

ZONING RESOLUTION FOR
TATE TOWNSHIP
CLERMONT COUNTY OHIO

Amendments through January 9, 2007

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TATE TOWNSHIP ZONING RESOLUTION

A RESOLUTION, for the purpose of promoting public health, safety, morals, comfort and general welfare; to provide for an orderly and systematic development of Tate Township; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provisions of public improvements, all in accordance with a Comprehensive Plan; the Board of Trustees of this Township finds it necessary and advisable to regulate the location, size and use of buildings and other structures; percentages of lot areas which may be occupied; building setback lines; size of yards, courts and other open spaces; and the uses of land for trade, industry, residence, recreation or other purposes and for such purposes; divides the unincorporated area of the Township into districts or zones.

BE IT RESOLVED BY THE BOARD OF TRUSTEES OF TATE TOWNSHIP, CLERMONT COUNTY, STATE OF OHIO:

ARTICLE I PURPOSES

SECTION 1. For the purposes of promoting health, safety, morals, comfort or general welfare; to provide for an orderly and systematic development of Tate Township, to conserve & protect property & property values; to secure the most appropriate use of land and to facilitate adequate but economical provisions of public improvements all in accordance with the provisions of CHAPTER 519, TOWNSHIP ZONING of the Revised Code, it is hereby provided as follows:

ARTICLE II DISTRICT AND BOUNDARIES THEREOF

SECTION 1. Districts: In order to classify, regulate and restrict the location of industries, residences, recreation, trades and other land uses and the location of buildings designated for specified uses, to regulate, limit and restrict the height and size of buildings, number of stories and other structures hereafter erected or altered; to regulate and limit the percentages of lot areas which may be occupied, building setback lines, sizes of yards and other open spaces within and surrounding such buildings, the density of population; the territory of Tate Township, Clermont County, Ohio, is hereby divided into twelve classes of "Districts". All such regulations are uniform for each class or kind of building or structure to use throughout each class of district and said Districts shall be know as:

1. Agricultural "A" District
2. Residential "R-1" District
3. Residential "R-2" District
4. Residential "R-3" District
5. Commercial "C-1" District
6. Commercial "C-2" District
7. Commercial "C-3" District
8. Recreational Services "RS" District
9. Industrial "I-1" District
10. Industrial "I-2" District
11. Mobile Home Park and Subdivision District
12. PUD District

SECTION 2. District Maps: The boundaries of these Districts are indicated upon the “District Map”, and are applicable to next adjacent lot line of such District where boundaries do not fall on lot lines. This map is made a part of this Resolution. The said District Map of Tate Township, Clermont County, Ohio, and all the quotations, references, and other matters shown thereon, shall be as much a part of this Resolution as if the notations, references and other matters set forth by said map were all fully described herein. The District Map is properly attested and is on file in the Offices of Tate Township Trustees.

SECTION 3. District Boundaries: The District boundary lines of said map are intended to follow either streets or alleys or lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street, alley or lot lines shall be construed to be the boundary of the district, unless such boundary is otherwise indicated on the map. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

SECTION 4. Vacation of Public Way: Whenever any street, alley or other public way is vacated by official action of the Board of Trustees of Tate Township or the Board of County Commissioners of Clermont County, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all appropriate regulations of the extended districts.

ARTICLE III DEFINITIONS

1 The words which are defined are those which have special or limited meanings as used in this zoning resolution and might not otherwise be clear. Words whose meaning is self-evident as used in this zoning resolution are not defined here.

1. Accessory Structure or Use: any structure of use, other than the principle structure of use, directly incident to or required for the enjoyment of the permitted use of any premises: also as specifically designated under the zoning district regulations of this Zoning Resolution.
2. Agriculture: the use of the land only - minus agricultural structures - for the cultivation of crops or the raising of animals or preservation in its natural state.
3. Agricultural Structures: any structure or building accessory to the principle agricultural use of the land. Farm dwellings, however, are principal buildings.
4. Alteration: any change or addition to the supporting members or foundation of a structure.
5. Building: any structure which fully encloses space for the occupancy by persons or their activities.
6. Camping Trailer or Boat: any vehicle or structure, designed or constructed in such a manner that its primary purpose is for use as a temporary living facility on land or water, during vacation or recreation periods and which is, or may reasonably, be mounted on wheels or a motor vehicle and which is self propelled, drawn or carried upon highways or street.
7. Commercial Floor Area: floor area of buildings which is devoted to the storage or display of merchandise, the performance of consumer services or the circulation and accommodation of customers.
8. Consumer Services: sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs. For example, consumer services include the provision of the personal services such as cleaning and barbering, the provision of lodging, entertainment, specialized instruction, financial services, automobile storage, transportation, and similar services.
9. Dwelling and Dwelling Unit: a dwelling is a building providing shelter, sanitation, and the amenities for permanent habitation. It does not include mobile homes, temporary lodging, or sleeping rooms. A dwelling unit means the dwelling accommodations designed for one individual or family unit maintaining separate and independent housekeeping.
10. Goods: Any goods, warehouse merchandise or other personal property capable of being of a sale regulated hereunder.
11. Height of Structures: the vertical distance measured from the average finished grade at the front building line to the highest point of the structure.

12. Home Occupation: an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premise as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, *tax* consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.
- 13A. Industry. Heavy: those industries whose processing of products results in the emission of any Atmospheric pollutant, light flashes or glare, orders, noise or vibration which may be heard or felt off premises, and those industries which constitute a fire or explosion hazard.
- 13B. Industry. Light: those industries whose processing of products results in none of the above conditions.
14. Junk Yards: when permitted by the Board of Zoning Appeals, junk yards shall be located not less than 300 feet from any road, street, residential district, residence, school, hospital or institution for human care. Junk yards shall be enclosed on all sides by a metal fence or wall not less than eight (8) feet high. Plans for such junk yards shall be submitted to the Board of Zoning Appeals before any zoning permit is granted and shall be subject to its approval.
15. Lot: a parcel of land under one ownership devoted to a common use or occupied by a single principle building plus accessory structures. Does not include agricultural tract, however.
- Corner Lot: a lot which abuts on two intersecting streets at their intersection.
- Double-Frontage Lot: any lot, other than a corner lot which abuts on two streets.
- Lot Line: the boundary dividing a lot from a right-of-way, adjoining lot or other adjoining tract of land. Front, rear, and side lot lines are self-explanatory.
- Lot of Record: a lot which is recorded in the office of the County Recorder.
16. Mobile Homes: any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons.
17. Nonconforming Structure or Use: a structure or use of any premises which does not conform with all provisions of this Zoning Resolution but which existed before its designation as nonconforming by the adoption or amendment of the Resolution.
18. Non-retail Commercial: commercial sales and service to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.
19. Outdoor: refers to that which is not within a building.
20. Persons Individuals, partnerships, family groups, voluntary associations and corporations.
21. Planned-Development Project: a complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.
22. Premises: a lot or other tract of land under one ownership and all the structures on it

23. Processing: manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Processing does not refer to (the fabrication of structures.
24. Public.-service Building: any building necessary for the operation and maintenance of a utility.
25. Retail Sales: sale of any product or merchandise to customers for their own personal consumption and use, not for resale.
26. Road: a traffic-carrying way. As used in this Zoning Resolution, a road may be privately owned.
27. Sleeping Rooms: a single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.
28. Special Use: a use which must receive special approval by the Board of Zoning Appeals if delegated, in order to be permitted in a zoning district.
29. Street: any highway or other public traffic-carrying way. An arterial street is any numbered Federal, State, or County Highway unless otherwise designated
30. Structure: any combination of materials fabricated to fulfill a function in a fixed location on the land; includes buildings.
31. Trailer Park: a tract of land prepared and approved according to the procedures of this Zoning Resolution to accommodate three or more mobile homes.
32. Use: use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.
33. Variance: a departure from the strict conformance with the dimension and area regulations which may be approved by the Board of Zoning Appeals.
34. Yard: the open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Resolution. Yards are further defined as follows:
Front Yard: that portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which lines shall be designated as the front yard line.
Rear Yard: that portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.
Side Yard: those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building
35. Yard Sales
- A. The sale or offering for sale of new, used or secondhand items of personal property at any one (1) time.
 - B. Includes all sales in residential areas entitled “garage sale”, “yard sale”, “tag sale”, “porch sale”, “lawn sale”, “attic sale”, “basement sale”, “rummage sale”, “flea market sale”, or any similar casual sale of tangible personal property.

ARTICLE IV
GENERAL PROVISIONS APPLICABLE TO ALL ZONING DISTRICTS

SECTION 1. Existing Buildings and Uses Not Affected

Any building, structure, or use existing at the time of the enactment of this Resolution may be continued, even though such building, structure or use does not conform with the provisions of this Resolution. If however, any such nonconforming use is voluntarily discontinued for two years or more, any future use of said land or structure shall be in conformity with the zoning regulations of the district in which the land and/or structure is located.

SECTION 2. Restoring Unsafe Buildings

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the building inspector or from complying with his lawful requirements.

SECTION 3. Approved Water Supply and Sewage Disposal Facilities

It shall be unlawful to locate, erect or construct any building or structure on any lot or to use or permit the use of any lot without provision for approved water supply and sewage disposal facilities. Wherever an existing water and/or sewer main is accessible, connections shall be made with such mains. In every other case, individual water supply and sewage disposal facilities meeting fully the requirements of the County Health Officer shall be installed in accordance with standards and specifications prescribed by him, and under his supervision and to his satisfaction.

SECTION 4. Uses Not Provided Are Prohibited

Any use not specifically authorized by this Resolution shall be prohibited.

SECTION 5. Dwellings Regulated

Only one principal building and its customary accessory buildings shall hereinafter be erected on any lot.

SECTION 6. Off-Street Automobile Parking and Storage

1. Permanent off-street automobile storage, parking or standing space shall be providing as set forth below at the time of the erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall be deemed to be required open space with the permitted use and shall not thereafter be reduced or encroached upon in any manner. . At least the following minimum parking space requirements for specific uses shall be provided.

- A. Residence - One (1) parking space for each dwelling unit
- B. Apartments - Two and one-half (2 1/2) parking spaces for each apartment.
- C. Retail Businesses - Parking or storage space for all vehicles used directly in the conduct of such business, plus four (4) parking spaces for the first one thousand (1000) square feet of total floor area and one (1) additional space for every additional one hundred and fifty (150) square feet of floor area.
- D. Industrial Plants and Facilities - Parking or storage space for all vehicles used directly in the conduct of such industrial use, plus two (2) parking spaces for every three (3) employees on the premises at maximum employment on a single shift

E. The minimum dimension for a parking space shall be nine (9) feet by (19) feet. Each parking lot shall have sufficient aisle and turning space to allow vehicles to move freely in and out of designated parking spaces without endangering the physical safety of vehicular and/or pedestrian traffic or interfering with the free flow of traffic either in the parking area or in adjacent streets.

2. All vehicles shall be parked on surfaces prepared for parking. No vehicle shall be parked on unprepared surfaces, such as front or side yards or other grassy areas.

SECTION 7. Additional Parking Provisions

1. If the vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.

2. The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday,

3. No commercial motor vehicle exceeding two (2) tons in rated capacity may be parked in the open in a residential zone.

4. No abandoned, wrecked, dismantled, or totally disabled automobile(s), truck(s), trailers), aircraft, or discarded furniture, appliances, or other miscellaneous materials), shall be permitted to remain exposed on the premises in any district for more than thirty (30) days.

5. One camping trailer and/or boat per family may be parked in any district provided it is parked in the side or rear yard and provided that no living quarters shall be maintained or any business conducted while such trailer or boat is parked or stored. Camping trailers or boats shall not be parked closer than five (5) feet to a side lot line or closer than ten (10) feet to a rear lot line.

SECTION 8. Obstructions To Vision At Street Intersections Prohibited

Within the triangular or other shaped area formed on a lot by a straight line connecting the right-of-way lines of an intersecting street and a railroad or the right-of-way lines of two intersecting streets at points twenty (20) feet from the intersection of such right-of-way lines, there shall be no obstructions to vision between a height of three and one-half (3 1/2) feet and height of ten (10) feet above the average grade of such street or railroad, This requirement applies to fences, walls, shrubbery, signs, marquees, and other obstructions to vision, but does not prohibit a necessary retaining wall. This is a minimum requirement. A greater sight distance may be required in accordance with traffic engineering standards for developments where the recommended traffic speed exceeds 25 miles per hour on adjacent streets.

SECTION 8A Front Yard Requirements for Corner Lots.

Corner lots shall meet the front yard requirements of the district or districts in which they are located on both the street considered as the front street and the street considered as the side street.

SECTION 8B. Front Yard Requirements For Double Frontage Lots

Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both of the streets upon which they front.

SECTION 8C. Required Yard Not To Be used by Another Building

No part of a yard required for any building shall be used for the purpose of complying with the provisions of this Resolution for another building.

SECTION 9. Private Swimming Pools

No private swimming pool, exclusive of portable pool with a diameter less than twelve (12) feet or with a surface of less than one hundred (100) square feet shall be allowed in any residential district except as an accessory use and unless it complies with the following conditions and requirements:

- (A) The pool is intended and is to be used solely for the enjoyment of the occupants of the principle use of the property on which it is located,
- (B) It may not be located closer than ten (10) feet to any side or rear property line. No pool shall be constructed in a front yard.
- (C) The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than four (4) feet in height and maintained in good condition with a gate and lock. If the pool meets manufacturer’s child proof regulation, fencing would not be required.

SECTION 10. Miscellaneous Motor Vehicles, Materials, and Items

No abandoned, wrecked, dismantled, disabled or unlicensed motor vehicle(s), aircraft(s), trailers) or boat(s) shall be parked or stored on any property other than in a completely enclosed building, except for permitted and approved salvage or junk yards. No junk yard as defined in ORC Section 4737.05A or litter as defined in ORC 1502.01 A shall be permitted to remain on any property other than in a completely enclosed building, except for permitted and approved salvage or junkyards.

SECTION 11. RESIDENTIAL FLOOR AREA

Minimum Residential	Number of Stories	Floor area per Family
Agricultural “A”	Any Number	1400 Sq. Ft.
Residential “R1”	Any Number	1400 Sq. Ft.
Residential “R2”	Any Number	1400 Sq. Ft.
Residential “R3”	Any Number	1400 Sq. Ft.

MINIMUM RESIDENTIAL FLOOR AREA Area of dwelling devoted to living purposes, including stairways, halls and closets within the dwelling unit, excluding basements, porches and spaces used for a garage or carport. In multi-family dwelling, the area of laundry rooms, storage rooms, office, elevators, stairways, hallways or lobbies shall be excluded from residential floor area.

Residential Floor Area - Area devoted to living purposes »to serve the interest of public health, safety and welfare of our community.

ARTICLE V SIGNS

SECTION 1. General Requirements For All Signs & Districts

1. Any illuminated sign or lighting device shall employ only light(s) emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams therefrom to be directed upon public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

A. Reader boards and electronic messages are considered part of the permanent display area of the sign. Apparent motion of the visual message, caused by, but not limited to, the illusion of moving objects, moving patterns or boards of light, expanding, contracting or rotating shapes, or other similar animation effects, shall be prohibited. Such restrictions applies to “scrolling” or “running” messages. The message displayed on the board must be displayed for a minimum of five (5) second intervals. In no instance can a message, or part thereof, flash on the message board.

2. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee.

3. No sign shall be placed on the roof of any building except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.

4. No sign, of any classification, shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape.

5. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.

6. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the zoning inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.

SECTION 2. Measurement of Sign Area

The surface of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation for surface area.

SECTION 3. Sign Permitted In All Districts Not Requiring A Permit

1. Sign advertising the sale, lease or rental of the premises upon which the sign is located, but they shall not exceed twelve (12) square feet in area. In Residential Districts the area of the sign shall be no more than six (6) square feet.

2. Professional name plates not to exceed four (4) square feet in area.

3. Signs denoting only the name and address of the occupants of the premises, or advertising a home occupation, where permitted, not to exceed two (2) square feet in area.

SECTION 4. Sigs Permitted In Any District Requiring A Permit

1. Signs or bulletin boards customarily incidental to places of worship, social clubs, societies or public and private institutions. Such signs or bulletin boards shall not exceed twenty square feet in area & shall be located on the same premises as such institution.

2. Any sign advertising a commercial enterprise including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet and shall advertise only the name of the development, owners, trade names and business or activity conducted on the premises where such sign is located.

SECTION 5. Signs Permitted In Commercial & Manufacturing Districts Requiring a Permit

1. In any Commercial or Manufacturing District, unless otherwise specified, each business or industry shall be permitted one flat or wall, on premises sign. The area of all permanent on-premises signs for any single business or manufacturing enterprise may have an area equivalent to one and one half (1 1/2) square feet of sign area for each lineal foot of building width, or part of a building occupied by the enterprise, but shall not exceed a maximum area of one (100) square feet.

2. In a Commercial or Manufacturing District, two off-premises signs, with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet nor shall off-premises signs visible to approaching traffic have minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall not be more than twenty (20) feet above the level of the roadway at its nearest point.

SECTION 6. Temporary Signs

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building or land development may be erected for a period not exceeding sixty (60) days plus the construction period. Temporary portable signs not exceeding fifty (50) square feet in area used for commercial or special events may be allowed for a period of up to thirty (30) days and a period of sixty (60) days must elapse before another such permit is issued for the same business or institution. All such signs must conform to the General Provisions of this section and the setback requirements of the district in which it is located.

SECTION 7. Free Standing Sign

Free standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) feet to any right-of-way or adjoining property line may be erected to service a group of business establishments. There shall be no more than one free standing sign per business, and they shall be separated a minimum of thirty (30) feet.

SECTION 8. Wall Signs Pertaining To Non-Conforming Uses

On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

SECTION 9. Other Signs

Signs advertising coming events including, but not limited to, carnivals, festivals and fairs are permitted upon the filing with the zoning inspector of an application describing same concurrent with a \$50.00 deposit. Forty (40) dollars of this deposit shall be returned upon the filing of an affidavit with the inspector by the head of the promoting organization certifying all signs posted have been removed. No such sign shall be posted more than sixty (60) days before an event. All such signs shall be removed, by the person(s) responsible for their posting, within two weeks following the event's conclusion. In the event an affidavit is not presented or the signs not removed, the entire deposit shall be forfeited.

SECTION 10. Limitation

For the purpose of this Resolution, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes.

SECTION 11. Violations

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this Resolution, the zoning inspector shall notify in writing the owner/lessee thereof to alter such sign so as to comply with this Resolution. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article VII, Section 7 of this Resolution.

**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.

- c) Accessory Uses: Management headquarters, recreational facilities, laundry facilities and other uses and structures customarily incidental to the operation of recreational vehicle parks and playgrounds are permitted as accessory uses provided that such uses are restricted in their use to occupants or the park or campground and such uses shall present no usable evidence of their commercial character which would attract customers other than occupants of the park.
- d) Sanitary Facilities: Toilets, showers and other essential plumbing fixtures shall conform to all applicable Ohio and County plumbing and health codes.
- e) Design of Access to Park: Entrances and exits to recreational vehicle parks and campgrounds shall be designed for safe and convenient movement of traffic and to minimize friction with the free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver in the right lane of the street within: (1) 100 feet, where the speed limit is less than 45 miles per hour or (2) 150 feet where the speed limit is 45 M.P.H. or more, of any portion of the approach line of the access way within 25 feet of its intersection with the right-hand lane of the street.
- f) Off-street parking, loading and maneuvering space: In connection with a recreational vehicle park or campground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, right-of-way or public grounds not a part of the recreational vehicle park.
- g) Minimum recreational vehicle site area: Each recreational vehicle site shall be at least one thousand-five hundred (1500) square feet in area. Each site shall contain a stabilized vehicular parking pad or marl, paving or other suitable material.
- h) External yard requirements: A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries adjoining private property shall have a setback of twenty-five (25) feet with protective fencing.

2. Motor vehicle oriented business established and maintained in accordance with the following conditions:

- a) Location: All motor vehicle oriented business must be a minimum of one hundred and fifty (150) feet from other motor vehicle oriented businesses. Distances shall be computed as follows:
 - 1) For such businesses on the same side of the street, one hundred-fifty (150) feet measured diagonally between the two (2) closest property lines.
 - 2) For businesses on opposite sides of the street, one hundred-fifty (150) feet measured diagonally between the two (2) property corners.
 - 3) For four (4) corner intersections, one (1) motor vehicle oriented business may be located on diagonally opposite corners exclusive of the one hundred-fifty (150) foot distance otherwise required.

b) Site design standards: The following site design standards shall be met for all motor vehicle oriented businesses.

1) The minimum lot area shall be forty thousand (40000) square feet

2) The minimum lot frontage shall be one-hundred seventy five (175) feet on all sides fronting on a public street

3) Buildings and structures, including permitted signs shall be setback at least fifty (50) feet from the street right-of-way line(s), thirty (30) feet from the side lot lines and twenty (20) feet from any rear lot line.

c) Drainage: All sites shall provide for proper storm water drain off to prevent flooding and/or ponding. The plan of drainage control shall be a part of the plans and specifications submitted to the Board and shall be certified by a registered engineer

d) trash storage areas: All motor vehicle oriented businesses shall provide suitable trash storage areas which are designed and constructed so as to allow no view of the trash stored from the street, to prevent waste from blowing around the site or onto adjacent properties or public right-of-ways and to permit safe, easy removal of trash by truck or hand.

e) Design of access to business: The following standards shall govern the size, location and design of entrance and exit points of motor vehicle oriented businesses.

1) The minimum width of driveways at the point of intersection with the public street shall be twenty-four (24) feet

2) The minimum distance of any driveway to an adjoining property (side property line) shall be twenty-five (25) feet

3) The minimum distance between driveways on the site shall be seventy-five (75) feet across the edge of the pavement of the two closest driveways

4) A driveway into a site may not be located closer than sixty (60) feet from a street intersection right-of-way

f) Screening: Motor vehicle oriented businesses shall be screened from abutting Estate Residential and/or Residential Districts by a tight sight-obscuring evergreen hedge, shrub or tree border. No screening shall be located, however, so it will obstruct safe traffic vision.

g) Lighting: Exterior lighting proposed for use on the site shall be planned, erected and maintained so that no direct light or glare will be cast upon adjoining property or public right-of-ways. The light source shall be no higher than twenty (20) feet above the level of land on which its standard is located.

h) Parking: All motor vehicle oriented businesses shall provide for minimum off-street parking as follows:

- 1) Gasoline Service Stations: One (1) space for each service bay, and one (1) space for each full time employee per shift with a minimum of two (2) employee spaces. If rental vehicles are to be provided and kept at the site, one (1) parking space shall be provided to each two (2) rental units so kept.
- 2) Other motor vehicle oriented businesses shall provide one (1) parking space for each full time employee per shift with a minimum of five (5) employee spaces, plus one (1) space for each one hundred (100) square feet of gross floor area.
- 3) All parking spaces shall be clearly designated by painted lines or other space dividers.

3. Retail sales, services or rental of marine craft and accessories, recreational vehicles and new or used automobiles in accordance with the following regulations:

- a) Location and Access: No sales or rental lot may be located except with direct access to an arterial highway and with sufficient frontage thereon to permit separate entrances or exit ways. No entrance or exit way from such a lot shall be permitted to pass through a Residential District or be designed in such a way as to require movement of traffic from the lot through a Residential District.
- b) Accessory Uses: Sales rooms, repair and service bays and other uses and structures customarily incidental to the sale or rental of marine craft, recreational vehicles or automobiles are permitted as accessory uses.
- c) Design of Access to the Lot: The following standards shall govern the size, location and design of entrances and exits of sales lot to the public streets):
 - 1) The minimum width of driveways at their point of intersection with the public street shall be twenty-four feet.
 - 2) The minimum distance of any driveway to an adjoining property shall be fifteen (15) feet
 - 3) The minimum distance between driveways on the site shall be sixty-five (65) feet from the edge of the pavement of the two closest driveways
 - 4) A driveway into a site may not be located closer than fifty (50) feet from a street right-of-way intersection

C. Uses Prohibited

All uses not specifically permitted in this Section are prohibited in the Recreational Services “RS” District.

D. Dimensions 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 Recreational Services “RS” District.

SECTION 9. Industrial “I-1” District

A. Uses Permitted

1. Any industrial or manufacturing activity which can be shown not to emit noise, smoke, dust, vibration, heat, bright light, odor or other obnoxious effects beyond the limits of its lot.
2. The storage of flammable liquid above ground in amounts less than six hundred (600) gallons and for use on the premises

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. The storage of flammable liquids above ground in amounts greater than six hundred (600) gallons
2. The storage of sand or gravel or any other raw material; the storage of equipment or vehicles of an earth moving or construction nature; finished products or components of finished products, outside of completely enclosed buildings on lots other than those on which the manufacturing, assembly or principle activity of the permitted use occurs.

C. Uses Prohibited

All uses not specifically permitted in this Section are prohibited in the Industrial “I-1” District.

D. Dimensions 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 Industrial “I-1” District.

SECTION 10. Industrial “I-2” District

A. Uses Permitted

Any use or structure permitted and as regulated in the Industrial “I-1” District.

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. Bag cleaning plants; boiler and tank works; central mixing plants for cement, mortar, plaster or paving materials; coke ovens; junk yards; establishments which cure tan or store raw hides and skins; distillation plants for bones, coal, wood or tar; fat rendering plants; forge plants; foundries and metal fabrication plants; above ground storage facilities for gasoline, oil and alcohol in excess of six hundred (600) gallons; slaughterhouses and stockyards; smelting plants; plants for the manufacture of acetylene, acid, alcohol, alcohol beverages, ammonia bleaching powder, chemicals, brick, pottery, terra-cotta, tile candles, disinfectants, dye-stuffs, fertilizer, illuminating or heating (or storage of same) linseed oil, paint, oil, turpentine, varnish, soap and tar products; and establishments for the disposal of garbage, rubbish, offal, or other waste or surplus material not originating upon the premises, by either landfill or incineration.
2. Any other industrial or manufacturing activity which in the opinion of the Board of Appeals will emit detrimental or obnoxious noise, vibrations, smoke, odor, dust, heat, or light beyond the limits of the Industrial “I-2” District in which it is located.

C. Dimensions and Area Regulations

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 Industrial “I-2” District.

SECTION 11. Mobile Home Park and Subdivision District

A. Uses Permitted

1. Mobile Home Parks

2. Mobile Home Subdivisions. A Mobile Home Subdivision is a subdivision designed and intended for residential use where residence is in mobile homes exclusively.

B. Uses Prohibited

All other uses except mobile home parks and mobile home subdivisions are prohibited.

SECTION 12-1. General Provisions for Planned Use Developments

A. Intent and Objectives

It is the intent of this article to accommodate creative and imaginative planned unit development and to permit those innovations in the technology of land development which are in the best interest of Tate Township. In order to accomplish this intent, it is the purpose of planned unit development districts to provide a flexible alternative to strict application of the zoning resolution in order to encourage development that is in keeping with modern site planning standards and the general public health, safety and welfare of Tate Township.

SECTION 12-2. General Regulations

A. Use Regulations

The Township Trustees may permit the following uses in a planned unit residential development:

1. Single-family dwellings

2. Two-family dwellings

3. Multi-family dwellings

4. Accessory service and non-residential uses: customary accessory or associated uses such as private garages, storage spaces, community facilities, and schools shall also be permitted as appropriate and clearly incidental to the uses permitted on the same premises.

5. Open space which may include, along with the natural environmental features, swimming pools, tennis courts, and other recreational facilities. These facilities are to be used mainly by the residents, and their guests of the development in which the facilities are located. Streets, parking lots, structures for habitation or storage, and the like shall not be included as part of the required open space and recreational facilities.

The Township Trustees may permit the following uses in a planned unit commercial development:

1. Local retail businesses, as defined in the "C-1" District
2. Personal services, as defined in the "C-1" District
3. Restaurants, as defined in the "C-1" District
4. Financial and professional offices, as defined in the "C-1" District
5. Neighborhood shopping centers, as defined in the "C-1" District
6. Auto and farm implement establishments, as defined in the "C-2" District
7. Hardware and building material stores, as defined in the "C-2" District
8. Carpenter, paper hanging, electrical, plumbing, heating, printing or lithography shops, as defined in the "C-2" District
9. Theaters and movie houses, as defined in the "C-2" District
10. Hotels, motels, and motor hotels, as defined in the "C-2" District

The Township Trustees may permit the following uses in a planned unit industrial development:

1. Assembly of small electrical appliances, small industrial and electronic instruments, accessories and devices, radios and phonographs; including therewith, the manufacture of small parts therefor.
2. Laboratories - experimental, photo or motion picture, film or testing
3. Manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay and kilns fired only by electricity or gas
4. Manufacture, fabrication and maintenance of electric and neon signs, billboards, commercial advertising structures, and very light sheet metal products including heating and ventilating ducts.
5. Manufacture of musical and small precision instruments, watches and clocks, toys, novelties, and rubber and metal hand stamps.
6. Printing, lithographing, type composition, ruling and binding establishment.
7. Plastic products manufacture, but not including the processing of raw materials.
8. Processing or assembling of parts for production of finished equipment.
9. Storage of any merchandise or material within a completely enclosed building, except for the following: building materials, contractors equipment, explosive or inflammable, garbage or other materials subject to offensive orders, offal or dead animals, ice and cold storage, lumber, petroleum by-products in excess of any amount necessary for use on the premises; rags, paper, metal or junk, and solid fuels in excess of heating needs, but not to include terminal warehousing or transfer depot.
10. Nurseries and greenhouses; public schools, elementary and high, and other public and private educational institutions for academic instruction.
11. Computer development, distribution, assemblage; including office and storage.
12. Health care related services

The Township Trustees may permit uses in a residential, commercial or industrial planned unit development. Any of the above stated permitted uses in a residential, commercial or industrial planned unit development.

B. Area, Density and Lot Regulations

1. Minimum Area for Developments:

The minimum area for development shall be five (5) contiguous acres. Contiguous property of any size may be added to a P.U.D. after a final development plan has been approved or after construction begins provided the additional acreage is designed in harmony with the character of the original P.U.D.. Additions to acreage will be treated as a major modification of an approved P.U. D..

2. Maximum Density of Developments:

a) Except as provided herein, a planned unit residential development shall not exceed the gross density of eight (8) dwelling units per acre. Planned unit residential developments which exceed fifty (50) acres may have a maximum density of eight point eight (8.8) dwelling units per acre. Planned unit residential developments which exceed one hundred (100) acres may have a maximum density of twelve (12) dwelling units per acre.

b) A planned unit commercial development shall not exceed a gross density of two (2) units of land area for each unit of building area. (Minimum land to building ration of 2:1)

c) A planned unit industrial development shall not exceed a gross density of three (3) units of land area for unit of building area. (Minimum land to building ratio of 3:1)

d) Mixed use planned unit developments cannot exceed eight (8) dwelling units per acre for the residential part of a mixed use planned unit development. The 2:1 land to building ratio for the commercial part of a mixed use planned unit development, and the 3:1 land to building ratio for the industrial part of a mixed use planned unit development.

3. Minimum Requirements

a) Yard setback, type of dwelling unit, frontage and use restrictions contained in other chapters of this resolution are hereby waived for planned unit residential development, provided that the intent and objectives of section 12-1 are complied with in the total development plan, as determined by the planning commission, building separation shall be maintained in accordance with the requirements of the fire code and other safety codes of the County of Clermont, and in accordance with good design principles.

b) Every dwelling unit, commercial, office, manufacturing or warehouse building shall have access to a public street, walkway or other area dedicated to common use.

4. Perimeter Requirements:

If topographical or other barriers within the development do not provide reasonable privacy for existing uses adjacent to the development, the planning commission shall impose either of the following requirements, or both:

a) Structures located on the perimeter of the development must be set back in accordance with the provisions of the zoning resolution controlling the area within which the development is situated; and,

b) Structures located on the perimeter of the development must be well screened in a manner approved by the zoning commission.

C. Interior Streets

Interior access streets shall be paved according to county specification for streets, as delineated in the subdivision regulations and properly maintained.

D. Collector Streets and Major Thorough-fares

Primary regional arterial, collector streets and major thoroughfares shall be designed as such by the developer upon the submission of general plans as provided for in subsection 5-C2 (d) hereafter. Such designations shall be subject to modification by the Zoning Commission so that an efficient circulation system is established in relation to other existing or planned streets in the area. There shall be no direct access from planned unit development lots to a primary regional arterial, and direct access from lots to collector street shall be minimized.

E. Access Control

1. On existing primary regional arterial streets, the minimum spacing between access points shall be one-eighth mile (660 feet).
2. At any new development, there shall be required the construction of-a frontage road and/or the construction of an internal roadway system whose access points onto the primary regional arterial street satisfy the primary regional arterial street spacing restrictions.
3. At those access points where turning vehicles from the primary regional arterial street will affect the roadway capacity to the extent that turn lanes are needed, the turn lanes shall be provided by the developer. This policy shall be enforced regardless of whether the roadway is a two-lane or multi-lane facility.
4. Major access points on opposite sides of the primary regional arterial street shall be located opposite each other
5. To be capable of signalization, access points that require signaliration shall not be located any closer than one-quarter (1/4) mile to the nearest signalized intersection or signalized driveway, in addition to satisfying the warrants contained in the state manual of uniform traffic control devices for streets and highways. The exact location of the signal should be determined by a traffic engineering study and should at least account for the following variables:
 - a) Speed;
 - b) Traffic signal phasing;
 - c) Traffic signal cycle length;
 - d) Roadway geometries; and
 - e) Accident experience.
6. One access point per existing tract will be allowed; if the spacing requirements for a direct access point cannot be satisfied, however, then an indirect access point should be located on a frontage road, on an intersecting roadway, or share a common driveway that meets the spacing requirements. When an existing tract cannot meet the access spacing requirements, the commission may require, as a condition for approval, that the frontage road be extended to each adjoining tract to the side of the development and when, by reason of future development, the access spacing requirement can be met, the original access point shall be closed.

7. Where the frontage of a tract is greater than five hundred (500) feet an additional access point may be permitted; the form of access, however, may be direct or indirect.
 - a) If the frontage of the tract is greater than one-quarter (1/4) mile, then one or both of the access points may have direct access onto the primary regional arterial street, depending upon the location of adjacent direct access points. In the case where the frontage allows only one point of direct access, the second access point will be some indirect means.
 - b) If the frontage of the tract is between five hundred (500) feet and one-quarter (1/4) mile, it is possible that one direct access point will be allowed onto the primary regional arterial street; this will be dependent, however, upon the location of the adjacent access points.
8. The location of access points shall comply with safe sight distance practices recommended by the institute of transportation engineers.
9. Access points should be located a sufficient distance from property lines in order to fall entirely in front of the subject property, except where a common driveway serving two properties is constructed.
10. In the process of providing access to abutting property, the developer and the approving governmental agency, together, must strive to provide the highest level of safety possible and to maintain the roadway design capacity.

F. Common Open Space

1. Amount and Character:
 - a) For single family residential P.U.D. at least ten (10) to fifteen (15) percent of the total acres shall be dedicated to public and/or private open space.
 - b) For single-family/multi-family P.U.D. the open space shall be equal to fifteen (15) percent of the total acreage.
 - c) For multi-family P.U.D. the open space shall be equal to twenty-five (25) percent of the total acreage.
 - d) For all other P.U.D.s the open space shall be a minimum of thirty (30) percent of the total acreage.
2. At least thirty (30) percent of the open space shall be contiguous.
3. In determining open space areas used for streets, structures, undeveloped portions of single family lots, parking and sidewalks shall not be included as part of the open space.
4. Open space shall be clearly shown on the final plan, shall be physically situated so as to be readily accessible, available to, and usable by all residents, clients or employees of the P.U.D..
5. Conveyance and maintenance of common open space: for a residential P.U.D. all common open space, shown on the final development plan and recorded in the office of the Township Clerk of Tate Township, must be conveyed in accordance with one of the following methods:
 - a) By dedication to the county or park board as publicly owned and maintained as open space. All common open space proposed for dedication to the county park board must be acceptable to it with regard to the size, shape, location, and improvement. In addition, the developer must show that dedication of such areas will be of benefit of the general public of the county.

b) By leasing or conveying title (including beneficial ownership) to a corp., homes association or other legal entity. The terms of such lease or other instrument or conveyance must include provisions suitable to the commission for guaranteeing: 1) the continued use of such land for intended purposes; 2) continuity of proper maintenance; 3) when appropriate, the availability of proper funds required for such maintenance; 4) adequate insurance and 5) recovery for loss sustained by casualty, condemnation, or otherwise. In any event, the developer must file in the county land records, at the time the approved final subdivision map is filed, or the final plan of the P.U.D. is approved, legal documents which will produce the aforesaid guarantees &, in particular, will provide a method for restricting use of common open space for the designated purposes.

6. Parking lots are considered as open space in commercial, industrial and the commercial and industrial portions of a mixed P.U.D.

H. Pedestrian Circulation

The pedestrian circulation system and its related walkways shall be insulated as completely and as reasonably as possible from the vehicular street system in order to provide separation of pedestrian and vehicular movement.

I. Utilities

A P.U.D. shall provide for underground installation of utilities (including electricity and telephone) in public ways and extensions thereof. Utility installation and maintenance of facilities shall be in accordance with the requirements and regulations of the appropriate Clermont county Sanitation District or other authority having jurisdiction thereof. A P.U.D. shall not be approved unless adequate assurance is given that adequate public or central water and sanitary sewers will be available at the first occupancy.

J. Privacy

Each P.U.D. shall provide reasonable visual and acoustical privacy for dwelling units, commercial buildings, offices and industrial buildings. Fences, insulation, walls, barriers, and landscaping shall be used as appropriate and the privacy of its occupants, screening of objectionable views, or uses and reduction of noise.

K. Erosions and Sedimentation Control

Effective erosion and sediment controls shall be planned and applied according to the following principles:

1. The smallest practical area of land should be exposed at any one time during development
2. When land is exposed during development, the exposure should be kept to the shortest practical period of time.
3. Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.
4. Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.
5. Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.
6. Permanent final vegetation and structures shall be installed as soon as possible in the development.
7. The development shall be fitted to the topography and soil so as to create the least erosion potential.
8. Wherever feasible, natural vegetation should be retained and protected.

L. Natural Resource Protection

The natural protection standards are intended to preserve valuable and unique site natural resources which protection contribute to the ecological well-being and character of the community; and to prevent damage to the environment and the public health, safety and welfare that may result from loss of vegetation, hillside slippage, flooding, erosion or inappropriate site development.

The applicant is required to identify the natural resources present at the subject site, the limitations they pose to development, and the required protection areas not being built upon, altered or disturbed by development.

All resource protection areas identified on the subject site shall be properly notated and may be designated as permanent open space and be made an integral part of the required open space in accordance with the provisions of this article.

The types of site natural resources that need to be identified and protected and the preferred method of protection are as follows:

1. Flood Plains:

The one hundred (100) year flood plain and areas of special flood hazard areas as identified by the F.E.M.A., and in accordance with all applicable state and Clermont County regulations.

2. Water Courses:

Natural streams, ravines and drainage ways which may or may not have been identified in the F.E.M.A. maps. Any alterations of these site resources shall meet the provisions of appropriate Clermont County regulations.

3. Lakes and Ponds:

No development or diversion of existing year-round bodies of water should be permitted except to provide required roads.

4. Steep Slopes:

Site areas where the land surface is inclined from a horizontal plane twenty (20) percent or greater characterized by increased runoff, erosion, sedimentation, and slippage hazards if disturbed by construction activities. In order to prevent slippage, loss of vegetation and erosion, the majority of steep slope areas should not be disturbed through the stripping of vegetation or grading. The following standards should be guide the protection of steep slopes:

a) Steep Slopes of 20% to 30%

1) One hundred (100) percent of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the P.U.D. project, in accordance with this section.

2) Seventy (70) percent of such resource protection areas should remain undisturbed.

b) Steep Slopes of Greater Than 30%

1) One hundred (100) percent of such resource protection areas should remain undeveloped when they are incorporated into the open space system for the P.U.D. projects, in accordance with this section.

2) Eighty-five (85) percent of such resource protection areas should remain undisturbed.

Development of steep slopes should be done with caution and excavation and alteration of the ground should be minimized. When steep slopes are being proposed for development, the zoning commission may require specific performance standards to be applied to the development in order to mitigate impacts.

5. Woodland Areas:

Areas or stands of trees (measured canopy to canopy) covering an area greater than one-quarter (1/4) acre in which:

- a) The majority of the trees are young canopy (4 “ -16” tree caliper); or
- b) The majority of the trees are fifteen (15) feet in height or greater and form at least a twenty (20) percent canopy.
- c) Any grove of trees without regard to a minimum area consisting of mature canopy (16” and greater tree caliper).

All development should be planned, designed and constructed so that existing healthy trees and vegetation are preserved to the maximum extent possible, according to the following:

- a) Young canopy woodland: No more than sixty (60) percent should be cleared.
- b) Mature canopy woodland: No more than thirty (30) percent should be cleared.

SECTION 12-3. Establishment of a Planned Unit Development

A. Applicant

A planned unit development rezoning application shall be filed in the name or names of the recorded owner or owners of the property included in the development as shown in the Clermont County Recorder’s Office. However, the applications may be filed by holders) of an equitable interest in such party. If record of title is changed for all or any portions of such property prior to issuing final approval, the records of the zoning commission and related documents shall be amended to reflect such changes before maps and documents are filed in the County records, as provided herein.

B. Concept Plan Submission

At the time of application for planned use development rezoning, a concept plan for the development of the land shall have been filed with the township zoning administer by the owner(s) of the land involved. The concept plan)which may be set forth in one or more maps or in one or more instruments) shall reflect the following elements:

- 1. Perimeter of the property; relative to, at least, a ten (10) foot topographic base map, at a scale of 1” = 200’ or larger.
- 2. general location of streets at points of access.
- 3. Description of land uses within the “planned unit development”
- 4. General location of buffering, open space and natural features to be preserved.
- 5. general location of storm water control improvements.
- 6. density of all proposed land uses.
- 7. A narrative describing the order in which the development will be phased.
- 8. A list of name and addresses of all property owners located within the subject site and within two (200) hundred feet in all directions of the subject site, together with corresponding parcel numbers.
- 9. The map shall set forth the current zoning; shall include a north arrow; and shall state the total acreage for the subject property.

D. Concept Plan

1. Each applicant, if possible, should confer with the Zoning Commission in connection with the preparation of the planned unit development application. The general outlines of the proposal, evidenced schematically by sketch plans, would be considered before submission of the P.U.D. application. The Zoning Commission may seek assistance from the staff of the Clermont County Planning Commission in reviewing these pre-application plans.
2. This procedure shall conform to Article X of the Tate Township Zoning Resolution.
3. The Zoning Commission shall review the concept plan and shall render a written report to the Township Trustees and the applicant within thirty (30) days after the public hearing. The Zoning Commission may call upon other public and/or private consultants necessary to provide sound review. These departments and/or consultants need only concern themselves with general conceptual merit and in no way shall commit any further acceptance or rejection of detailed design elements required in the final approval of uses (Section 12-5). The written finding shall include the following:
 - a) The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established;
 - b) Whether there are adequate services and utilities available or proposed to be made available in the construction of the project;
 - c) Whether the proposed meets the intent and objectives for planned unit developments as expressed in Section 12-1;
 - d) Whether the proposal meets all the general regulations for planned unit developments as expressed in Section 12-3.

4. Approval by Township Trustees

- a) Approval and referral: The Zoning Commission shall notify and transmit all plans and recommendations to the Township Trustees. After review, the Township Trustees shall schedule a public hearing. The Township Trustees, shall approve, modify and approve, or deny such application within thirty (30) days after the public hearing. If the Township Trustees grant planned unit development districting, the zoning map shall be so notated.
- b) Notice of authority to proceed: upon approval of the planned unit development application by the Township Trustees, the Zoning Commission forthwith shall:
 - (i) Furnish the developer with a written notice of approval
 - (ii) Record the use change in the same manner as any other zoning change including:
 - a land description of the land; and
 - specific reference to the approved concept plan.The land described in the above notice shall be used only in accordance with the uses and densities shown on the recorded general plan.

SECTION 12 4 Final approval of uses in a Planned Unit Development

A. Final Development Plan

The final development plan shall include the following information:

1. All property lines, shape and dimensions of the lot to be built upon showing directional bearings and distances, adjacent streets, and location with reference to identifiable street intersection. A list of the names and addresses of the owners of all property owner located within the subject site, and within two hundred (200) feet in all directions of the subject site, together with corresponding parcel numbers;
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 plan;
3. Vicinity map locating the subject property in Tate Township. Both vicinity map and preliminary development 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, gross floor area and number of dwelling units per building;
9. Any modifications, changes and additions to existing buildings(s), including floor area, heights and setbacks;
10. The amount of area proposed for common open space and recreational use including the location and arrangement of recreational facilities and identification of unique natural features to be retained and a statement of ownership of such facilities and the means of maintaining all common areas;
11. The proposed finished grade(s) of new buildings supplemented where necessary with spot elevations;
12. Location and dimensions of all curb cuts, driving aisles, off-street parking and loading and/or unloading spaces including number of spaces, angle of stalls;
13. Location of proposed pedestrian walkways, identifying approximate dimensions;
14. Location of proposed streets^ identifying approximate dimension as of pavement, right-of-way widths, and grades;
15. Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes. Indication should also be given regarding the provision of electric and telephone service, including cable 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 one hundred (100) year water surface elevations and proposed finished floor elevations denoted;

17. Identification of soil types and subsurface geology of 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 courses, wetlands, and wildlife habitats, must be included, and every good faith effort made to preserve, maintain, and enhance same;
19. Location and screening or other description to indicated 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, utilities, and other public facility improvements in order of priority, and
 - b) Dedication of land to public use or set aside for common ownership;
21. 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 preliminary development plan meets the standards of the Zoning Resolution for Tate Township and of other public agencies in Clermont County, to ensure proper integration of the project in the area and the prevention of adverse and undesirable impacts on the community.

B. Approval

Within one (1) year following the approval of the concept plan and the establishment of the P.U.D. District, the developer shall submit to the Township Zoning Inspector the final development plan and all other materials required to obtain final authorization to proceed with construction. The failure to submit the final development plan within one year shall nullify the approval of the P.U.D. and the Zoning Inspector shall remove from the Township Zoning Map any reference to the P.U.D..

Upon receipt of the above materials the board of Township trustees shall review the final development plan at its next regular meeting or a special meeting and either approve or deny the final development plan.

SECTION 12 - 5. Subdivision Review

If the subdivision of land is proposed in the planned unit development, the developer shall submit application and plans for review by the Clermont County Planning Commission in compliance with the Clermont County subdivision regulations. The subdivision plans should be submitted to the township to allow for concurrent review.

At the time subdivision plans are filed with the planning commission, the developer shall also file:

A. Other statement required by the Subdivision Regulations.

Upon approval of the subdivision application, the planning commission shall notify the applicant by certified mail, and thereafter upon payment, of the required fee by the applicant, the maps and other related documents may be recorded in the office of the County Recorder.

SECTION 12-6. Revision of Approved Final Development Plan

The development shall conform to the approved final planned unit development plan and the approved subdivision plan. The development applicant, his successors and assignees shall make no alterations, additions or deletions to the final development plan, the related documents or to the site, except as provided herein. Upon final approval of uses, changes may be made only pursuant to a new submission of a planned unit development application which shall be processed and approved in accordance with this ordinance. The Township Trustees may authorize minor changes, without a new planned unit development application, provided that overall density is not increased.

SECTION 12-7. Phasing

The establishment of common open spaces and construction of public or common residential facilities shown on the recorded final development plan together with the construction of other nonresidential structures shall proceed substantially in accordance with the phasing referred to in Section 12-4, B.7, concept plan submission, herein.

Thereafter, the Zoning Commission may issue such orders to the developer as it sees fit, and upon continued violation of this section, may suspend the developer from further construction of dwelling units or nonresidential structures until compliance is achieved.

SECTION 12-8. Violation

Whenever the Township Trustees shall find in the case of any approved final development plan, that any of the terms, conditions, or restrictions upon which final approval of uses Section 12-5 herein, was granted are not being complied with, the Township Trustees may rescind and revoke such approval and the land shall revert to its original zoning classification.

In addition, a violation of the final approval of uses for planned unit development, as approved, shall constitute violation of the zoning code with appropriate action taken.

SECTION 12-9 Time Limit

If work has not begun within one (1) year of the approval of the final development plan, the approval of the plan shall be deemed void and the land shall automatically revert to its original zoning designation.

SECTION 13 - Wireless Telecommunication Towers

The purpose of the addition to the zoning resolution to 1) encourage the location of telecommunication towers in non-residential areas and to minimize the total number of towers; 2) encourage the joint use of new and existing towers; and 3) encourage telecommunication companies to locate towers in areas of township where the adverse impact on the community will be minimal.

(A) Except as provided in Ohio Revised Code Section 519.11 with respect to any cellular or wireless telecommunication tower that is owned or used by a public utility, and proposed to be located in an area zoned for residential use, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of any land by a public utility for the operation of its business.

(B) In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a cellular or wireless telecommunication tower in an area zoned for residential use, the public utility shall provide evidence satisfactory to the Tate Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211 (B).

(C) A permit for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of a cellular or wireless telecommunication tower may be issued, upon application and compliance with Ohio Revised Code Section 519.211 and this Resolution, provided the applicant has satisfied all the following standards:

1. Telecommunication towers shall be subject to the site plan review requirements of Tate Township Zoning Resolution.
2. Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been reviewed and/or approved by all agencies and governmental entities with jurisdiction, if required, including but not limited to the Ohio Department of Transportation Office of Aviation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
3. The applicant shall demonstrate by clear and convincing evidence that its tower, antennae cannot be located on any other communication tower, building or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering" of towers within an area. In the event of the construction of new facilities by the applicant, the applicant shall agree to the use of such facilities by other public utilities engaged in the provision of telecommunication services; upon payment of reasonable fees for such use.

4. An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a nonresidential district and that the site is located in the least restrictive district that included a technically suitable and feasible site.

5. Monopole installations are required, it is required that any building constructed to service a telecommunications tower be designed in an architecturally compatible manner to adjacent buildings. It is further required that the tower itself and any support equipment located on the ground shall be painted or have a finish in earth tones to reduce visual impact.

6. Pole, tower and/or structure placement be only on a lot meeting not less than the square footage requirements of the zone district located within, with a maximum height being 150 feet. The minimum setback shall be as indicated in the Zoning Resolution.

7. For reasons of aesthetic and public safety such facilities shall be effectively screened on each side. Screening shall consist of a solid masonry wall or solid fence, not less than four nor more than six feet in height, a tight screen of hardy evergreen shrubbery, or natural or existing screening not less than four feet in height. The use of razor or barbed wire shall be prohibited. Screen walls and fences shall meet the minimum setback requirement and indicated in the zoning resolution. Spaces between any screening device and adjacent property lines shall be including, but not limited to grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

8. The applicant (or its successors) shall, within thirty (30) days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Tate Township Zoning Board. Facilities shall be removed from the site within twelve months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunication systems subject to the obtainment of a zoning certificate from the Tate Township Zoning Board.

9. Any special zoning certificate issued under this section shall be revocable and may be revoked after notice and hearing if any continuing conditions of the certificate has been violated and is not remedied within thirty (30) days of written notice from the Zoning Inspector.

10. The permit application shall list the location of every tower, building or structure within a half mile radius, that could support the proposed antenna so as to allow it to service its intended function.

11. An antenna or tower may not be illuminated, nor may lighting fixtures or advertisement signs be attached to the structure, except such lighting as may be required by law.

D). To coincide with the addition of the language to regulate telecommunication towers, a definition will be added to Section VI to read as follows:

Telecommunications tower, means any free-standing structure, or any structure to be attached to a building or another structure, which is capable of transmitting or receiving radio frequency waves.

ARTICLE VII ENFORCEMENT

SECTION 1. Zoning Inspector.

1. It shall be the duty of the Zoning Inspector, who shall be appointed by the Tate Township Board of trustees, to enforce this resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Inspector by reporting to him upon new construction, land uses or upon seeing violations.

2. Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in Article VIII, Section 2.

SECTION 2. Filing Plans.

Every applicant for a zoning certificate shall be accompanied by a dimensioned sketch or scale plan indicating the shape, size, height and location in exact relation to all property lines and to street lines of all buildings or structures to be erected, altered, or moved and of any building or structures already on the lot.

SECTION 3. Zoning Certificate.

1. It shall be unlawful for any owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the Zoning Inspector. Such certificate shall show that such building or premises or a part thereof, and the proposed use thereof are in conformity with the provisions of the Resolution. No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Resolution.

2. Under written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

3. A zoning certification shall be good for only one (1) year. If construction is not started within one (1) year and not completed within two (2) years the applicant must reapply.

SECTION 4. Conditions under which Certifications are Required.

A zoning certificate shall be required for any of the following, except as herein provided:

1. Construction or structural alteration of any building, including accessory buildings, but excluding any agricultural building, except for normal routine maintenance and repair.
2. Change in use of an existing building or accessory building to a use of a different classification, excluding changing to any agricultural uses.
3. Occupancy and use of vacant land excluding agricultural land.
4. Change in the use of land to a use of different classification.
5. Any change in the use of a non-conforming use.

SECTION 5. Application and issuance of Zoning Certificates

1. Written application for a zoning certificate for the construction of a new building or for the structure alteration of an existing building shall be made prior to the application for a Clermont County Building Permit. Said certificate shall be issued within ten (10) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
2. Written application for a zoning certificate for the use of vacant land or for a change in the use of land or of a building, or for a change in a non-conforming use, as herein provided, shall be made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this Resolution.
3. A fee established by the Tate Township Board of trustees shall accompany each application for a zoning certificate.

SECTION 6. Zoning Certificate For Non-Conforming Uses

A zoning certificate shall be required for all lawful non-conforming uses of land or buildings created by adoption of this Resolution. Application for such certification for a non-conforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by each non-conforming use within one (1) year of the effective date of this Resolution. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful non-conforming use and failure to apply for such certification for a non-conforming use may be evidence that said non-conforming use was either illegal or did not lawfully exist at the effective date of this resolution.

SECTION 7. Violations and Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, or use, any building or land in violation of the regulation in or any provisions of this Resolution or any amendment or supplement thereto adopted by the Trustees of Tate Township. Any person, firm, or corporation violating any regulations in or any provisions of this Resolution or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred (500) dollars. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or uses continues, may be deemed a separate offense.

SECTION 8. Violations - Remedies

In this case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be in violation of this Resolution or any amendment or supplement thereto, the Zoning Inspector, the Clermont County Prosecutor, or any adjacent neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunctions, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, enlargement, change, maintenance, or use.

ARTICLE VIII
BOARD OF ZONING APPEALS

SECTION 1. Organization and Procedure

1. Appointment: A Township Board of Zoning Appeals is hereby created. The Board shall consist of five (5) members, to be appointed by the Tate Township Trustees. Members shall be residents of Tate Township, Clermont County, Ohio. The terms of one (1) member will expire each year. Each member shall serve until his successor is appointed and qualified. Member of the Board shall be removable for non-performance of duty, misconduct in office, or other cause, by the Trustees, upon written charges having been filed with the Trustees and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the Trustees and shall be for the unexpired term.

2. Organization and Procedure: The Board shall organize and adopt rules for its own government not inconsistent with law or with any other Resolutions of the Township.

A. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or in his absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be a public record.

B. Quorum. Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order determination the Zoning Inspector, or to decide in favor of an applicant in any matter of which the Board has original jurisdiction under this Resolution or to grant any variance from the requirements stipulated in this Resolution.

SECTION 2. Application and Appeals

1. Applications: An application, in cases in which the Board has original jurisdiction under the provisions of this Resolution, may be taken by any property owner, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filled with the Zoning Inspector who shall transmit same to the Board.

2. Appeals:

A. An appeal to the Board may be taken by any person aggrieved or by by an officer of the Township affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken.

B. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining notice to the officer from whom the appeal is taken and on due cause shown.

C. The Board may in conformity with the provisions of this Article reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

SECTION 3. Hearings

1. The Board shall fix a reasonable time for the hearing of an appeal, give public notice thereof and at least ten (10) days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by a fee as established by the Tate Township Board of Trustees, payable to Tate Township which will be credited to the Tate Township Zoning Fund, herein specified. At this hearing, any party may appear in person or by attorney.

2. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

SECTION 4. Decision of the Board

1. The Board shall decide all applications and appeals within thirty (30) days after final hearing thereon.

2. A certified copy of the Board's decision shall be transmitted to all parties in interest or the Board in its discretion may publish said decision in a newspaper of general circulation in Tate Township. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

3. A decision of the Board shall not become final until the expiration of ten (10) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

SECTION 5. Powers of the Board of Appeals

1. Conditional Uses and Exceptions

A. The Board shall have the power to hear and decide, in accordance with the provisions of this Resolution, applications, filed as hereinafter provided, for conditional uses, special exceptions or for interpretation of the Zoning Map, or for decisions upon other special questions on which the Board is authorized by this Resolution to pass. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature of the conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation — in particular conditional use or special exception — as the Board may deem necessary for the protection of adjacent properties and the public interest.

B. In addition to permitting the conditional uses and special exceptions hereinbefore specified, the Board shall have the power to permit the following conditional uses and special exceptions:

1) Temporary Structures and Uses.

The temporary use of a structure or premises in any district for a purpose that does not conform to the regulations prescribed elsewhere in this resolution for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

2) Interpretations of District Map.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing shall interpret the map in such a way as to carry out the intent and purpose of this Resolution. In case of any question as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board.

SECTION 6. Administrative Review and Variances.

A. Administrative Review: The Board shall have the power to hear and decide appeals, files as herein provided, where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector or other official in the interpretation or of the provisions of this Resolution.

B. Variances: The Board shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest; but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause undue and unnecessary hardship.

C. Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this Resolution or by reason of exceptional topographic conditions or other extra-ordinary situation of condition of such piece of property, or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this Resolution would involve practical difficulties or would cause undue hardship — necessary to carry out the spirit and purpose of this Resolution — the Board shall have power to authorize a variance from such strict application, so as to relieve such hardship, and so that the spirit and purpose of this Resolution shall be observed and substantial justice done. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary that the conditions attached are being and will be complied with.

D. No such variance in the provisions or requirements of this Resolution shall be authorized by the Board unless the Board finds, beyond reasonable doubt, that all the following facts and conditions exist:

1. That there are exceptional or extra-ordinary circumstances or conditions applying to the property in questions, or to the intended use of the property that do not apply generally to the other properties or classes of uses in the same zoning district.
2. That such variance is necessary for the preservation and enjoyment of substantial property rights, possessed by other properties in the same Zoning District and in the same vicinity.
3. That the authorizing of such variance will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this resolution or the public interest.

E. No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of specific piece of property or the intended use of said property for which variance is sought — one or the other or in combination — is not of so general or recurrent regulation for such conditions or situation.

F. General. In exercising its power, the Board may, in conformity with the provisions of State Statutes and of this Resolution, reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision or determination as ought to be made, and to that end shall all powers of the office from whom the appeal is taken.

ARTICLE IX INTERPRETATION, PURPOSE, AND CONFLICT

SECTION 1. In interpreting and applying the provisions of this Resolution, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Resolution to interfere with or abrogate or annul any resolution, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Resolution, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Resolution; nor is it intended by this Resolution to interfere or abrogate or annul any easements, covenants, or other agreements between parties; provided however, that where this Resolution imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other resolution or agreements, the provisions of this Resolution shall control.

**ARTICLE X
DISTRICT CHANGES AND RESOLUTION AMENDMENTS**

SECTION 1. Initiation of Amendments or Supplements

Amendments or supplements to the Zoning Resolution may be initiated by motion of the Township Zoning Commission, by the passage of a resolution therefore by the Board of Trustees or by filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Township Zoning Commission. The Board of Township Trustees shall upon the passage of such resolution certify it to the Township Zoning Commission.

SECTION 2. Application Procedure for Change in Zoning Districts

1. Applications for any change of district boundaries or classifications of property as shown on the Zoning Map, shall be submitted to the Commission, at its public office, upon such forms, and shall be accompanied by such data and information, as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of the facts for the permanent record. Each application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

2. Names and Addresses of Adjacent Property Owners: Any person or persons desiring a change in the zoning classification of property shall file, with the application for such change, a statement giving the names and addresses of the owners of all properties within and contiguous to and directly across the street from such area proposed to be rezoned.

SECTION 3. Public Hearing of Zoning Commission

1. Upon the adoption of a motion by the Zoning Commission, or the certification of a resolution by the Board of Trustees, or filing of an application for an amendment or supplement, the Tate Township Zoning Commission has forty (40) days to set date for public hearing on the application. Notice of such hearing shall be given by the Tate Township Zoning Commission by one publication in one or more newspapers of general circulation in the township at least fifteen (15) days before the date of such hearing.

2. Written notice of the hearing shall be mailed by the Zoning Commission to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by first class mail ten (10) days before such hearing to the addresses of such owners appearing on the current tax roll, list or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

3. Submission of Amendments or Supplements to County Planning Commission: Within five (5) days after the adoption of a motion or the certification of a resolution or the filing of an application, the Township Zoning Commission shall transmit a copy thereof together with text and map pertaining thereto to the County Planning Commission. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to the Township Zoning Commission. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment or supplement.

4. The Township Zoning Commission shall, within thirty (30) days after its hearing, recommend the approval or denial of the proposed amendment or supplement, or the approval of some modification thereof and submit such recommendation together with such application or resolution, the text and map pertaining thereto and the recommendation of the County Planning Commission thereon to the Board of Township Trustees.

SECTION 4. Public Hearing of Township Trustees

1. The Board of Township Trustees shall, upon receipt of a recommendation from the Township Zoning Commission, set a time for a public hearing on such proposed amendment or supplement, which date shall not be more than thirty (30) days from the date of the receipt of such recommendation from the Township Zoning Commission. Notices of such public hearing shall be given by the Board of Trustees by one publication in one or more newspapers of general circulation in the township, at least ten (10) days before the date of such hearing.
2. Written notice of the hearing shall be mailed by the Township Clerk to all owners of property within and contiguous to the area proposed to be reclassified or redistricted by first class mail ten (10) days before such hearing to the addresses of such owners appearing on the current tax roll list, or duplicate of the county or to the address of the property. The failure of delivery of such notice shall not invalidate any amendment or supplement.

SECTION 5. Action of Township Trustees

Within twenty (20) days after its public hearing the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof in the event the Board of Trustees denies or modifies the recommendation of the Township Zoning Commission the unanimous vote of the Board of Trustees shall be required.

SECTION 6. Effective Date and Referendum

1. An amendment or supplement adopted by the Board of Trustees shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Board of Trustees a petition, signed by a number of qualified voters residing in the unincorporated area of the township or part thereof included in the Zoning Plan equal to not less than eight (8) percent of the total vote cast for all candidates for governor in such area at the last preceding general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment or supplement to the electors of such area for approval or rejection at the next primary or general election.
2. No amendment or supplement for which a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

SECTION 7. Application Fees

1. At the time that an application for a change of Zoning Districts is filed with the Zoning Commission, as provided herein, there shall be deposited with the Township Clerk, a fee, the amount of which is established by the Tate Township Board of Trustees, to cover investigation, legal notices and other expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot. An additional fee, established by the Tate Township Board of Trustees, shall be deposited for each additional lot or part of an additional lot to be adjacent to each other. Such sums so deposited shall be credited by the Township Clerk to the General Fund of the Township.

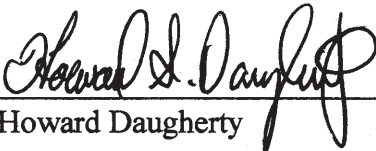
2. In the event that the Zoning Commission disapproved the application and the petitioner elects not to have the same certified to the Trustees, then a refund of a portion of the fee, the amount of which is established by the Tate Township Board of Trustees plus an additional refund for each additional lot or part of an additional lot which was included in the application, should be made to the petitioner by the Township Clerk; provided, that the Township Clerk is notified of such election by the petitioner within thirty (30) days for the time of action taken by the Zoning Commission.

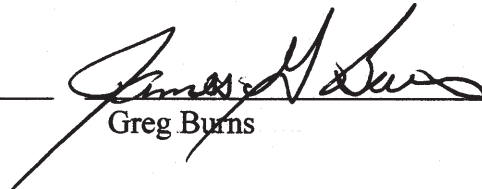
ARTICLE XI VALIDITY

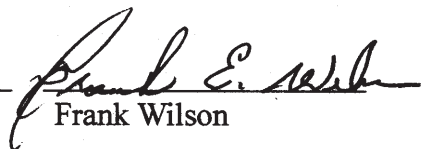
If any section, subsection, sentence, clause or phase of this Resolution is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution. All resolutions or parts of the Resolution of Tate Township, in conflict with any regulation, provisions, amendment or supplement of this Resolution, are to the extent of such conflict hereby repealed.

ARTICLE XII EFFECTIVE DATE

This Resolution shall be in full force and effect from and after the earliest period allowed by law.
Board of Township Trustees of Tate Township, Clermont County, Ohio
Adopted this January 09, 2007


Howard Daugherty


Greg Burns


Frank Wilson

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) 7500/ 3000	(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.

Appendix B Site Plan Review and Approval

Section I Purpose

The purpose of zoning as set forth in Section 519.02 of the Ohio Revised Code is to protect public health, safety and welfare. This appendix sets requirements,, guidelines and procedures for site plan review. In developments for which site plan review are required, though generally suitable for location, in a particular district or on a particular site, are because of their nature, size, or other indicators of probable impact, capable of adversely affecting the purposes of this Zoning Resolution unless careful consideration has been given to critical design elements. The Board finds that all requests for zone change have a significant impact on the Zoning Resolution and the developments set forth below also have a substantial impact such as to require site plan review,

A. It is the purpose of this article to insure that all developments are reviewed for compatibility with the regulations and intent of the Zoning Resolution, Township policies and plans, and good site planning practices.

Section II. Applicability:

Site plan review and approval is required for the following:

A. Any zone change application, except those initiated by the Township; or

B. Any development involving:

1. Any non-farming or non-single family development in the Agricultural “A” District,
2. Any development in the “R1”, “R2”, or “R3” Residence District which is not single-family development
3. All development in the following districts:
 - a. “C-1” Commercial C-1
 - b. “C-2” Commercial C-2
 - c, “C-3” Commercial C-3
 - d. “I-1” Industrial I-1
 - e. “I-2” Industrial I-2
4. Developments in the following Districts:
 - a. Recreational Services-RS
 - b. Mobile Home Park District
 - c. Subdivision District
 - d. PUD

Section III. Site Plan Review Procedures and Requirements:

The Township shall review all required site plans using the following procedures, standards, limitations and guidelines. Site plans submitted for review shall demonstrate the proposed development meets the guidelines and performance standards set forth in the Zoning Resolution. The site plan shall contain sufficient detailed information about existing and proposed site conditions to allow an informed decision to be made by the Zoning Inspector, Zoning Commission, Township Trustees, and County Planning Commission as may be required concerning the general acceptability of the proposed development. To be considered complete, a site plan shall identify and provide all the information required under Section V.

Prior to filing an application for site plan review, an applicant may request a preapplication conference with the Zoning Inspector and/or the representative from the Tate Township Board of Zoning Appeals, for the purpose of reviewing the proposed plan and requirements for submittal.

At the time of the filing of an application for site plan review, the applicant is required to pay the required site plan review fee in accordance with the Township's effective schedule of fees.

Upon receipt of an application for site plan review under Section II(A), (in the case of a zone change application), the following review shall occur:

A. Step 1-The applicant shall submit 10 copies of the site plans to the Zoning Inspector.

B. Step 2-The Township Zoning Inspector shall:

1. Transmit copies of the site plan application to the following entities:

a. The Zoning Inspector

b. The appropriate county and state review agencies, and

c. Representative from Tate Township Board of Zoning Appeals

C. Step 3- The Zoning Inspector along with the Representative from Tate Township Board of Zoning Appeals shall review the site plan and within 30 days report any recommendations for or against the zone change or some modifications thereof and submit these to the township Zoning Commission.

D. Step 4-The Township Zoning Commission shall then take all steps necessary to complete the zone change process as set forth in Revised Code Section 519.12.

For site plan review under Section II (B) the following steps shall occur:

A. Step 1- The applicant shall submit 10 copies of the site plan to the Zoning Inspector.

B, Step 2- The Township Zoning Inspector shall:

1. Transmit copies of the site plan application to the following entities:

a. The Zoning Inspector

b. The appropriate county and state review agencies, and

c. The Representative from Tate Township Board of Zoning Appeals

C. Step 3- The Representative from Tate Township Board of Zoning Appeals shall within thirty (30) days review the site plan and report back to the Zoning Inspector with recommendation for or against the development or some modification thereof.

D. Step 4- The Township Zoning Inspector then, in the exercise of his or her discretion, shall within ten (10) days of receipt of reports and recommendations either issue or deny the application for a zoning permit and in so doing state the reasons for the action taken.

E. Step 5- The applicant can then take whatever action the applicant deems to be appropriate with respect to the decision of the Zoning Inspectors including an appeal to the Board of Zoning Appeals in accordance with Section VHI of the Zoning Resolution.

Section IV Site Planning Guidelines

In reviewing the site plan, the Representative from Tate Township Board of Zoning Appeals and Zoning Inspector shall determine whether the site plan as proposed meets the requirements of the zoning Resolution for the particular district to which the site plan applies. In making this determination. The Representative from Tate Township Board of Zoning Appeals review of the site plan shall be based on, but not limited to, the following standards;

A. General

1. The site plan shall reflect all Township plans and policies affecting the site, including neighborhood plans, key area plans, master concept plans or previously adopted planned unit development plans, and

2. The site, plan should be consistent with the statement of intent for the zoning district in which it is located or proposed.

B. Site Planning/Open Space and Green Areas

1. To the extent possible, the natural topographic and significant landscape features of the site shall be incorporated into the development in order to preserve the site's natural resources and enhance it's visual character:

2. Where appropriate, the design of green areas should incorporate plant materials to define space, provide screening and privacy, define views, serve as focal points, and soften views of buildings - and pavement.

C. Grading Drainage:

1. Grading should be performed with sensitivity to existing topography and other natural resources on the site and on adjacent sites. To the extent practicable, grading should minimize environmental impacts.

2. Drainage shall be designed and constructed so as not to detrimentally affect adjacent properties. These systems shall provide for the safety and convenience of occupants and protection of dwellings, other development, and usable lot areas from water damage, -flooding-and erosion.

D. Circulation

1. The streets, access and parking system shall provide for the smooth, safe, convenient and functional movement of vehicles and pedestrians both on and off site,

2. Circulation shall:

a. Minimize the conflict between pedestrian and vehicular traffic and

b. Minimize the number of vehicular turning movements and points of vehicular conflict, particularly at access points,

3. Vehicular Access:

a. Acceleration, deceleration and/or left turn lanes may be required if the Township finds that they are necessary to preserve safely and/or the traffic-carrying capacity of the existing street.

b. The Township may require a traffic impact study if one or more of the following conditions exist:

- If the proposed development or redevelopment may increase the number of trips entering or leaving the property by ten percent or more;
- If the proposed development or redevelopment may adversely change the type of traffic generated within the property, for example, addition of truck traffic:
- The scale or use of the proposed development might cause deterioration of service levels on the street and/or deterioration of safety or service levels at intersections in the vicinity.
- The proposed development is in the vicinity of a street or intersection with a history of safety and/or accident problems; and
- The geometry of existing or proposed improvement might cause a safety hazard.

4. Site Distance Triangles:

- a. All sites shall be designed so that plants and structures on the site do not interfere with the safe movement of motor vehicle traffic, bicycles or pedestrians,
- b. The site distance triangle should be determined in accordance with the most recent relevant and applicable standards. The sight distance triangle should vary depending on the design speed of the street and the width of the street.

E. Pedestrian Circulation

1. Sidewalks and/or pedestrian paths shall be constructed and located in order to provide a convenient safe, and visible pedestrian path between parking area and building entrance. Whenever a pedestrian path or bike path traverses a parking lot, a safe and efficient pedestrian system shall be clearly designated.

F. Lighting

1. On site exterior lighting should provide illumination adequate to permit safe night-time activities.

2. All roadway, parking lot, and walkway lights shall be shielded so that substantially all the directly-emitted light falls within the property line,

G. Screening And Buffering

1. Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screening and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required, provided that provision is made for maintenance of such areas.

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 to the Tate Township fee schedule; and
 - a. 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. For site plans under Section II (B) identification of adjacent property owners is not required
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.

C. 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.

D. Depending on the nature of the site plan review application, one or more of the aforementioned site plan requirements may be waived by the Township Zoning Inspector and/or the Representative from Tate Township Board of Zoning Appeals. To obtain a waiver the applicant must submit a statement to the Zoning Inspector indicating reasons why the requirements should be waived. Zoning Inspector may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the impact, the proposed development shall have on the existing character of the neighborhood and/or the spirit of the Zoning Resolution. The decision of the Zoning Inspector with respect to the waiver is subject to review upon appeal to the board of Zoning Appeals.

Section VI. Revisions of site plan after approval

No changes, erasures, modifications or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modification or revisions are first submitted to and approved by the Zoning Inspector, In determining whether to permit revision of the site plan after approval, the Zoning Inspector shall proceed as follows: For minor modifications, which are defined as follows: with respect to Section I (B) (9) a 10 percent change in existing buildings, floor area, height, and setbacks, and any change under Section V (B) (2) (3) (15), (16), or (17X the Zoning Inspector may permit these changes. Upon the determination that the change does not adversely impact on adjacent property owners. For major modifications which are: any changes in use or in Section V (1) (4-8) (10-14) and (18-22) the applicant must submit a new site plan which will be reviewed in accordance with the procedures in Section Appendix B.

For developments which are designed to be built in, phased in, and for which further review of the site plan was approved under Section II (A), further review of the site plans shall be in accordance with paragraph 1 of this section.

Section VII. Compliance and Enforcement

It shall be incumbent upon the Township Zoning Inspector or his/her duly authorized representative to make all inspections and certifications necessary to ensure that development occurs in accordance with the approved site plan.

In the event that the Zoning Inspector finds that construction in accordance with the site plan is not being done, he/she shall issue a stop work order. It shall be incumbent upon the contractor or developer to correct those items that are in violation before construction may resume. All action required to bring development into compliance with the approved site plan shall be at the developers, builder's, contractor's, or owner's expense.

Section VIII Expiration

If substantial construction has not been initiated with a period of twelve (12) consecutive months from the date of approval of the site plan, said site plan shall be deemed null and void. The Zoning Inspector may extend the construction period if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control: and that prevailing conditions have not changed appreciably to render the approved site plan obsolete.

APPENDIX C: Yard Sales

(1) Purpose:

These rules and regulations are designed to control and restrict yard sales in order to protect the public health, safety, convenience and general welfare and to restrict such sales to casual and/or occasional occurrences only, in keeping with the character of the neighborhood where this activity is carried on. The intent of this article is to eliminate perpetual, prolonged and extended garage and yard sales in all districts of Tate Township. Such sales, if continued indefinitely, tend to become retail businesses in residential areas and zones, create a nuisance and violate the zoning regulations of Tate Township. The provisions of this article arise from the need to limit, regulate, restrict and control garage and yard sales.

(2) Definitions

As used in the article, the following terms shall have the meaning indicated: **YARD SALE:**

- A. The sale or offering for sale of new, used or secondhand items of personal property at any one (1) residential premises at any one (1) time.
- B. Includes all sales in residential areas entitled “garage sale,” “yard sale,” “tag sale,” “porch sale,” “lawn sale,” “attic sale,” “basement sale,” “rummage sale,” “flea market sale” or any similar casual sale of tangible personal property.

GOODS:

Any goods, warehouse merchandise or other personal property capable of being the object of a sale regulated hereunder.

PERSONS:

Individuals, partnerships, family groups, voluntary associations and corporations.

(3) PERMIT REQUIRED; FEE; CONDITIONS FOR SALES:

- A. It shall be unlawful for any person to conduct a yard sale within the geographic boundaries of Tate Township without first obtaining a yard sale permit, at a fee to be set by the Board of trustees of Tate Township, from the Tate Township zoning department after filing an application containing the information hereinafter specified.

- B. It shall be unlawful to participate in more than two (2) yard sales in any calendar year.
- C. Not more than two (2) yard sale permits shall be issued for any one (1) person for one (1) calendar year.
- D. Not more than two (2) yard sale permits shall be issued for any one (1) premises for one (1) calendar year.
- E. Yard sales shall be limited in time to no more than the daylight hours of three consecutive days.
- F. It is a requirement of yard sale permits that the names and addresses of all participating persons be listed on the application. The yard sale permit must be posted at a visible location to the traveling public for the duration of the sale.
- G. It shall be unlawful to conduct any yard sale with a duration exceeding three (3) consecutive days.
- H. Personal property offered for sale may be displayed within the residence, in a garage, in a carport or in a yard, but only in such areas. No personal property offered for a sale at a yard shall be displayed in any public right-of-way.
- I. Inclement weather. If a yard sale is not held on the dates for which the permit is issued or is terminated during the first day of the sale because of inclement weather conditions and an affidavit by the permit holder to this effect is submitted, the Zoning Department may issue another permit to the applicant for a yard sale to be conducted at the same location within thirty (30) days from the date when the first sale was to be held. No permit fee is required.
- J. Third sale permitted: A third yard sale shall be permitted in a calendar year if satisfactory proof of a bona fide change of ownership of the real property is first presented to the Zoning Department of Tate Township

(4) SIGNS:

- A. Only the following specified signs may be displayed in relation to a pending yard sale:
 - 1. Two (2) signs permitted. Two signs of not more than six (6) square feet each are permitted to be displayed on the property of the residence where the yard sale is being conducted.
 - 2. Directional signs. Two (2) signs of not more than four (4) square feet each are permitted, provided that the premises upon which the yard sale is conducted is not on a major thoroughfare and written permission to erect said signs is received from the property owners upon whose property such signs are to be posted.

B. No sign or other form of advertisement shall be exhibited for more than seven (7) days prior to the day such sale is to commence.

C. Signs must be removed at the close of the yard sale activities or by the end of daylight, whichever first occurs.

(5) RESPONSIBILITY OF PERMIT HOLDER AND OWNER:

The individual to whom such permit is issued and the owner or tenant of the premises on which such sale or activity is conducted shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during all hours of such sale or activity. No such individual shall permit any loud or boisterous conduct on said premises nor permit vehicles to impede the passage of traffic on any roads or streets in the area of such premises. All such individuals shall obey the reasonable orders of any member of the Police or Fire Department of Tate Township and the Clermont County Sheriffs Department in order to maintain the public health, safety and welfare.

A police officer, zoning inspector, fire prevention inspector or any other official designated by Tate Township to make inspections shall have the right of entry to any premises showing evidence of a yard sale for the purpose of enforcement or inspection.

(6) PARKING:

All parking of vehicles shall be conducted in compliance with all applicable laws.

(7) REVOCATION AND REFUSAL OF PERMIT:

A. Any permit issued under this article may be revoked or any application for issuance of a permit may be refused by the zoning inspector if the application submitted by the applicant or permit holder contains any false, fraudulent or misleading statement.

B. If any individual is convicted of an offense under this article, the zoning inspector is instructed to cancel any existing yard sale permit held by the individual convicted and not to issue such individual another yard sale permit for a period of two (2) years from the time of conviction.

(8) EXEMPTIONS

This article shall not be applicable to:

- A. Persons selling goods pursuant to an order or process or a court of competent jurisdiction.
- B. Persons acting in accordance with their powers and duties as public officials.
- C. Any person selling a single item of personal property which is specifically named or described in an advertisement offering the item for sale.
- D. Any publisher of a newspaper, magazine or other publication or other communications media which publishes or broadcasts anything in good faith without knowledge of its false, deceptive or misleading character or without knowledge that the provisions of this article have not been met.
- E. Any sale conducted by any legitimate business or commercial or industrial establishment on property zoned for that business under the zoning regulations of Tate Township with or without the protection of the nonconforming use section of the zoning laws, or any sale conducted by any other vendor or dealer when the sale is conducted in a properly zoned area and not otherwise prohibited.
- F. Any public auction conducted by a licensed auctioneer.

