms, unfinished garages, unfinished basements, attic space or rooms used exclusively for utilities or storage shall not be considered as livable floor area. Breezeways, open porches and uncovered steps shall also not be considered as livable floor area. In no case shall an area less than ~~6 feet~~ six feet- eight inches (6'-8") in height ~~at a location of 3'-0"~~ away from the side wall of the room be considered livable floor area.



Section Through Room

*Graphic Added to definition*

*Add definition:* LIGHT TRESPASS - Light emitted by a lighting fixture that falls beyond the boundaries of the property on which the fixture is installed.

*Add definition:* SHED – A type of Accessory Structure that has a roof and is enclosed by wall cladding, windows and doors, all of permanent weather resistant construction. Cloth, canvas, tarps and plastic are NOT permitted to be used to enclose a Shed.

*Revise definition* PERMANENT FOUNDATIONS - All single and multi-family units, and additions shall be constructed with permanent foundations designed to resist all gravity and uplift loads as defined by the Ohio Building Code and Ohio Residential Building Code and must extend below the local frost depth of 36" or other Building Code approved methods. Wood posts can be used as a foundation component provided that they meet the following requirements:

1. Embedded wood post and pole construction used as a foundation component system for residential dwellings are permitted, provided the owner/builder submits plans indicating the size and spacing of the post system indicating any concrete encasement or bearing details signed and sealed by a Structural Engineer licensed in the State of Ohio and submitted as part of the Zoning Permit.

*Revise definition:* SWIMMING POOL – A pool, ~~pond, lake~~ or open tank capable of containing at least three feet of water at any point and maintained by the owner or manager. This definition does not include portable swimming pools with a diameter of less than twelve (12) feet. ~~or an area of less than one hundred (100) square feet for farm ponds.~~

### 10.3 FENCE REQUIREMENTS

A. Fence Requirements.

*Add #3, #4 and #5:*

3. Fences shall follow the contour of the ground on which it is attached.
4. Fences shall be constructed by means of embedment into the earth by poles posts or foundation.
5. Fences shall be of generally accepted construction methods and materials for fences.

## ARTICLE X

### GENERAL DEVELOPMENT STANDARDS

Add Section 10.14 Shipping Containers: Shipping containers, box cars and semi-tractor trailers: regardless of square footage are prohibited as accessory uses or structures in R-1, R-2, R-3, R1-LF, R2-LF, RMU and MHP.

*Revision Pool requirements are noted within the following residential zoning districts: RR- (9.2, 10); R-1- (9.3, 9); R-2-(9.4, 10); R-3-(9.5,11); R1-LF-(9.6,9); R2-LF-(9.7,10) and RMU-(9.9,15) and are noted with the following language as follows:*

Private or community/club swimming pools, subject to the following provisions:

- a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
- b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- c. No swimming pool will be permitted within a front yard setback. A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line or easement.
- d. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.

The above “pool requirements” a., b, c, and d. are to be *moved* to section 10.4 SWIMMING POOLS.

#### 10.4 SWIMMING POOLS

~~1. Omit this sentence Private or Community/Club Swimming Pools.~~

~~Omit this sentence See the requirements within the applicable residential zoning district.~~

1. Private or Community/Club Swimming Pools, subject to the following provisions:

*Paragraph a., b., c., and d. from the above locations in RR, R-1, R-2, R1-LF, R2-LF and RMU have been moved to here:*

- a. No private or community/club swimming pool shall be allowed except as an accessory use and shall comply with the following requirements.
- b. The pool must be used or intended to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

- c. Edit this line No swimming pool will be permitted within a front yard setback, add **except pools are permitted in the front yard setback in R1-LF and R2-LF.** A swimming pool shall otherwise be setback a minimum of twelve feet from any lot line. ~~or easement.~~ **Add Pools are not permitted to be placed in any easement.**
- a. The swimming pool, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than four (4) feet in height, have a gate and lock, and be maintained in good condition.
- b. Add this line – **Pool covers are NOT considered a means to take the place of fencing requirements.**

*In each section where pool requirements occur in RR- (9.2, 10); R-1- (9.3, 9); R-2-(9.4, 10); R-3-(9.5,11); R1-LF-(9.6,9); R2-LF-(9.7,10) and RMU-(9.9,15) revise the language: Private or community pool/club swimming pools, subject to the following provisions of 10.4 SWIMMING POOLS:*

At the May 19, 2022 meeting of the Walnut Township Zoning Commission the above noted Zoning Resolution revisions are hereby submitted to Regional Planning for formal review.

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Charles Pillon – Zoning Commission Chair

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Date