

## **ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

### **9.01. "PD" PLANNED DEVELOPMENTS**

#### **9.01.A. PURPOSE**

The purpose of the Planned Development (PD) District is to:

- 9.01.A.1.** Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.
- 9.01.A.2.** Encourage flexibility in the design of developments specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.
- 9.01.A.3.** Provide harmonious transitions between uses by utilizing land uses, landscaping buffers, or other similar techniques.
- 9.01.A.4.** Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, topography, lot size, and other similar elements.
- 9.01.A.5.** Allow for safe and efficient transportation networks that accommodate automobiles, non-motorized vehicles, and pedestrians.

#### **9.01.B. APPLICABILITY**

##### **9.01.B.1. EXISTING PLANNED DEVELOPMENT DISTRICTS**

- 9.01.B.1.a.** Existing Planned Development Districts approved by Tate Township will remain in existence and their development plans continue to be enforced.
- 9.01.B.1.b.** Revisions to existing Planned Development Districts shall comply with the regulations contained in [Section 9.01.G \(Modifications to Approved Planned Developments\)](#)

##### **9.01.B.2. NEW PLANNED DEVELOPMENT DISTRICTS**

New Planned Development Districts shall comply with the regulations contained in this Article.

#### **9.01.C. ESTABLISHMENT OF A PLANNED DEVELOPMENT**

The following are the planned unit development districts that are available to property owners at their election. All approved Planned Development Districts shall be identified on the Township's zoning map with one of the following designations:

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

- 9.01.C.1.** "R-PD," Residential Planned Development
- 9.01.C.2.** "C-PD," Commercial Planned Development
- 9.01.C.3.** "E-PD," Enterprise Planned Development
- 9.01.C.4.** "M-PD," Mixed-Use Planned Development

**9.01.D. APPLICATION REQUIREMENTS**

**9.01.D.1. PRELIMINARY DEVELOPMENT PLAN**

The Preliminary Development Plan shall include the following information. The quantity of copies of application(s) and sets of plans, application fee, and other submittal requirements are included on the applicable development application.

- 9.01.D.1.a.** A survey and/or engineering drawings of the property to be included in the Planned Development.
- 9.01.D.1.b.** The plan shall include a vicinity map, north arrow, scale bar, applicant contact information, and proposed development title..
- 9.01.D.1.c.** Evidence that the applicant has the consent of the property owner to submit the Preliminary Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development.
- 9.01.D.1.d.** A narrative description of the proposed development.
- 9.01.D.1.e.** A plan that identifies the proposed parcels contained within the development.
- 9.01.D.1.f.** Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses.
- 9.01.D.1.g.** The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified.
- 9.01.D.1.h.** Preliminary interior open space system and landscaping and perimeter buffering concepts..
- 9.01.D.1.i.** Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network.
- 9.01.D.1.j.** Minimum peripheral setbacks around the perimeter of the development. Traffic impact

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

study, if deemed required by the Zoning Inspector, the Clermont County Engineer's Office and/or the Ohio Department of Transportation.

**9.01.D.1.k.** For residential developments, a statement of density of the various residential uses within the development.

**9.01.D.1.l.** Any other information requested by the Zoning Inspector, Zoning Commission, or Township Trustees.

**9.01.D.2. FINAL DEVELOPMENT PLAN**

The Final Development Plan shall include the applicable information from the Preliminary Development Plan and the following information:

**9.01.D.2.a.** A plat prepared by a registered surveyor or engineer for the entire development area identifying parcel numbers, lines, dimensions, and areas.

**9.01.D.2.b.** Evidence that the applicant has the consent of the property owner to submit the Final Development Plan or has sufficient control over the tract to complete the proposed plan, including a statement of the ownership and beneficial interests in the tract of land and the proposed development.

**9.01.D.2.c.** Copies of any restrictive covenants that are to be recorded with respect to property included in the Planned Development District.

**9.01.D.2.d.** The existing topography with contour intervals of not less than five feet, and final contours at two feet maximums.

**9.01.D.2.e.** The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), entrance and exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.

**9.01.D.2.f.** A statement of the density of residential uses within the development, if applicable.

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

- 9.01.D.2.g.** Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified. Material boards may be required upon request by the Zoning Inspector.
- 9.01.D.2.h.** Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each.
- 9.01.D.2.i.** The location of all existing trees with a caliper of four inches or more.
- 9.01.D.2.j.** Existing and proposed sanitary and storm sewers, water mains, culverts, and other underground structures.
- 9.01.D.2.k.** Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property lines.
- 9.01.D.2.l.** Service structures and trash facilities, including dumpster pads and enclosure details.
- 9.01.D.2.m.** Notation of any right-of-way dedication that may be necessary for the widening or extension of any major streets.
- 9.01.D.2.n.** Sign plan indicating locations, sizes, and designs for all proposed signs.
- 9.01.D.2.o.** Development schedule and project timetable along with a phasing plan for the development, if any.
- 9.01.D.2.p.** Additional information as requested by the Zoning Inspector, the Zoning Commission, or the Township Trustees.

**9.01.E. WAIVER OF REGULATIONS**

The Zoning Commission and the Board of Township Trustees may waive or modify the required conditions of this Article of other applicable requirements within this Zoning Resolution that applies to the development.

**9.01.F. PLANNED DEVELOPMENT APPROVAL PROCESS**

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

The Planned Development process shall follow the specific procedures outlined in this section, which is also summarized in the following chart.



**Pre-Submittal Meeting**

- A pre-submittal meeting is encouraged, but not required
- The pre-submittal meeting may include meeting with the Development Services Department and/or attending a work session with the Zoning Commission
- The purpose of such meetings is to review the proposed plan and provide initial non-binding comments



**PD Zoning Map Amendment and Preliminary Development Plan**

- Applicant submits to the Development Services Department
- Application gets forwarded to the Zoning Commission
- Zoning Commission holds a public hearing and makes a recommendation on the application
- Township Trustees hold a public hearing and makes a decision on the application



**Final Development Plan**

- Applicant submits to the Development Services Department
- Application gets forwarded to the Zoning Commission
- Zoning Commission holds a public hearing and makes a recommendation on the application
- Township Trustees hold a public hearing and makes a decision on the application



**Permits**

- Following approval of the Final Development Plan, the applicant can submit for all necessary permits



**Combined Preliminary and Final Development Plans**

- Applicants may choose to combine the Preliminary and Final Development Plan applications to expedite the process
- The application shall include all the required information for the preliminary and final plans
- The combined process would include steps 1, 2, and 4



**Planned Development Modifications**

**Major Modifications**

See Subsection 10.7 [A](#).

**Minor Modifications**

See Subsection 10.7 [B](#).

**Administrative Modifications**

See Subsection 10.7 [C](#).

**9.01.F.1. STEP 1: PRE-SUBMITTAL MEETING**

**9.01.F.1.a.**

Applicants are required to engage in an informal pre-submittal meeting prior to the formal submittal. In addition to the Zoning Inspector, as determined appropriate, a pre-submittal meeting may include:

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

- i. One (1) member of the Board of Zoning Appeals;
- ii. One (1) member of the Zoning Commission; and/
- iii. One (1) member of the Board of Trustees.

**9.01.F.1.b.** During such meeting it may be determined that an information presentation to the Zoning Commission regarding the application, prior to submittal, is necessary.

**9.01.F.1.c.** All comments and recommendations provided at pre-submittal meetings, regardless of whether it is with staff or the Zoning Commission, are not binding on staff, the Zoning Commission, or the Township Trustees.

**9.01.F.2. STEP 2: PD ZONING MAP AMENDMENT AND PRELIMINARY DEVELOPMENT PLAN**

**9.01.F.2.a.** The applicant shall submit their application for a PD Zoning Map Amendment and Preliminary Development Plan to the Zoning Inspector in accordance with the provisions of this Article.

**9.01.F.2.b.** The Zoning Inspector shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Zoning Commission for review.

**9.01.F.2.c.** Prior to the Zoning Commission hearing, it is advised that the applicant engage with adjacent and surrounding property owners regarding the proposed Zoning Map Amendment and Preliminary Development Plan.

**9.01.F.2.d.** The Zoning Commission shall hold a public hearing on the PD Zoning Map Amendment and Preliminary Development Plan in accordance with [Section 10.05 \(Public Hearing Requirements\)](#) and shall furnish to the Township Trustees its recommendation with respect to the submitted plan's consistency with the Preliminary Development Plan and the standards established by [Section 9.01.I \(Review Standards for Planned](#)

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

[Developments](#)) and [Section 9.01.K \(Design Criteria for Preliminary Development Plans\)](#)

**9.01.F.2.e.** After receiving the Zoning Commissions' recommendation, the Township Trustees shall hold a public hearing on the PD Zone Map Amendment and Preliminary Development Plan in accordance with [Section 10.05 \(Public Hearing Requirements\)](#) and shall review and act on the application. The Township Trustees may approve, approve with modifications, conditionally approve, or deny the PD Zone Map Amendment and Preliminary Development Plan based on the Review Standards in [Section 9.01.I \(Review Standards for Planned Developments\)](#) and [Section 9.01.K \(Design Criteria for Preliminary Development Plans\)](#)

**9.01.F.2.f.** In the case of an adverse recommendation by the Zoning Commission, such application shall require the affirmative vote of all the Township Trustees to reverse the Zoning Commission's recommendation.

**9.01.F.2.g.** If the PD Zone Map Amendment and Preliminary Development Plan is approved by the Township Trustees, then the official Zoning Map will be updated to identify the subject property as being zoned a "Planned Development" with the appropriate prefix ("R-," "C-," "M," or "E-") and the applicant may proceed with submitting a Final Development Plan.

**9.01.F.3. STEP 3: FINAL DEVELOPMENT PLAN**

**9.01.F.3.a.** The applicant shall submit their application for a Final Development Plan to the Zoning Inspector in accordance with the provisions of this Article. A Final Development Plan may be filed for any portion of an approved Preliminary Development Plan.

**9.01.F.3.b.** The Zoning Inspector shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, it shall be referred to the Zoning Commission for review.

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

**9.01.F.3.c.** The Zoning Commission shall hold a public hearing on the Final Development Plan in accordance with [Section 10.05 \(Public Hearing Requirements\)](#) and shall furnish to the Township Trustees its recommendation with respect to the submitted plan's consistency with the Preliminary Development Plan and the standards established by [Section 9.01.L \(Design Standards for Final Development Plan\)](#).

**9.01.F.3.d.** After receiving the Zoning Commission's recommendation, the Township Trustees shall hold a public hearing on the Final Development Plan and shall review and act on the application. The Township Trustees may approve, modify, conditionally approve, or deny the Final Development Plan based on the plan's consistency with the approved Preliminary Development Plan and the Final Development Plan requirements established in [Section 9.01.L \(Design Standards for Final Development Plan\)](#).

**9.01.F.3.e. Combined Preliminary and Final Plan**  
The applicant may request to combine the applications of the Preliminary and Final Development Plan. The Zoning Inspector may approve or deny this request based on the type of application, completeness of plans, and timing requirement of the project. All requirements of both the Preliminary and Final Development Plan shall be met for a combined plan submittal. If approved by the Zoning Inspector, the applicant shall submit the Planned Development Zone Map Amendment with the Final Development Plan and any additional information that is required for the Preliminary Development Plan. The application shall follow the process established for the Preliminary Development Plan including a public hearing and recommendation by the Zoning Commission and a public hearing and action by the Township Trustees.

**9.01.F.4. PERMITS**

No zoning certificate shall be issued, and no construction shall occur until an approved Final Development Plan has been approved for the Planned Development.

**9.01.G. MODIFICATIONS TO APPROVED PLAN DEVELOPMENTS**

A Planned Development shall be constructed and completed in accordance with the approved Final Development Plan and all supporting data. The Final Development Plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees, and assignees, and shall limit and control the use of premises (including the internal use of buildings and structures) and the location of structures in the Planned Development as set forth therein.

**9.01.G.1. MAJOR MODIFICATIONS**

Major modifications to a Planned Development require the approval of the Zoning Commission and Township Trustees. The Zoning Inspector shall have the authority to determine if a proposed change is a major modification. Such changes include, but are not limited to:

- 9.01.G.1.a.** Expansion or subtraction of the Planned Development project from the original lot coverage;
- 9.01.G.1.b.** Proposed changes in the mix or combination of land uses; and
- 9.01.G.1.c.** Changes in the plans relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of structures, and substantial changes in any approved elements of the Planned Development that may affect adjacent property owners.

**9.01.G.2. MINOR MODIFICATIONS**

Minor modifications are those proposed by the developer/owner and shall be the minimum necessary to overcome a particular difficulty or to achieve a more functional and desirable use of the property than was originally anticipated. Minor modifications require the approval of only the Zoning Commission. Examples include, but are not limited to, the following:

- 9.01.G.2.a.** Changes in the plans relative to the arrangement and size of accessory structures, the layout of streets and circulation patterns, the size,

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

configuration and location of common open space, and changes in any approved elements of the planned development that would not affect adjacent property owners;

**9.01.G.2.b.** Amendments to the conditions that were attached to the original planned development approval.

**9.01.G.2.c.** Administrative Changes as defined in [Section 9.01.G.3](#) in which:

- i.** the Zoning Inspector determines that the Zoning Commission review is necessary in order to determine consistency with the approved Final Development Plan.
- ii.** it is alleged by the applicant that there is an error in any requirement, decision, or determination made by the Zoning Inspector as part of an Administrative Change determination.

**9.01.G.3. Administrative Change**

Administrative changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved Final Development Plan and which are essentially technical in nature, as determined by the Zoning Inspector and do not have an adverse impact on adjacent property owners. Such changes Examples of administrative changes include, but are not limited to, change in accessory structure material and design, parking area locations, landscaping material or species, and sign locations. The Zoning Inspector shall notify the Zoning Commission and Township Trustees of all such approved administrative changes.

**9.01.H. DEVELOPMENT PLAN EXPIRATIONS**

**9.01.H.1.** Within one (1) year after the approval of the preliminary development plan, the applicant shall file with the Zoning Inspector a Final Development Plan for the entire development, or when submission in stages was authorized by the Township Trustees during the Preliminary Development Plan review, for the first phase of the development. If more than one (1) year passes from the date of approval of the Preliminary Development Plan, and the Final Development Plan has not been submitted for approval or a request for an extension not to exceed 12 months

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

has been filed with the Zoning Commission, the Preliminary Development Plan shall be deemed expired,

- 9.01.H.2.** Upon expiration of the approved Preliminary Development Plan, the PD zoning designation for the subject property shall automatically revert to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation, unless otherwise specified herein. The township shall provide written notice to the applicant and property owner at least 30 days prior to such automatic reversion.
- 9.01.H.3.** A one-year extension of the time limit may be granted by the Zoning Commission, provided that such extension is not in conflict with the most current Comprehensive Plan and that such extension is in the best interest of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension. The Township Trustees shall be notified of all extensions granted. In no case shall a Preliminary Development Plan be valid for more than two (2) years.
- 9.01.H.4.** If an approved Planned Development shall lapse as provided in [Subsection 9.01.H.1](#) or [9.01.H.3](#) hereof, notice of such lapse shall be filed by the Zoning Inspector and forwarded to the Township Trustees. The Township Trustees may initiate a rezoning to a base zoning district in accordance with [Section 10.06.A \(Zoning Map and Resolution Amendments\)](#).

**9.01.I. REVIEW STANDARDS FOR PLANNED DEVELOPMENTS**

The Township Trustees, when considering a Preliminary Development Plan, shall make specific findings of fact directly based upon the particular evidence presented to them, which support conclusions that:

- 9.01.I.1.** The proposed development is consistent with the Comprehensive Plan, other adopted Township plans, and the stated purpose of this Resolution.
- 9.01.I.2.** The development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.
- 9.01.I.3.** The site will be accessible from public roads that are adequate to carry out the traffic that will be imposed upon them by the proposed development. The streets and driveways within the development shall be adequate to serve the expected intensity of the proposed development.

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

- 9.01.I.4.** The development will not impose an undue burden on public service and facilities such as fire and police protection and school district capacity.
- 9.01.I.5.** The Planned Development contains proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonably required for the public health, safety, and welfare.
- 9.01.I.6.** The location and arrangement of buildings, structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with land uses within a 250-foot radius of the perimeter of the proposed development.
- 9.01.I.7.** Unless alternative standards are approved as part of the Planned Development approval process, all PDs shall comply with the applicable development standards within this Resolution, including, but not limited to, sidewalks, street design, sign regulations, accessory uses and structures, landscaping, lighting, and noise regulations.

**9.01.J. PLANNED DEVELOPMENT GENERAL REGULATIONS**

**9.01.J.1. Permitted Buildings and Uses**

**9.01.J.1.a.** The uses allowed in each type of Planned Development as established by [Section 9.01.C \(Establishment of a Planned Development\)](#) are identified in [Table 3.03-A \(Permitted Use Table\)](#), subject to the approval of the Township Trustees on an approved Concept Development Plan.

**9.01.J.1.b.** Accessory buildings and uses are permitted subject to approved Development Plan.

**9.01.J.2. Minimum Development Area**

There is no minimum development area to qualify as a PD.

**9.01.J.3. Multiple Buildings on a Lot**

More than one (1) building is permitted on a single lot within a PD.

**9.01.J.4. Setbacks**

Peripheral and internal development setbacks shall be defined on the PD Plan.

**9.01.J.5. Transition**

**9.01.J.5.a.** Developments shall be considerate of adjacent developments and shall be designed in a way to

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

mitigate undesirable audible and visual land impacts to the adjacent land uses. Installation of facilities / features required to protect and preserve the character and value of surrounding properties shall be shown on the approved PD plan and installed prior to any occupancy permits being issued.

**9.01.J.5.b.** When non-residential PDs are located adjacent to any residential or agricultural zoning district or use, screening shall be provided that includes a combination of landscaping, fencing, berming, or other similar treatment which will create an opaque buffer that is a minimum of six (6) feet in height.

**9.01.J.6. Circulation**

The circulation plan for the project should address vehicular, non-motorized vehicular, and pedestrian circulation. This plan shall be designed to fully accommodate all such transportation types within the development in a safe and efficient manner.

**9.01.J.7. Open Space**

**9.01.J.7.a.** Common open space shall be provided in each Planned Development that shall occupy a minimum of 30 percent of the gross acreage of the development.

**9.01.J.7.b.** For the purposes of this Article, common open space is defined as an area of land or water that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.

**9.01.J.7.c.** Open space shall not include off-street parking areas, private yards, streets, or any part of road rights-of-way.

**9.01.J.8. Landscaping**

Any part of the development that is not used for buildings, structures, walks, parking, loading, or access ways shall be landscaped.

**9.01.J.9. Signage**

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

Signage shall be regulated per [Article 8. Signage](#) unless otherwise approved in the Final Development Plan.

**9.01.J.10. Lighting**

Outdoor lighting shall be regulated per [Article 5. Outdoor Lighting](#) unless otherwise approved in the Final Development Plan.

**9.01.J.11. Parking**

Off-street parking and loading spaces shall be required as set forth under [Article 7. Parking, Loading, and Circulation](#) unless otherwise approved in the Final Development Plan.

**9.01.K. DESIGN CRITERIA FOR PRELIMINARY DEVELOPMENT PLAN**

The applicant shall demonstrate how the proposal conforms to all of the criteria numbered [1 – 5 below](#). The elements under each criterion shall be used to satisfy the stated requirements. The applicant may propose an alternative approach that achieves the intent of the criteria as determined by the Township. Before a development may be approved, the Board of Township Trustees shall make findings that the proposal satisfies the criteria.

Appropriate density for the proposed uses shall be established by the Board of Township Trustees at this review stage. Densities and design standards established for various uses as outlined in other Articles of this Resolution shall be used as a baseline for review.

**9.01.K.1. CRITERION 1: LAND USE COMPATIBILITY AND EFFICIENCY**

The site layout is efficient, allows for orderly growth, and utilized the area such that changes in the development can be accommodated. Criteria:

**9.01.K.1.a.** All proposed land uses shall be compatible with existing and/or abutting land uses and zoning districts as to not impose an undue burden on surrounding properties.

**9.01.K.1.b.** Where deemed appropriate, a shadow or densification plan may be required that demonstrates how development may be intensified over time for more efficient use of land.

**9.01.K.1.c.** Opportunities for shared parking are utilized in the proposal.

**9.01.K.1.d.** When a property physically abuts a municipality, a limited amount of single-family residential and multi-family residential may meet the established

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

setback requirements, lot dimensions, and height regulations of the abutting municipality's zoning regulations.

**9.01.K.2. CRITERION 2: PEDESTRIAN ACCESS, SAFETY, AND COMFORT**

The development and design of buildings provide appropriate pedestrian elements which are accessible by a direct, attractive, safe, and comfortable system of pedestrian facilities. Criteria:

**9.01.K.2.a.** Building(s) shall have at least one (1) primary entrance facing a street that is directly accessed by a sidewalk or plaza within 20 feet of the primary entrance.

**9.01.K.2.b.** Building entrances shall open directly to the outside; every building shall have at least one entrance that does not require passage through a parking lot or garage to gain access; corner buildings have corner entrances whenever possible.

**9.01.K.2.c.** Outdoor activities associated within an approved use shall be complimentary to the surrounding space and land uses. These activities shall not impede pedestrian flow or comfort and shall not occupy any space designated for general pedestrian movement.

**9.01.K.2.d.** Pedestrian facilities including, but not limited to, walkways, required open space, and plazas shall connect the development to adjacent land uses and provide connections through the development to the public street right-of-way.

**9.01.K.2.e.** Pedestrian facilities and buffering shall be provided between a building entrance and parking and/or vehicular drives.

**9.01.K.2.f.** Surface parking is to be oriented behind or to the side of a building where the site layout allows. Pedestrian connectivity shall be provided for safe maneuverability in conjunction with vehicular travel.

**9.01.K.2.g.** Landscape buffering is provided between parking lots and all adjacent sidewalks.

**9.01.K.3. CRITERION 3: STREET CONNECTIONS**

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

The development is part of a connected transportation system that serves motorized and non-motorized vehicles and pedestrians. Criteria:

**9.01.K.3.a.** Public or private access appropriately connects the development to adjacent neighborhoods and zoning districts. These roads or drives shall accommodate through traffic when appropriate.

**9.01.K.3.b.** When vehicle connection(s) is/are not practical, pedestrian connection(s), are made to and through the development in lieu of planned vehicular connection(s). Pedestrian connections should equal what would be available if they were on a street (i.e., distance from vehicle lane, minimum clear space, direct route with minimal interruption, shade by day and light by night, connects to an appropriate destination (front door of commercial use, public plaza/park, residence, transit stop, etc.)

**9.01.K.3.c.** Monocultures of street trees and other plant materials within the streetscape is to be avoided. Tree and plant diversity in the landscape is important toward creating a sustainable habitat, increasing resilience to environmental stresses, such as pollutants, pests, and drought and providing different textures, colors, and bloom times to create a more beautiful and interesting streetscape year round.

**9.01.K.4. CRITERIAN 4: CREATING AND PROTECTING PUBLIC SPACES**

The proposal provides usable public space and recognizes and responds appropriately to existing or planned public spaces.

Criteria:

**9.01.K.4.a.** The development provides sidewalks and/or multi-purpose trails.

**9.01.K.4.b.** The development does not diminish the safety, function, comfort and attraction of any public space.

**9.01.K.4.c.** Preservation of existing significant or sensitive natural features – including cultural and historic resources – should be given the highest priority as

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

dedicated open space in the layout, wherever possible.

- 9.01.K.4.d.** Stormwater facilities shall have amenities included in the design as appropriate for the anticipated needs of the development including but not limited to, naturalistic perimeter, landscaping, shared-use paths, and seating areas.

**9.01.K.5. CRITERION 5: HUMAN SCALED BUILDING DESIGN**

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and compatibility with the design character of the district or neighborhood. The following existing and proposed elements shall be reviewed regarding compatibility to human scale. Criteria:

- 9.01.K.5.a.** Existing architectural character of the surrounding neighborhood(s) / district(s);
- 9.01.K.5.b.** The continuity of the building size, massing, and scale;
- 9.01.K.5.c.** The street-level and upper-level, four sided architectural detailing;
- 9.01.K.5.d.** Roof forms;
- 9.01.K.5.e.** Rhythm of windows and doors; and
- 9.01.K.5.f.** General relationship of buildings to public spaces such as streets, plazas, and other open space, parking.

**9.01.L. DESIGN STANDARDS FOR FINAL DEVELOPMENT PLAN**

The design standards described in this subsection are intended to promote quality design in site development and new building construction. Buildings and dwellings should be visually compatible with one another and adjacent neighborhoods, contributing to a district which is attractive, visually stimulating, active, and safe. The site design facilitates easy pedestrian movement, and a diversity of architectural styles is encouraged except in settings where unified architectural styles can further the identity of the development project.

**9.01.L.1. BUILDING ENTRY AND ORIENTATION REQUIREMENTS**

- 9.01.L.1.a.** Primary entrances of buildings shall be oriented towards the main public right-of-way as defined in this Resolution to encourage access and movement.

**0. ARTICLE 9.  
DISTRICTS**

**PLANNED DEVELOPMENTS & SPECIAL**

**0. 9.01.**

**"PD" PLANNED DEVELOPMENTS**

---

**9.01.L.1.b.** Secondary entrances shall be oriented to parking areas and pedestrian connection points and may also serve as an internal connection to the main public right-of-way when appropriate.

**9.01.L.1.c.** Approved uses that include dedication of outdoor space for activity shall provide graphic detail of the outdoor space being used. This shall include seating areas, display areas, vending areas, and similar activities.

**9.01.L.1.d.** Multi-family residential building facades over 150 feet in length facing a main public right-of-way shall provide two (2) or more main building entrances.

**9.01.L.2. ARCHITECTURAL DESIGN REQUIREMENTS**

**9.01.L.2.a.** Monotony of design in multiple buildings within a development shall be avoided. Variation in detail shall be used to provide visual interest.

**9.01.L.2.b.** All buildings shall be constructed with exterior finishes and finishes of endurance and durability such as, and including, but not limited to, brick masonry, stucco, stone, terra cotta, tile, cedar shakes and shingles, beveled or ship-lap or other narrow-course horizontal boards or siding authentic vertical board and batten siding, articulated architectural concrete masonry units and similar durable architectural materials. The use of vinyl siding as a primary exterior finish is heavily discouraged. Exterior finishes should complement, and be compatible with, the rural landscape of the township as identified in the current Comprehensive Plan.

**9.01.L.2.c.** The architectural design of buildings should have a timeless quality and resist franchise specific architecture including but not limited to building design and colors.

**9.01.L.2.d.** Architectural diversity shall be provided through a variety of means, including, but not limited to the massing and articulation of the front façade, entry design, exterior cladding materials and arrangement, front door types and entrance

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

- locations, window types and rhythm of window placement, and roof forms and roofing materials.
- 9.01.L.2.e.** Commercial buildings shall be organized to group utilitarian functions such as delivery and loading operations; HVAC equipment; trash compacting and collection; and other utility and service functions away from the public view when such elements are located outside of a building. The visual and acoustic aspects of all such equipment and activities shall be minimized by placing equipment behind parapets, within architectural screening or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.
- 9.01.L.2.f.** The ground floor windows of all building facades facing a public right-of-way or facing onto a park, plaza or other public outdoor space shall contain ground floor windows. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three (3) feet above grade. Where interior floor levels are higher than the exterior grade, the sill may be located not less than two (2) feet above the finished floor level to a maximum sill height of five (6) feet above exterior grade.
- 9.01.L.2.g.** Where ground floor windows are required by this section, exterior walls facing a public right-of-way, public open space, pedestrian walkway and/or public transportation amenities shall have windows, display areas or doorways for at least 50 percent of the length and 50 percent of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.
- 9.01.L.2.h.** Building frontages along main public accesses and rights-of-way shall break apart the massing of the facade. Any flat, monolithic façade of 30 feet or more through incorporation of articulated

architectural elements such as building projections / recesses, bay windows, recessed entrances or other articulation as further defined in this Resolution.

**9.01.L.3. LOCATION AND DESIGN OF OFF-STREET PARKING**

- 9.01.L.3.a.** Parking areas shall be located and designed to facilitate parking, complement and encourage easy and safe pedestrian movement to, through and around the development. The scale and location of parking areas shall support the uses on the site through appropriate placement, design, and overall function.
- 9.01.L.3.b.** The parking design standards contained in [Article 7](#) of this Zoning Resolution shall apply to all "PD" developments. The maximum size of any surface parking area, as defined in this Resolution, shall be 50,000 square feet.
- 9.01.L.3.c.** Surface parking areas, as defined by this Resolution, shall provide perimeter landscaping when adjacent to motorized vehicle access.
- 9.01.L.3.d.** Surface parking areas shall provide landscaping which meets the following standards:
- i.** Angled or perpendicular parking spaces shall provide, where needed, tire stops or widened curbs to prevent bumper overhang into landscape areas or walkways.
  - ii.** All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least 10 feet. All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
  - iii.** All surface parking areas measuring 10,000 square feet to 20,000 square feet shall include an additional 10 trees to be located in the perimeter landscape strip.
  - iv.** All surface parking areas measuring more than 20,000 square feet to fifty thousand

**0. ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS**

**0. 9.01. "PD" PLANNED DEVELOPMENTS**

---

50,000 square feet shall include an additional 16 trees to be located in the perimeter landscape strip.

- v.** The minimum planting size for all required trees shall be three inch caliper as defined in this Resolution. Trees shall be deciduous shade trees capable of reaching at least 35 feet in height and spread at maturity.
- vi.** A minimum of 70 percent of all required landscaped areas shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
- vii.** Evergreen shrubs shall be not less than two feet higher than the finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least 36 inches higher than finished grade.
- viii.** The specific placement of trees and landscaping shall complement the overall site development and associated pedestrian amenities and facilitate safe movement of vehicles into and around the parking area.

**9.01.L.3.e.** Except in residential areas, parking associated with new development shall be designed to connect with existing parking areas on adjacent sites wherever feasible. Design elements that accommodate future connection(s) should also be incorporated into the development wherever feasible.

**9.01.L.3.f.** All curb cuts are subject to approval based on standards to ensure safe pedestrian circulation, efficient traffic flow, appropriate access points needed for the proper functioning of the development and the objectives of this Section.

**9.01.L.4. UTILITIES**

Except as noted below, all public utility distribution and service connections to new buildings and dwelling shall be located

**0.**

**0. 9.02. "MHP" MOBILE HOME PARK AND SUBDIVISION DISTRICTS**

---

underground. Aerial utility connection may be used in renovation of an existing building where all the following circumstances apply:

**9.01.L.4.a.** The project is an in-fill building or dwelling within an existing neighborhood where utility service is provided aerially rather than underground;

**9.01.L.4.b.** The project is located between other utility users on the same block face;

**9.01.L.4.c.** It would not be practicable to serve the new project underground without also serving the neighboring uses; and

**9.02. "MHP" MOBILE HOME PARK AND SUBDIVISION DISTRICTS**

**9.02.A. USES PERMITTED**

**9.02.A.1.** Mobile Home Parks; and

**9.02.A.2.** Mobile Home Subdivisions

**9.02.B. USES PROHIBITED**

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

**ARTICLE 10. ADMINISTRATION & PROCEDURES**

**10.01. PURPOSE**

The purpose of this article is to:

- 10.01.A.** Identify the roles and responsibilities of various elected and appointed boards, and the duties of township staff, in the administration of this Zoning Resolution; and
- 10.01.B.** Identify the development review procedures used in the administration of this Zoning Resolution.

**10.02. SUMMARY TABLE OF APPROVAL BODIES**

[Table 10.02-1](#) summarizes the review and decision making responsibilities of the entities that have roles in the procedures set forth in this article.

<b>Table 10.02-1: Summary Table of Approval Bodies</b>						
<b>Procedure</b>	<b>Reference</b>	<b>Zoning Inspector</b>	<b>Board of Zoning Appeals</b>	<b>Zoning Commission</b>	<b>Board of Township Trustees</b>	<b>Court of Common Pleas</b>
Zoning Map and Resolution Amendment	<a href="#">10.06.A</a>	R		H   R	H   D	
Conditional Use	<a href="#">10.06.B</a>	R	H   D			A
Variance	<a href="#">10.06.C</a>	R	H   D			A
Administrative Appeal	<a href="#">10.06.D</a>	R	H   D			
Zoning Certificate	<a href="#">10.06.E</a>	R   D	A			
Site Plan Review	<a href="#">10.06.F</a>	R   D	A			
PD Map Amendment and Preliminary PUD Plan	<a href="#">9.01.F</a>	R		H   R	H   D	
PD Final PUD Plan	<a href="#">9.01.F</a>	R		M   D		
PD Major Modification	<a href="#">9.01.G</a>	R		H   D	H   D	
PD Minor Modification	<a href="#">9.01.G</a>	R		H   D	A	
<p>H = Public Hearing Required                      M = Public Meeting Required                      R = Review and/or Recommendation                      D = Final Decision Making Body                      A = Appeal Body                      Shaded Box = No Review / Approval Authority</p>						

**10.03. REVIEW AND DECISION MAKING BODIES**

**10.03.A. COURT OF COMMON PLEAS**

For the purpose of this Zoning Resolution, the appeal body for decisions made by the Board of Zoning Appeals is the Clermont County Court of Common Pleas.

**10.03.B. BOARD OF TOWNSHIP TRUSTEES**

**0. ARTICLE 10.**

**ADMINISTRATION & PROCEDURES**

**0. 10.03.**

**REVIEW AND DECISION MAKING BODIES**

---

For the purpose of this Zoning Resolution, the Tate Township Board of Trustees shall have the following duties:

- 10.03.B.1.** Initiate proposed amendments to this Zoning Resolution and/or the official Zoning Map;
- 10.03.B.2.** Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;
- 10.03.B.3.** Review and decide on Preliminary PUD Plans or combined Preliminary / Final PUD Plans as they relate to a proposed PUD; and
- 10.03.B.4.** Perform all other duties as specified in [Chapter 519](#) of the Ohio Revised Code as specified in this Zoning Resolution.

**10.03.C. ZONING COMMISSION**

**10.03.C.1. APPOINTMENT**

The Zoning Commission shall be appointed by the Board of Township Trustees for five-year terms and shall consist of five (5) members, who shall be residents of the unincorporated territory of Tate Township.

**10.03.C.1.a.** The terms of all members shall be of such length and so arranged that the term of one (1) member shall expire each year.

**10.03.C.1.b.** Each member shall serve until his or her successor is appointed and qualified.

**10.03.C.1.c.** Members of the Zoning Commission shall be removed for non-performance of duty, misconduct in office, or other cause, by the Board of Trustees upon written charges being 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 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity

**10.03.C.1.d.** Vacancies shall be filled by appointment by the Board of Trustees and shall be for the time remaining in the unexpired term.

**10.03.C.2. ALTERNATES**

- 10.03.C.2.a.** The Board of Township Trustees may appoint two (2) alternate members to the Zoning Commission for a term of five (5) years each.
- 10.03.C.2.b.** An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
- 10.03.C.2.c.** An alternate member shall meet the same appointment criteria as a regular member.
- 10.03.C.2.d.** When attending a meeting on behalf of an absent member, the alternate member may vote on any matter that the absent member is authorized to vote.

**10.03.C.3. ASSISTANCE**

The Zoning Commission may call upon Township and County Departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required.

**10.03.C.4. BYLAWS**

The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township. Such bylaws shall be approved, by resolution, by the Board of Trustees.

**10.03.C.5. ROLES AND POWERS**

The Zoning Commission shall have the following roles and powers:

- 10.03.C.5.a.** Initiate proposed amendments to this Zoning resolution and/or the official Zoning Map.
- 10.03.C.5.b.** Serve as the architectural review authority, as granted by ORC [Section 519.171](#) in such cases as may be defined in this Zoning Resolution.
- 10.03.C.5.c.** Review all proposed Zoning Text and Map Amendments to this Zoning Resolution and make recommendations to the Board of Trustees.
- 10.03.C.5.d.** Review and make recommendations to the Board of Township Trustees regarding Preliminary PUD Plans and combined Preliminary / Final PUD Plans as they relate to a proposed PUD.
- 10.03.C.5.e.** Review and make decisions on Final PUD Plans as they relate to a proposed PUD where the Final PUD Plan is not part of a combined Preliminary / Final PUD Plan application.

**0. ARTICLE 10.**

**ADMINISTRATION & PROCEDURES**

**0. 10.03.**

**REVIEW AND DECISION MAKING BODIES**

---

**10.03.C.5.f.** Perform all other duties as specified for township Zoning Commissions in [Chapter 519](#) of the ORC and as specified in this Zoning Resolution.

**10.03.C.6. PROCEDURES**

**10.03.C.6.a.** The Zoning Commission shall organize and adopt rules for the transaction of business and keep a record of its actions and determinations.

**10.03.C.6.b.** Meetings shall be held at the call of the chair, or the acting chair, and at such other times as the Zoning Commission may determine.

**10.03.C.6.c.** The Zoning Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent, or failing to vote, indicating such fact, and shall keep record of its examinations and other official actions, all of which shall be filed with the Township Zoning Office and kept as public record.

**10.03.C.6.d.** The Commission members shall be required to disqualify themselves from the deliberations and voting on case in which they are among the notified property owners.

**10.03.C.6.e.** All meetings shall be open to the public, except as exempted by law.

**10.03.C.7. HEARINGS**

Hearings of the Zoning Commission regarding district changes and resolution amendments shall be held in accordance with [Section 519.12](#) of the [Ohio Revised Code](#).

**10.03.C.8. MEETINGS**

The Commission shall schedule a meeting once per month. At the beginning of each year, the Zoning Inspector shall publish a schedule of the regular monthly meetings times and filing deadlines for the year. All complete applications filed by the deadline shall be heard at the following month's meeting.

**10.03.C.9. QUORUM**

Three (3) members of the Commission shall constitute a quorum. The Commission act by resolution; and the majority vote of the quorum shall be necessary to exercise any power of the Commission.

**10.03.C.10. DECISIONS**

**10.03.C.10.a. ADMINISTRATIVE DECISIONS**

Administrative decisions of the Zoning Commission made pursuant to its roles and powers conferred by [Subsections 10.05.B.1, 2., 3., and 6.](#) shall be accompanied by a written resolution specifying the reason for granting or denying the application or making its recommendation.

**10.03.C.10.b. ADMINISTRATIVE RECOMMENDATIONS**

Administrative recommendations and decisions of the Zoning Commission made pursuant to its roles and powers conferred by [Subsections 10.05.B.4 and 5.](#) shall be accompanied by written findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application, or making its recommendation.

**10.03.D. BOARD OF ZONING APPEALS**

**10.03.D.1. APPOINTMENT**

The Board of Zoning Appeals shall be appointed by the Board of Township Trustees for five-year terms and shall consist of five (5) members, who shall be residents of the unincorporated territory of Tate Township.

**10.03.D.1.a.** The terms of all members shall be of such length and so arranged that the term of one (1) member shall expire each year.

**10.03.D.1.b.** Each member shall serve until their successor is appointed and qualified.

**10.03.D.1.c.** Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, by the Board of Township Trustees. A public hearing shall be 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 or her usual place or residence. The member shall be given an opportunity to be heard and answer such charges.

**10.03.D.1.d.** Vacancies shall be filled by the Board of Township Trustees and shall be for the time remaining in the unexpired term.

**10.03.D.2. ALTERNATES**

**0. ARTICLE 10.**

**ADMINISTRATION & PROCEDURES**

**0. 10.03.**

**REVIEW AND DECISION MAKING BODIES**

---

**10.03.D.2.a.** The Board of Township Trustees may appoint **two** (2) alternate members to the Board of Zoning Appeals for a term of **five** (5) years each.

**10.03.D.2.b.** An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals.

**10.03.D.2.c.** An alternate member shall meet the same appointment criteria as a regular member.

**10.03.D.2.d.** When attending a meeting on behalf of an absent member, the alternate member may vote on any matter that the absent member is authorized to vote.

**10.03.D.3. ASSISTANCE**

The BZA may call upon Township and County Departments for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance as may reasonably be required.

**10.03.D.4. BYLAWS**

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township. Such bylaws shall be approved by resolution, by the Board of Township Trustees.

**10.03.D.5. ROLES AND POWERS**

**10.03.D.5.a. VARIANCES.**

The BZA shall have the power to authorize upon application in specific cases, such dimensional variances from the provisions or requirements of this Zoning 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 Zoning Resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. Use variances are prohibited under this Resolution, and the BZA is not authorized to grant use variances.

**10.03.D.5.b. CONDITIONAL USES.**

The BZA shall have the power to authorize upon application, condition use, or special exemption

Zoning Certificates for those uses which are specified as such by this Zoning Resolution. In considering an application for a conditional use, the BZA shall review in accordance [with Section 10.06.B.2, \(Review Criteria for Conditional Use\)](#) and shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Zoning Resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest. Conditional use procedures are subject to [Section 10.06.B1 \(Approval Process\)](#)

**10.03.D.5.c. APPEALS**

The BZA shall have the power to hear and decide 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 a designated subordinate in the interpretation or enforcement of the provisions of this Zoning Resolution. Appeal procedures are subject to [Section 10.06.D \(Appeals\)](#)

**10.03.D.6. PROCEDURES**

**10.03.D.6.a.** The BZA shall organize and adopt rules in accordance with the provisions of this Resolution.

**10.03.D.6.b.** Meetings of the BZA shall be held at the call of the chair, or the acting chair, and at such other times as the BZA may determine.

**10.03.D.6.c.** The chair, or in their absence, the acting chair, may administer oaths and the BZA may compel the attendance of witnesses per Section 519.15 of the Ohio Revised Code.

**10.03.D.6.d.** The BZA shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent, or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Township Zoning Office and shall be public record.

**0. ARTICLE 10.**

**ADMINISTRATION & PROCEDURES**

**0. 10.03.**

**REVIEW AND DECISION MAKING BODIES**

---

**10.03.D.6.e.** All meetings shall be open to the public, except as exempted by law.

**10.03.D.7. MEETINGS**

The board shall meet once per month. At the beginning of each year, the Zoning Inspector shall publish a schedule of the regular monthly meeting times and filing deadlines for the year. All complete applications and appeals filed by the deadline shall be heard at the following month's meeting.

**10.03.D.8. QUORUM**

Three (3) members of the Commission shall constitute a quorum. The Commission act by resolution; and the majority vote of the quorum shall be necessary to exercise any power of the Commission.

**10.03.D.9. DECISIONS**

**10.03.D.9.a.** Any party in interest or person adversely affected by the decision of the Board may appeal to the Court of Common Pleas of Clermont County as provided in the Ohio Revised Code.

**10.03.D.9.b.** In granting an appeal or application, the Board may impose on the applicant such requirements and conditions, including posting of bond, with respect to location, construction, maintenance and operation, as the Board may deem necessary for the protection of adjacent properties and the public interest. Any noncompliance with such requirements or conditions on the part of the owner shall be considered a violation of this Resolution.

**10.03.D.10. STAY OF PROCEEDINGS**

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the BZA, after notice of appeals shall have been filed with them, that by reasons of facts or conditions existing, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may, on due cause shown, be granted by the BZA or judicial proceedings on application after notice of the Zoning Inspector.

**10.03.E. ZONING INSPECTOR**

The Tate Township Board of Trustees shall appoint a Zoning Inspector who shall have the following roles and powers:

- 10.03.E.1.** It shall be the duty of the Zoning Inspector, or his/her designee, to review applications for Zoning Certificates and to ensure compliance with this Zoning Resolution in accordance with [Section 10.06.A \(Zoning Certificates\)](#).
- 10.03.E.2.** It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.
- 10.03.E.3.** It shall be the duty of the Zoning Inspector, or his/her designee, to issue citations of zoning violations and keep adequate records of all violations. In enforcement of this Zoning Resolution, the Zoning Inspector may:
  - 10.03.E.3.a.** Investigate suspected violations;
  - 10.03.E.3.b.** Issue compliance or cease-and-desist orders;
  - 10.03.E.3.c.** Refer unresolved violations for legal or civil court action by the township or prosecuting authority per [ORC 519.99](#).
- 10.03.E.4.** The Board of Trustees may also appoint additional Zoning Inspector personnel to assist the Zoning Inspector in such roles and powers.
- 10.03.E.5.** The decision of the Zoning Inspector may be appealed to the Board of Zoning Appeals. The Zoning Inspector shall have appropriate forms available at the time of denial.

## **10.04.COMMON REVIEW REQUIREMENTS**

### **10.04.A. PURPOSE**

The purpose of this section is to identify procedures and applicable requirements that apply to all applications and procedures subject to development review under this Zoning Resolution, unless otherwise stated.

### **10.04.B. AUTHORITY TO FILE APPLICATIONS**

Unless otherwise specified in this Zoning Resolution, development applications may be initiated by:

- 10.04.B.1.** The owner(s) of the property(ies) that is (are) the subject of the application;
- 10.04.B.2.** The owner's authorized agent; or
- 10.04.B.3.** Tate Township, Clermont County, Ohio.  
applicant.

### **10.04.C. FEES**

- 10.04.C.1.** Fees shall be determined by the Board of Township Trustees

**0. ARTICLE 10.**

**ADMINISTRATION & PROCEDURES**

**0. 10.05.**

**PUBLIC HEARING REQUIREMENTS**

---

from time to time and presented via an adopted "Fee Schedule", copies of which shall be available from the Zoning Inspector.

**10.04.C.2.** No fee shall be required to be paid by any public agency for applications to Tate Township.

**10.04.C.3.** No application shall be processed, or certificate issued, until the established fee has been paid by the applicant.

**10.05. PUBLIC HEARING REQUIREMENTS**

**10.05.A. APPLICABILITY**

Applications for Zoning District and Resolution Amendments, Conditional Use Permits, Variances, Planned Development Preliminary Development Plan and Zone Change, and Planned Development Final Development Plan shall be subject to the Public Hearing Requirements contained within this section.

**10.05.B. MAILED NOTICE**

**10.05.B.1.** Mailed notice shall be sent out no less than 10 days prior to the date of the hearing to all property owners within 500 feet of any part of the property.

**10.05.B.2.** Mailed notice shall meet or exceed the notice standards required by the Ohio Revised Code.

**10.05.B.3.** Notice shall be sent to the person or entity identified as the tax mailing recipient in the Clermont County Auditor's records. Failure to receive notice shall not be grounds to invalidate a decision.

**10.05.C. PUBLISHED NOTICE**

Published notice shall occur in compliance with Chapter 519 of the Ohio Revised Code, including but not limited to [Section 519.06](#); [519.12](#); and [519.15](#).

**10.05.D. NOTICE CONTENT REQUIREMENT**

The published and mailed notices shall contain information set forth by [Section 519.12](#) of the Ohio Revised Code.

**10.05.E. COMPUTATION OF TIME**

**10.05.E.1.** In computing any period of time prescribed or allowed by this Zoning Resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Tate Township where the township offices are

closed for the entire day.

**10.05.E.2.** When the township offices are closed to the public for the entire day which constitutes the last day of the period of time, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday observed by Tate Township in which the township administrative offices are closed for the entire day.

**10.05.F. REPRESENTATIVES AT THE HEARING.**

At the hearing, any party may appear in person, by attorney or authorized agent.

**10.06. SPECIFIC PROCEDURES**

**10.06.A. ZONING MAP AND RESOLUTION AMENDMENTS**

The Zoning Map and Resolution Amendment process shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

**GRAPHIC (WT FLOW CHART)**

**10.06.A.1. INITIATION**

Amendments to the zoning map or zoning resolution may be initiated in one (1) of the following ways:

- 10.06.A.1.a.** By motion of the Tate Township Zoning Commission;
- 10.06.A.1.b.** By the passage of a resolution by the Tate Township Board of Trustees; or
- 10.06.A.1.c.** By the filing of an application by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Tate Township Zoning Commission.

**10.06.A.2. APPLICATION REQUIREMENTS**

All applications to amend the zoning resolution or zoning map shall include the following:

- 10.06.A.2.a.** Description and location of the property;
- 10.06.A.2.b.** Description of proposed use and/or buildings or structures;
- 10.06.A.2.c.** The reason for change;
- 10.06.A.2.d.** A map of the area including all lots within 500 feet of any part of the property involved, and the location and use of the building(s) or structure(s) thereon;

- 10.06.A.2.e.** The names and addresses of owners and lots shown on said map;
- 10.06.A.2.f.** Verification by the applicant attesting to the truth and accuracy of all facts and information presented in the application.
- 10.06.A.2.g.** Filing fee, as established by the Tate Township Trustees and made payable to the Tate Township Trustees; and
- 10.06.A.2.h.** Any other information as requested by the Board of Trustees and/or Zoning Commission.

**10.06.A.3. APPROVAL PROCESS**

The following is the approval process for a zoning map or zoning resolution amendment.

**10.06.A.3.a. PRE-APPLICATION MEETING**

- i.** If initiated by the property owners, the applicant is required to meet with the Tate Township Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with the applicable provisions of this Zoning Resolution and the Tate Township Comprehensive Plan, prior to the submittal of any application.
- ii.** Discussions that occur during a preapplication conference or a preliminary meeting with township staff are not binding on the township and do not constitute official assurances or representations by Tate Township or its officials regarding any aspects of the plan or application discussed.

**10.06.A.3.b. SUBMIT COMPLETED APPLICATION**

- i.** Upon receipt of an application, the Zoning Inspector shall determine whether the application is complete. If it is not complete, the applicant shall be notified of the additional materials or information that are needed.
- ii.** When the application is deemed complete, if the proposed amendment intends to rezone or redistrict ten (10) parcels of land

or less notification shall be given in accordance with [ORC Section 519.12](#) and [Section 10.05.C \(Notice Requirements of Public Hearing\)](#).

**10.06.A.3.c. REFERRAL TO CLERMONT COUNTY PLANNING COMMISSION**

- i.** Within five (5) days upon the receipt of a complete application, adoption of a motion, or certification of a resolution, the township shall transmit a copy of the proposed amendment to the Clermont County Planning Commission;
- ii.** 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.
- iii.** Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

**10.06.A.3.d. ZONING COMMISSION PUBLIC HEARING**

- i.** Notification shall be given in accordance with [ORC Section 519.12](#) and [Section 10.05.C \(Notice Requirements of Public Hearing\)](#).
- ii.** Following the Zoning Commission public hearing, the Zoning Commission shall provide a recommendation to the Township Trustees for their consideration.

**10.06.A.3.e. ZONING COMMISSION RECOMMENDATION**

The Zoning Commission shall, within 30 days after such hearing, recommend the approval or denial of the proposed amendment, or the approval of some modifications thereof and submit such recommendation together with such application or resolution, the map and text pertaining thereto and the recommendation of the Clermont County Planning Commission to the Township Trustees.

**10.06.A.3.f. TOWNSHIP TRUSTEES PUBLIC HEARING**

- i. The Township Trustees, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.
- i. Notification shall be given in accordance with [ORC Section 519.12](#) and [Section 10.05.C \(Notice Requirements of Public Hearing\)](#).

**10.06.A.3.g. ACTION OF TOWNSHIP TRUSTEES**

- i. Within 30 days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.
- ii. In the event that the Trustees deny or modify the recommendation of the Zoning Commission, the unanimous vote of the Trustees is required.

**10.06.A.3.h. REVIEW CRITERIA FOR ZONING AMENDMENTS**

The following criteria shall be used in decisions regarding zoning amendments:

- i. The amendment is in accordance with this Zoning Resolution as adopted by the Board of Township Trustees;
- ii. The amendment has been reviewed to determine the consistency with the Tate Township Comprehensive Plan; and
- iii. Where more than one (1) zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township.

**10.06.A.3.i. EFFECTIVE DATE**

Such amendment adopted by the Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment, there is presented to the Trustees, a petition, in accordance with [ORC](#)

[Section 519.12](#), requesting the Trustees to submit the amendment to the electors of such area for approval or rejection at the next primary or general election.

**10.06.A.3.j. PLANNED UNIT DEVELOPMENTS**

Planned Unit Developments (PUDs) shall be subject to the review procedures established in [Section 9.01.D. \(Planned Development Approval Process\)](#)

**10.06.B. CONDITIONAL USE**

The Conditional Use process shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

**GRAPHIC (WT FLOW CHART)**

**10.06.B.1. APPROVAL PROCESS**

**10.06.B.1.a. SUBMIT COMPLETED APPLICATION**

The property owner or owner's representative shall submit to the Zoning Inspector an application for a conditional use permit, on a form that may be obtained from the Zoning Inspector. The application and site plan shall address applicable site plan features and considerations applicable to the request, including but not limited to:

- i.** The location of all adjoining properties;
- ii.** The size of the subject property;
- iii.** The location and setback of existing and proposed structures;
- iv.** The location and setbacks of all existing and proposed off-street parking and loading areas;
- v.** The location of all existing and proposed open spaces;
- vi.** The location of all existing and proposed refuse and service areas;
- vii.** The location of all existing and proposed utility lines; and
- viii.** The location and size of all existing and proposed signage.

**10.06.B.1.b. BOARD OF ZONING APPEALS PUBLIC HEARING**

- i. Once the Zoning Inspector determines that the conditional use application is complete, the application will be forwarded to the Board of Zoning Appeals.
- ii. The Zoning Inspector shall cause notice of the public hearing to be given in accordance with [ORC Section 519.12](#) and [Section 10.05.C \(Notice Requirements of Public Hearing\)](#).

**10.06.B.1.c. ACTION OF THE BOARD OF ZONING APPEALS**

- i. The Board of Zoning Appeals shall review the application and the evidence presented to determine if the requested use complies with the review criteria, the intent, and any other applicable standards.
- ii. Following review of the application, the Board of Zoning Appeals shall approve or disapprove the request for a conditional use. The Board of Zoning Appeals may impose additional conditions, stipulations, and safeguards it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

**10.06.B.1.d. CONDITIONAL USE APPROVAL**

- i. The conditional use approval shall be void if the applicant has not received a building permit, or similar applicable approvals, within 12 months of the date of the conditional use approval.
- ii. The breach by the applicant of any condition, safeguard, or requirement expressed or referred to on the conditional use approval shall render the use void and shall constitute a violation of this Resolution.

**10.06.B.2. REVIEW CRITERIA FOR CONDITIONAL USE**

- 10.06.B.2.a.** In hearing applications for conditional uses, the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses. In authorizing a conditional use or special exception,

the Board of Zoning Appeals shall impose requirements and conditions with respect to location, construction, maintenance, and operation that are deemed necessary to mitigate the special characteristics of the use in order to make it compatible with adjacent properties, and for the properties of adjacent properties and the public interest.

**10.06.B.2.b.**

In reviewing an application for a conditional use, the Board of Zoning Appeals shall use the following standards in reaching a decision:

- i.** Will the proposed use adversely affect the health, safety, security, morals or general welfare of the residents, visitors, or workers in the area;
- ii.** Will the proposed use be consistent with the general plan for the physical development of the zoning district;
- iii.** Will the proposed use be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activities, traffic and parking conditions and number of similar uses;
- iv.** Will the proposed use be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the general neighborhood; and will it cause objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;
- iv.** Will the proposed use have a detrimental impact on vehicular or pedestrian traffic;
- v.** Will the proposed use, in conjunction with the existing development in the area and the development permitted under the existing zoning, overburden existing public services and facilities including schools, police and fire protection, water, sanitary

sewer, public roads, storm drainage and other public improvements

**10.06.C. VARIANCES**

The Variance processes shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

**10.06.C.1. APPROVAL PROCESS**

**10.06.C.1.a. SUBMIT COMPLETED APPLICATION**

The property owner or owner's representative shall submit to the Zoning Inspector an application for a variance, on a form that may be obtained from the Tate Township Zoning Inspector. The application and site plan shall address applicable site plan features and considerations applicable to the request, including, but not limited to:

- i.** The location of all adjoining properties;
- ii.** The size of the subject property;
- iii.** The location and setbacks of existing and proposed structures;
- iv.** The location and setbacks of all existing and proposed off-street parking and loading areas;
- v.** The location of all existing and proposed open spaces and landscape treatments;
- vi.** The location of all existing and proposed refuse and storage areas;
- vii.** The location of all existing and proposed utility lines; and
- viii.** The location and size of all existing and proposed signage.

**10.06.C.1.b. BOARD OF ZONING APPEALS PUBLIC HEARING**

- i.** Once the Zoning Inspector determines that the variance application is complete, the application will be forwarded to the Board of Zoning Appeals.
- ii.** The Zoning Inspector shall cause notice of the public hearing to be given in accordance with [ORC Section 519.12](#) and

[Section 10.05.C \(Notice Requirements of Public Hearing\)](#).

**10.06.C.1.c. ACTION OF THE BOARD OF ZONING APPEALS**

- i.** The Board of Zoning Appeals shall review the application and the evidence presented to determine if the request complies with the review criteria, the intent, and the specific standards contained herein.
- ii.** Following the review of the application, the Board of Zoning Appeals shall approve or disapprove the request for a variance. The Board of Zoning Appeals may impose additional conditions, stipulations, and safeguards it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

**10.06.C.1.d. VARIANCE APPROVAL**

- i.** No order of the Board of Zoning Appeals permitting the erection or alteration of a building or the use of a building or premises, shall be valid for a period longer than 12 months, unless a building permit for such erection or alteration is obtained and the work is started within such period, or where no erection or alteration is necessary, the permitted use is established within such period.
- ii.** The breach by the applicant of any condition, safeguard, or requirement expressed or referred to on the conditional use approval shall render the use void and shall constitute a violation of this Resolution.

**10.06.C.2. REVIEW CRITERIA FOR VARIANCES**

- 10.06.C.2.a.** A variance may be granted where a literal enforcement of this zoning resolution will result in a practical difficulty. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a

practical difficulty in the use of the property shall be the burden of the property owner to demonstrate.

**10.06.C.2.b.** The factors to be demonstrated include, but are not limited to:

- i.** Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;
- ii.** Whether the variance is substantial;
- iii.** Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
- iv.** Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, waste collection);
- v.** Whether the property owner purchased the property with knowledge of the zoning restrictions;
- vi.** Whether the owner's predicament feasibility can feasibly be addressed through some method other than variance;
- vii.** Whether the variance preserves the spirit and the intent behind the resolution and whether substantial justice would be done by granting the variance.

**10.06.C.2.c.** No single factor listed above may control, and not all factors may be applicable in each case. Each case shall be determined on its own facts.

**10.06.D. ADMINISTRATIVE APPEAL**

The Zoning Certificate process shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

**GRAPHIC (WT FLOW CHART)**

**10.06.D.1. APPLICABILITY**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by

any decision of the Zoning Inspector. The Board may hear and decide appeals, filed as herein provided, where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Inspector or other administrative official in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code, or this Zoning Resolution. Such an appeal shall be taken within 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 the papers constituting the record upon with the action appealed was taken.

**10.06.D.2. APPEAL PROCESS****1.01.A.1.a. SUBMIT COMPLETED APPLICATION**

Except as otherwise permitted in this Resolution, no appeal shall be considered by the Board of Zoning Appeals unless the Board shall find that the written application for the requested appeal contains the following requirements:

- i.** A completed appeals application;
- ii.** A description of the nature of the appeal requested;
- iii.** A narrative statement establishing and substantiating the justification of the grounds for appeal; and
- iv.** Payment of a fee as established by the Board of Trustees, which shall not be refundable.

**10.06.D.2.a. BOARD OF ZONING APPEALS PUBLIC HEARING**

- i.** The Zoning Inspector shall transmit to the Board of Zoning Appeals all papers constituting a record upon which the action appealed from was taken.
- ii.** Before making any decision on an appeal, the Board of Zoning Appeals shall hold a public hearing in which the Board shall review the application materials.
- iii.** The Board of Zoning Appeals may reach a decision on the appeal at the hearing and shall reach a decision on the appeal within 60 days from the acceptance of the

application for appeal by the Zoning Inspector. The Zoning inspector shall notify the applicant in writing of the decision of the Board and shall maintain a detailed report of the proceedings and decision of the Board.

- iv.** The decision of the Board of Zoning Appeals may be appealed to the Court of Common Pleas of Clermont County, Ohio as per the Ohio Revised Code.

**10.06.D.2.b. ACTION OF THE BOARD OF ZONING APPEALS**

- i.** Upon application (Step 1), the BZA shall fix a reasonable time for the public hearing on any appeal, give at least 10 days of notice in writing to the parties of interest, and give notice of such public hearing by one (1) publication in one (1) or more newspapers of general circulation in the county at least 10 days prior to the date of such hearing, as established by Section 10.05.C ([Notice Requirement of Public Hearing](#))
- ii.** Any party may appear in person or by an appointed representative at a hearing for an application.
- iii.** Upon the day for hearing any appeal, the BZA may adjourn the hearing in order to obtain additional information, or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. 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 BZA so decides.

**10.06.D.3. REVIEW CRITERIA FOR APPEALS**

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with

either the procedural or substantive requirements of this Zoning Resolution, state law, or federal law.

**10.06.D.4. EXPIRATION**

There is no expiration period associated with a granted appeal; however, any action authorized by the Board of Zoning Appeals as a result of a successful appeal must comply with all applicable timelines, permits, or subsequent approvals required under this Zoning Resolution. Failure to act on the relief granted within one (1) year of the decision may result in the approval becoming null and void unless otherwise specified by the Board.

**10.06.E. ZONING CERTIFICATES**

The Zoning Certificate process shall follow the specific procedure outlined in this section, which is also summarize on the following flow chart.

**GRAPHIC (WT FLOW CHART)**

**10.06.E.1. APPLICABILITY**

A Zoning Certificate shall be required for any of the following:

- 10.06.E.1.a.** New construction or structural alteration of any building or structure, including accessory buildings;
- 10.06.E.1.b.** Change in use or occupancy of an existing building (including tenant finishes), accessory building, lot, or portion thereof, excluding changing to any agricultural use;
- 10.06.E.1.c.** Change in the use of land to a use of a different classification;
- 10.06.E.1.d.** Occupancy and use of vacant land or building, excluding agricultural land or buildings;
- 10.06.E.1.e.** Decks and porches;
- 10.06.E.1.f.** Fences, and walls (including development entrance walls);
- 10.06.E.1.g.** Retaining walls that require a building permit from Clermont County;
- 10.06.E.1.h.** All pools with a water depth greater than 18 inches, except for temporary pools that are removed or emptied within 24 hours;
- 10.06.E.1.i.** Home occupations, accessory uses, and temporary uses;
- 10.06.E.1.j.** Any change in the use of a non-conforming use;
- 10.06.E.1.k.** Permanent or temporary signs unless exempted in [Section 8.## \(Exempted Signs\)](#);

**10.06.E.1.i.** Any structure or improvement that is required to obtain a Zoning Certificate prior to the issuance of a Clermont County Building Permit;

**10.06.E.1.m.** Any other structure or use not listed as determined by the Zoning Inspector.

**10.06.E.2. CERTIFICATE OF ZONING COMPLIANCE**

It shall be unlawful to use or occupy any land, building or structure or portion of any land, building or structure for which a zoning certificate is required unless a certificate of zoning compliance has been issued to the owner or their agent. Said permit shall state that the building, structure, proposed use, or land complies with the provisions of this Zoning Resolution, and shall be issued by the Tate Township Zoning Inspector after they have inspected the premises and determined that said provisions have been complied with.

**10.06.E.3. APPROVAL PROCES**

**10.06.E.3.a. SUBMIT COMPLETED APPLICATION**

The applicant shall submit the proper zoning certificate application form, signed by the property owner or authorized agent, together with the appropriate plan sets, as determined by the Zoning Inspector. Plans shall be drawn to scale in blackline or blue line showing the following:

- i.** The actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, including the width of the lot and the setback lines;
- ii.** The exact location and size of any building or structure, existing and to be erected or altered, and the location and dimensions of all yards, driveways, and off-street parking spaces; and, if required, parking area diagrams, district buffer strips, drainage, landscaping, lighting, and the location and dimensions of refuse areas;
- iii.** The front, side, and rear elevations of the building or structure as it will appear when completed;
- i.** When no buildings or structures are involved, the location of the present use and proposed use to be made of the lot;

- ii. Any other requirements listed under General Regulations;
- iii. The existing and intended use of each building or structure or part thereof, and a statement that proposed use will meet every requirement of this Resolution;
- iv. If a residential building, the number of dwelling units the building is designed to accommodate; and
- v. Any other information as requested by Tate Township.

**10.06.E.3.b. REVIEW AND APPROVAL**

- i. The Zoning Inspector shall act upon such applications within 30 days after the application is filed in full compliance with all the applicable requirements.
- ii. The Zoning Inspector shall either issue the zoning certificate within 30 days, or shall notify the applicant of disapproval of such certificate and the reason thereof.
- iii. Upon approval, the Zoning Inspector shall issue a signed Zoning Certificate and maintain a copy of the application for township records.
- iv. If the Zoning Inspector denies an application, the inspector shall state in writing the reasons for the action taken.
- v. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review process, or the applicant may appeal the decision to the Board of Zoning Appeals, in accordance with [Section 10.06.F \(Administrative Appeals\)](#) of this Zoning Resolution.
- vi. Zoning Certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made, within the period of time that the moratorium is in place.

- vii.** No Zoning Certificate shall be issued to any applicant or for any property that is in violation of any provision of this resolution until such violation is correct or eliminated to the satisfaction of the Zoning Inspector unless said application is being made to bring the property into compliance with this Zoning Resolution.

**10.06.E.4. REVIEW CRITERIA FOR ZONING CERTIFICATES**

The standards by which the zoning certificate application is evaluated shall include the following:

- 10.06.E.4.a.** The comprehensive plan of the township;
- 10.06.E.4.b.** The applicable county thoroughfare plan;
- 10.06.E.4.c.** Any applicable resolutions relative to access and traffic control;
- 10.06.E.4.d.** The Zoning Resolution; and
- 10.06.E.4.e.** Any other applicable resolution(s) of the Township.

**10.06.E.5. TEMPORARY CERTIFICATES AND PERMITS**

Temporary Zoning Certificates and certificates of zoning compliance for a period of 60 days or less with specific expiration dates may be issued by the Zoning Inspector for any permitted use of a temporary nature upon payment of a fee and after data is furnished as required by the Zoning Department.

**10.06.E.6. NONCONFORMING USE ZONING CERTIFICATE**

The Zoning Inspector may, during specific inspection or under the written request from the owner or tenant, issue a non-conforming use zoning certificate for any building or premises legally existing prior to the effective date of this Zoning Resolution. Said certificate shall be issued pursuant to the provisions established by [Section 10.06.G \(Pre-Existing Developments and Nonconformities\)](#)

**10.06.E.7. AMENDMENTS OR MODIFICATIONS**

- 10.06.E.7.a.** Insignificant changes from an approved Zoning Certificate are permissible and the Zoning Inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved Zoning Certificate

may require the payment of a fee as established in the township's fee schedule.

**10.06.E.7.b.** All other requests for changes will be processed as a new application, which require the resubmittal of a new fee.

**10.06.E.7.c.** An applicant or property owner requesting changes shall submit a written request to the Zoning Inspector, itemizing the proposed changes.

**10.06.E.8. EXPIRATION**

**10.06.E.8.a.** Construction shall commence within 12 months and shall be substantially completed within 24 months of the date upon which the Zoning Certificate was issued unless the owner of the property has established a vested right under the laws of Ohio to the use for which the original Zoning Certificate was issued.

**10.06.E.8.b.** Construction shall not be required to comply with the time limits established by Section [10.06.A.8.a](#) ([above](#)) if the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process. If the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process, construction shall commence and be substantially completed within those time limits established by the Zoning Inspector.

**10.06.E.8.c.** For the purposes of Subsection [10.06.A.8.a](#) and [10.06.A.8.b](#) ([above](#)), construction shall not be deemed to have commenced until the excavation necessary for placement of the structure's foundation is no less than 100% complete, as determined by the Zoning Inspector.

**10.06.E.8.d.** Failure to commence construction within 12 months and substantially complete construction within 24 months or any alternative time limits established by the Zoning Inspector shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Inspector. Applications shall be required to apply for an extension no later than 30

days prior to the date of expiration of the original Zoning Certificate. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:

- i.** The length of additional time necessary to complete construction;
- ii.** The reason for the delay;
- iii.** Good faith on the part of the applicant;
- iv.** The existence of or potential for any substantial detriment to adjoining property as a result of the extension; and
- v.** Conformance with this Zoning Resolution.

**10.06.E.8.e.** Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction or resumption of construction can begin.

**10.06.E.9. REVOCATION**

The Zoning Inspector shall hereby have the authority to revoke an approved Zoning Certificate if the information submitted as part of the application is found to be erroneous or fraudulent after the certificate has been issued.

**10.06.F. SITE PLAN REVIEW**

It is the purpose of this section to ensure that all developments are reviewed for compatibility with the regulations and intent of this Zoning Resolution.

**10.06.F.1. APPLICABILITY**

Site plan review and approval shall be required for any use in Tate Township with the exception of agricultural, single- and two-family dwellings, or developments approved as a Planned Development pursuant to [Section 9.01](#) of this Zoning Resolution.

**10.06.F.2. APPROVAL PROCESS**

**10.06.F.2.a. PRE-APPLICATION MEETING**

An informal meeting may be held to discuss the proposed project prior to application submittal. In addition to the Zoning Inspector, as determined appropriate, a pre-application meeting may include:

- i. Representatives from appropriate township, county, and state reviewing agencies;
- ii. One (1) member of the Board of Zoning Appeals;
- iii. One (1) member of the Zoning Commission; and
- iv. One (1) member of the Board of Trustees.

**10.06.F.2.b. SUBMIT COMPLETED APPLICATION**

The applicant shall submit the required number of copies of the site plan review application and associated plans as established [Section 10.06.E \(Zoning Certificates\)](#), and the following Articles established by this Zoning Resolution:

- i. [Article 4. Dimensional & Design Standards.](#)
- ii. [Article 5. Outdoor Lighting.](#)
- iii. [Article 6. Landscaping & Buffering](#)
- iv. [Article 7. Parking, Loading, and Circulation](#)
- v. [Article 8. Signage.](#)

**10.06.F.2.c. REVIEW**

The Zoning Inspector, appropriate Township reviewing agencies, and appropriate County and State review agencies shall review the site plan and prepare a report identifying compliance or non-compliance with the regulations of this Resolution and other applicable regulations.

**10.06.F.2.d. DECISION**

The Zoning Inspector shall within 30 working days of receipt of the reports and recommendations, either approve or deny the site plan application. If approved, a Zoning Certificate may be issued. If denied, the Zoning Inspector shall state the reasons for the action taken. If the application is denied, the applicant may submit a new site plan for review in accordance with this Section or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with [Section 10.06.E \(Administrative Appeal\)](#).

**10.06.F.3. WAIVER OF SITE PLAN REQUIREMENTS**

Depending on the nature of the site plan review application, one (1) or more of the site plan requirements as established by this Zoning Resolution may be waived by the Zoning Inspector. To obtain a waiver, the applicant must submit a statement to the Zoning Inspector indicating reasons why the requirements should be waived. The 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 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.

**10.06.F.4. REVIEW CRITERIA**

In reviewing the site plan, the Township Zoning Inspector shall determine whether the proposed development meets all requirements of the Zoning Resolution, including but not limited to, those of the particular zoning district in which the development would be located, and supplemental regulations, off-street parking and loading regulations, signs, landscaping and other provisions.

**10.06.F.5. REVISIONS OF SITE PLAN AFTER APPROVAL**

No changes, erasures, modification, or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications 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 Administrator shall proceed as follows:

**10.06.F.5.a. Minor Modifications**

Minor Modifications are defined as a 10% percent change in approved building floor area, height, setbacks, and any change regarding open space, green areas, grading and drainage, circulation, lighting, or buffering. The Zoning Inspector may permit these changes upon determination that the change does not adversely impact upon the adjacent property owners. The Zoning Inspector cannot grant reductions in development standards that require Board of Zoning Appeal review and approval.

**10.06.F.5.b. Major Modifications**

Major modifications shall include all other changes not addressed in subsection (i) above and shall require the applicant to submit a new site plan for review in accordance with the procedures in [Section 10.06.F.2 \(Approval Process\)](#)

- 10.06.F.5.c.** For developments that are designed to be built in phases and for which the final site plan was approved under these provisions, further review of the site plans shall be in accordance with these provisions.

**10.06.F.6. EXPIRATION**

If construction has not been initiated within 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 applicant's control and that prevailing conditions have not changed appreciably to render the approved site plan obsolete. Such extension shall be requested in writing by the applicant.

**10.06.G. PRE-EXISTING DEVELOPMENTS AND NON-CONFORMITIES**

The use of any non-conforming use, building, or structure may be continued as it existed at the time it became non-conforming. Any such use may be extended through any part of a use, building, or structure which was arranged or designed for such use at the time it became non-conforming, provided however, that the maximum extension in size of any non-conforming use within an existing building or structure shall be limited to 25 percent of the total area of the building or structure. No extension in size of a non-conforming use within an existing building or structure that is greater than 25 percent of the total area of the building or structure shall be permitted, unless approved as an area variance by the Board of Zoning Appeals.

**10.06.G.1. NON-CONFORMING USES**

- 10.06.G.1.a.** Non-conforming uses shall not be enlarged, extended, or increased to increase its degree of non-conformity or occupy an area of land greater than occupied at the date of adoption or amendment of this Zoning Resolution.

- 10.06.G.1.b.** Additional structures shall not be constructed on a lot containing a non-conforming use unless the new structure complies with all requirements of this Zoning Resolution.

**10.06.G.1.c. Changes to Non-Conforming Uses.**

If a non-conforming use has been changed to a conforming use, it is prohibited for such property to be returned to the former nonconforming use.

**10.06.G.2. NON-CONFORMING STRUCTURES**

**10.06.G.2.a.** Non-conforming structures may be altered, maintained, or repaired if the alteration, maintenance, or repair does not increase the structure's degree of non-conforming or creates an additional non-conformity.

**10.06.G.2.b. Changes to Non-Conforming Structures**

The principal use of a non-conforming structure may be changed to any permitted use in the zoning district in which it is located as long as the new use complies with all requirements of this Zoning Resolution.

**10.06.G.2.c. Damage or Destruction of a Non-Conforming Structure**

No non-conforming structure which has been damaged by fire, flood, or other causes to the extent of 75 percent or more of its reproduction cost shall be repaired, reconstructed, or used except in conformity with the provisions of this Resolution. Any structure that has been damaged less than 75 percent may be repaired, reconstructed, or used as before, provided it is done within 12 months of such happening, and after issuance of a Zoning Certificate.

**10.06.G.3. NON-CONFORMING LOTS OF RECORD**

**10.06.G.3.a.** Buildings that meet the requirements of this Zoning Resolution and occupy a non-conforming lot of record, may be altered, maintained, or repaired, provided that:

- i.** The building is not enlarged in floor area, unless in compliance with the requirements of this Zoning Resolution.
- ii.** The number of dwelling units, are not increased unless in compliance with the requirements of this Zoning Resolution.

**10.06.G.3.b.** In any residential district, a single-family dwelling and its customary accessory uses, may be

erected on a vacant single lot of record provided the buildings comply with the minimum setbacks to the maximum extent practical.

**10.06.G.4. DISCONTINUANCE OF A NON-CONFORMING USE OR STRUCTURE**

No building, structure, or land where a non-conforming use has ceased for two (2) years or more, or where such use is changed to a conforming use, shall again be put to a non-conforming use.

**10.06.G.5. BURDEN OF PROOF**

The burden of establishing that any use or structure is lawfully non-conforming under the provisions of this Resolution shall in all cases be upon the owner of such non-conformity and not upon the Township.

**10.06.G.6. REPAIR OR MAINTENANCE**

**10.06.G.6.a.** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.

**10.06.G.6.b.** Nothing in this section shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

**10.06.G.7. ZONING CERTIFICATE FOR LEGAL NON-CONFORMITIES**

**10.06.G.7.a.** The owner of any non-conforming use, structure, or lot may at any time apply to the Zoning Inspector for a Zoning Certificate of Non-Conformance to establish the legality of such non-conformity as of a specified date. Such an application shall be filed and processed pursuant to the provision of [Section 10.06.D \(Zoning Certificates\)](#).

**10.06.G.7.b.** If, upon reviewing an application for a Zoning Certificate of Non-Conformance, the Zoning Inspector shall determine that the use, structure, or lot in question was lawfully existing at the time

of the effective date of the provision creating the non-conformity in question. And remains lawfully existing subject only to such non-conformity at the time of such application, and that any required affidavit is in order, the Zoning Inspector shall issue a Zoning Certificate of Non-Conformance, evidencing such facts and setting forth the nature and extent of the non-conformity. Otherwise, the Zoning Inspector shall refuse to issue such certificate and shall declare such use, structure, or lot to be in violation of this Resolution.

**10.07. VIOLATIONS AND PENALTIES**

**10.07.A. APPLICABILITY.**

No land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, constructed, maintained, used, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the district in which it is located and in conformity with all other regulations herein. Any person who violates any provision of this Zoning Resolution or any amendment thereto is subject to enforcement action as provided herein.

**10.07.B. PENALTIES**

Pursuant to [ORC 519.99](#), each violation constitutes a separate offense and may be enforced via civil action. A civil penalty of up to \$500 per day, per violation, may be assessed in the court of common pleas in the county where the property is located.

**10.07.C. SEPARATE OFFENSES**

Each day a violation continues shall constitute a separate offense, thus cumulative penalties may be applied for continuing non-compliance, unless otherwise specified by the Court of Common Pleas.

**10.07.D. ENFORCEMENT**

Enforcement may be initiated by the Board of Trustees, the Zoning Inspector, or the County Prosecuting Attorney.

**10.07.E. COLLECTION OF FINES**

Civil penalties recovered under this section are collected through actions in the court of common pleas.

**10.07.F. LEGAL COUNSEL**

The Board of Township Trustees may retain special counsel (e.g., county prosecutor or external legal counsel) to pursue court actions to prevent or abate persistent zoning violations.

DRAFT

PAGE INTENTIONALLY BLANK

## **ARTICLE 11. PERFORMANCE STANDARDS**

### **11.01. PERFORMANCE STANDARDS**

- 11.01.A.** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, objectionable fire, explosive, or other hazards including possible potential hazards, noise or vibration, some, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such manner or in such amount as to adversely affect the surrounding area or adjoining premises.
- 11.01.B.** The standards of performance under this resolution shall apply uniformly to all uses even though non-industrial uses are unlikely to be in conflict therewith. Standards of performance imposed by any other township regulations or federal or state law, which are not expressly mentioned herein, shall also govern. All standards covered within this section or imposed otherwise which refer to federal or state law or regulations include said standards as exist at the time of adoption of this article, and as may be amended by federal or state action in the future.
- 11.01.C.** The determination of the existence of any dangerous and/or objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent.
- 11.01.D.** The following provisions, standards, and specifications shall apply.
- 11.01.D.1. FIRE AND EXPLOSIVE HAZARDS**  
All activities involving, and all storage of, flammable and explosive materials, shall be provided at any point with adequate firefighting and fire suppression equipment and devices in compliance with Federal, State, and local regulations and industry standards. Burning of waste materials and open fire shall be prohibited at any point.
- 11.01.D.2. RADIO ACTIVITY OR ELECTRICAL DISTURBANCE**  
No activity shall be permitted which violates the requirements and standards of Federal and State radiation protection regulations; and no electrical disturbance or any disturbance resulting from radio or television transmission shall be tolerated which adversely affects the operation at any point of any equipment other than that of the creator of such disturbance.
- 11.01.D.3. NOISE**

Table 11.01-A identifies the maximum permitted sound levels within Tate Township.

<b>TABLE 11.01-A: MAXIMUM PERMITTED SOUND LEVELS</b>		
<b>Source Property</b>		<b>Residential District Receiving Property</b> <sup>[2][3]</sup>
<b>Noise Source Use</b>	<b>Time</b> <sup>[1]</sup>	
Commercial / Industrial	Day	75 dBA
	Night	55 dBA
Notes: dBA = decibels <sup>[1]</sup> Day = Between the hours of 7:00 A.M. and 10:00 P.M. Night = Between the hours of 10:00 P.M. and 7:00 A.M. <sup>[2]</sup> Landscaping, walls, mounding, or any combination may be used on the source property to reduce the noise levels on the receiving property. <sup>[3]</sup> Noise levels will be measured on the property line of the receiving property.		

**11.01.D.4. VIBRATION**

Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located.

**11.01.D.5. ODOR**

Every use, except for agricultural uses, shall be operated so that no noxious odor is perceptible at any point on the lot line of the lot on which the use is located.

**1.01.A.1. SMOKE**

Every use, except for agricultural uses, shall be operated so that no smoke from any source shall be emitted in excess of 20% opacity, as established by the U.S. Environmental Protection Agency (EPA) Method 9 – Visual Determination of the Opacity of Emissions from Stationary Sources (40CFR Part. 60, Appendix. A, Method 9), or, in case of an amendment to this method by the amended method.

**1.01.A.2. TOXIC GASES**

Every use shall be operated so that there is no emissions of toxic, noxious, or corrosive fumes or gases in excess of applicable state and federal regulations.

**1.01.A.3. EMISSION OF DIRT, DUST, FLY ASH, AND OTHER FORMS OF PARTICULATE MATTER**

No emission shall be permitted that can cause any damage to human health or to animals, vegetation, or other forms of property, or which can cause excessive soiling at any point. Any emission must comply with applicable federal and state regulations.

**1.01.A.4. GLARE AND HEAT**

Any operation producing intense glare or heat shall be performed in an enclosure in such a manner as to be imperceptible along any lot line.

**1.01.A.5. CHEMICALS**

The storage, use, and manufacture of solid, liquid, and gaseous chemicals, and other materials shall be permitted subject to the following conditions:

**11.01.D.5.a.** No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

**11.01.D.5.b.** The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

**11.01.D.5.c.** All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage, except for agricultural uses, shall be enclosed in fireproof vaults.

**11.01.D.5.d.** The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by

**0. ARTICLE 11.**

**PERFORMANCE STANDARDS**

**0. 11.01.**

**PERFORMANCE STANDARDS**

---

detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

DRAFT

## **ARTICLE 12. PROPERTY MAINTENANCE STANDARDS**

### **12.01. GENERAL**

#### **12.01.A. SCOPE**

The provisions of this article shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalty.

#### **12.01.B. INTENT**

This article shall be construed to secure its expressed intent, which is to ensure public health, safety, and welfare insofar as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein. Repairs, alterations, additions to, and changes of occupancy in existing buildings shall comply with all applicable Codes and Standards.

#### **12.01.C. SEVERABILITY**

If a section, subsection, sentence, clause, or phrase of this article is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

### **12.02. APPLICABILITY**

#### **12.02.A. GENERAL**

The provisions of this article shall apply to all matters affecting or relating to structures and premises, as set forth in [Section 12.01 \(General\)](#). Where, in a specific case, different sections of these standards specify different requirements, the most restrictive shall govern.

#### **1.01.A. MAINTENANCE**

Equipment, systems, devices, and safeguards required by this article or a previous regulation or standard under which the structure or premises were constructed, altered, or repaired shall be maintained in good working order. No owner, operator, or occupant shall cause any service, facility, equipment, or utility that is required under this section to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in

**0. ARTICLE 12.**

**PROPERTY MAINTENANCE STANDARDS**

**0. 12.03.**

**PROPERTY MAINTENANCE INSPECTION**

---

progress. The requirements of this article are not intended to provide the basis for the removal or abrogation of fire protection or safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures, and premises.

**1.01.B. APPLICATION OF OTHER CODES**

Repairs, additions, or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of all applicable Codes and Standards. Nothing in this article shall be construed to cancel, modify, or set aside any provision of any existing Codes.

**1.01.C. EXISTING REMEDIES**

The provisions in this article shall not be construed to abolish or impair existing remedies of Tate Township or any other agencies relating to the removal or demolition of any structure that is dangerous, insecure, unsafe, or unsanitary.

**1.01.D. WORKMANSHIP**

Repairs, maintenance work, alterations, or installations that are caused directly or indirectly by the enforcement of this article shall be executed and installed in a workmanlike manner and installed substantially in accordance with the manufacturer's installation instructions.

**1.01.E. HISTORIC BUILDINGS**

The provisions of this article shall not be mandatory for existing buildings or structures designated as historic buildings when such buildings or structures are judged by the authorized agency to be safe and in the public interest of health, safety, and welfare.

**1.01.F. REFERENCED CODES AND STANDARDS**

The codes and standards referenced in this article shall be considered part of the requirements of this article to the prescribed extent of each such reference. Where differences occur between the provisions of this article and the referenced standards, the provisions of this article, to the extent permitted by law, shall apply.

**12.03. PROPERTY MAINTENANCE INSPECTION**

**12.03.A. GENERAL**

The Tate Township Zoning Inspector or its successor shall be responsible for the enforcement and application of this article. The Zoning Inspector or respective successor if the department name is changed shall be the official-in-charge.

**1.01.G. INSPECTORS**

**0. ARTICLE 12. PROPERTY MAINTENANCE STANDARDS**

**0. 12.04. DUTIES AND POWERS OF THE PROPERTY MAINTENANCE OFFICIAL**

---

The Tate Township Board of Trustees may appoint inspectors in such numbers as it deems necessary to perform the duties established by this article. These inspectors shall report to the Zoning Inspector.

**12.04. DUTIES AND POWERS OF THE PROPERTY MAINTENANCE OFFICIAL**

**1.01.H. GENERAL**

The Zoning Inspector assigned to the Tate Township Zoning Office shall enforce the provisions of this article.

**12.04.A. INTERPRETATION AUTHORITY**

The Zoning Inspector shall have authority to interpret and implement the provisions of this article; to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions.

**12.04.B. INSPECTIONS**

The Zoning Inspector assigned to the Tate Township Zoning Office shall make all of the required inspections or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections by agencies outside of the Tate Township Zoning Office shall be in writing and be certified by an inspector of such an approved agency or by the responsible individual. The Zoning Inspector is authorized to engage experts as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the Tate Township Board of Trustees.

**12.04.C. IDENTIFICATION**

The Zoning Inspector assigned to the Tate Township Zoning Office shall carry proper identification when inspecting structures or premises in the performance of their duties under this article.

**12.04.D. NOTICES AND ORDERS**

The Zoning Inspector assigned shall issue all necessary notices or orders to ensure compliance with this article.

**12.04.E. DEPARTMENT RECORDS**

The Zoning Inspector shall keep official records of all business and activities of the Tate Township Zoning Office which relate to this article. Such records shall be retained in the official records in such manner and for as long as it is required by Tate Township's retention policy.

**12.05. GENERAL REQUIREMENTS**

**12.05.A. SCOPE**

The provisions of this section shall govern the minimum conditions and the responsibilities of persons for the maintenance of structures, equipment, and exterior property for all properties within the Township.

**12.05.B. RESPONSIBILITY**

The owner of the premises shall maintain the structures and exterior property in compliance with the requirements, except as otherwise provided for in this article. A person shall not occupy as owner-occupant or permit another person to occupy premises which are not in a sanitary and safe conditions, and which do not comply with the requirements of this article. Occupants of a dwelling unit are responsible for keeping a clean, sanitary, and safe condition that part of the premises which they occupy and control.

**12.05.C. VACANT STRUCTURS AND LAND**

All vacant structures and premises thereof or vacant land shall be maintained in a clean, safe, secure, and sanitary condition as provided herein so as not to cause a blighting problem or adversely affect public health or safety.

**12.05.D. EXTERIOR PROPERTY AREAS****12.05.D.1. ACCESSORY STRUCTURES**

All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair, including, but not limited to, painting, replacement of broken or damaged boards or panels, replacement of missing or damaged components, and removal of any vegetation growing within, through or against such fence or structure that comprises the integrity of said fence, wall, or structure.

**12.05.D.2. DEFACEMENT OF PROPERTY**

All accessory structures, including detached garages, fences, and walls, shall be maintained structurally sound and in good repair, including, but not limited to, painting, replacement of broken or damaged boards or panels, replacement of missing or damaged components, and removal of any vegetation growing within, through or against such fence or structure that comprises the integrity of said fence, wall, or structure.

**12.05.D.3. FURNITURE**

No furniture intended, designed, or constructed primarily for indoor use may be stored outside, unless it is in a completely enclosed porch or patio room.

**12.05.D.4. LIGHT FIXTURES, EXTERIOR**

Exterior light fixtures located over steps, paths, walkways, courts, drives, and parking lots shall be neatly maintained in operable condition and lighted for sufficient periods of time before and after business hours to provide for pedestrian and employee

safety and properly directed so as not to shine on adjacent property per [Article 5. Outdoor Lighting](#). Lighting shall follow the requirements of any approved lighting plan and/or the Tate Township Zoning Resolution as may be applicable regarding illumination levels and color temperature limits.

**12.05.D.5. SANITATION**

All exterior property and premises shall be maintained in a clean, safe, and sanitary condition. The occupant shall keep that part of the exterior property which such occupant occupies or controls in a clean and sanitary condition.

**12.05.D.6. SWIMMING POOLS**

Swimming pools shall be properly maintained and treated to prevent the growth of algae and shall contain such operating circulation systems as to prevent stagnation of water or the creation of an environment hospitable to the growth of mosquitos and other similar larvae. This provision is not intended to prevent the normal and customary enclosure of a pool during winter months. Pools shall be free of visible tears, missing or broken components, rust, and other similar deterioration. Pools shall have, and properly maintain, any required fencing and locks as required per the Zoning Certificate and/or Tate Township Zoning Resolution.

**12.05.D.7. TRAFFIC MARKINGS**

All traffic markings such as directional arrows, lane division lines, parking space lines, stop signs, etc., shall be maintained so as to be clearly visible and easily recognized.

**12.05.D.8. VEGETATION CUTTING REQUIRED**

All grass, weeds, or rank vegetation shall be periodically cut and in no case shall exceed a height of ten (10) inches. This provision shall not apply to agricultural crops and fields being actively maintained for the production of hay and other agricultural products, lots in an agricultural or floodplain district in excess of five (5) acres in area, or lots within a public park or other area designated by a government jurisdiction as a wildlife or nature preserve, except that the area surrounding structures on such lots shall be cut and maintained. Undeveloped lots of one or more acres are exempt from this section.

**12.05.D.9. YARDS**

All yards, courts, and lots shall be kept free of overgrown grasses, debris, ad other materials which may cause a fire, health, safety

hazard, or general unsightliness. Yards shall be maintained free of barren or open areas of soil that may cause erosion or generation of dust. Yards shall be maintained with a vegetative cover of grass, rock, or other ornamental plants except for a well-maintained and orderly garden actively used for the growth of food or other ornamental plants, forested areas with naturally occurring barren areas beneath trees, and similar areas.

**12.05.E. STRUCTURE EXTERIOR****12.05.E.1. GENERAL**

The exterior of a structure shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to the public health, safety, or welfare.

**12.05.E.2. PROTECTIVE TREATMENT**

All exterior surfaces, including but not limited to, doors, door and window frames, awnings, cornices, porches, trim, balconies, signs, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces re-painted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather-resistant and watertight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

**12.05.E.3. BASEMENT HATCHWAYS**

Every basement hatchway shall be maintained to prevent the entrance of rodents, rain, and surface water drainage.

**12.05.E.4. CHIMNEYS AND TOWERS**

All chimneys, cooling towers, smokestacks, and similar appurtenances shall be maintained structurally safe and sound, and in good repair free of cracks, holes, or missing portions. All exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**12.05.E.5. DECORATIVE FEATURES**

All cornices, belt courses, corbels, terra cotta trim, wall facings, and similar decorative features shall be maintained in good repair with proper anchorage and in a safe condition.

**12.05.E.6. DOORS**

All exterior doors, door assemblies, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units, rooming units, and guestrooms shall tightly secure the door.

**12.05.E.7. EXTERIOR WALLS**

All exterior walls shall be free from holes, breaks, and loose or rotting materials; and maintained weatherproof and properly surface coated where required to prevent deterioration.

**12.05.E.8. FOUNDATION WALLS**

All foundation walls shall be maintained plumb and free from open cracks and breaks and shall be kept in such condition so as to prevent the entry of water, rodents, and other pests.

**12.05.E.9. GUTTERS**

Rain gutters, downspouts, leaders, or other means of water diversion shall be provided to collect/conduct and discharge all water from the roof and maintained so as not to leak or cause dampness in the walls, ceiling, or basements or adversely affect adjacent properties. Gutters and downspouts shall be situated in a manner such that they do not discharge directly onto an adjacent property unless part of a stormwater system approved by Clermont County.

**12.05.E.10. HANDRAILS AND GUARDS**

Every handrail and guard shall be firmly fastened and capable of supporting normally imposed loads and shall be maintained in good condition.

**12.05.E.11. OVERHANG EXTENSIONS**

All overhang extensions including but not limited to canopies, marquees, signs, awnings, fire escapes, standpipes, and exhaust ducts shall be maintained in good repair and be properly anchored so as to be kept in a sound condition. When required, all exposed surfaces of metal or wood shall be protected from the elements and against decay or rust by periodic application of weather-coating materials, such as paint or similar surface treatment.

**12.05.E.12. ROOFS AND DRAINAGE**

The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters, and downspouts shall be maintained in good repair and free from obstructions.

**12.05.E.13. STAIRWAYS, DECKS, PORCHES, AND BALCONIES**

Every exterior stairway, deck, porch, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

**12.05.E.14. STRUCTURAL MEMBERS**

All structural members shall be maintained free from deterioration and shall be capable of safely supporting the imposed dead and live loads.

**12.05.E.15. WINDOWS, SKYLIGHTS, DOORS, AND FRAMES**

Windows shall be fully supplied with window glass or an approved substitute that is glaze and is without open cracks or holes, shall have sashes in good condition that fit within frames, are capable of being easily opened, held in position by hardware, and maintained to exclude adverse weather elements from entering the structure.

**12.05.F. RUBBISH AND GARBAGE****12.05.F.1. ACCUMULATION OF RUBBISH OR GARBAGE**

All exterior property and premises of every structure, carport, deck, and patio shall be free from any accumulation of rubbish or garbage.

**12.05.F.2. DISPOSAL OF RUBBISH**

Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**12.05.F.3. RUBBISH STORAGE CONTAINERS**

The owner of the occupied premises shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish. Such containers shall not be stored or placed outside unless placed at the side or rear of a home in the case of residential properties, except for a 24-hour period prior to and following the designated trash collection day for the property, during which time such

containers or bags and other items for disposal may be placed in a neat and orderly manner at the curb or edge of the property for pickup. This provision does not apply to designated common waste bins located at an apartment complex or other similar facility.

**12.05.F.4. APPLICANCES**

Appliances such as refrigerators, air conditioners, and similar equipment not in operation shall not be discarded or abandoned on premises.

**12.05.F.5. FURNITURE**

Discarded furniture cannot be stored outside of an enclosed structure for more than ten (10) days.

**12.05.F.6. DISPOSAL OF GARBAGE**

Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage container.

**12.06. NOTICE OF VIOLATION**

**12.06.A. CIVIL OFFENSE**

It shall be a civil offense for a person, firm, or corporation to be in conflict with or in violation of any of the provisions of this article.

**12.06.B. NOTICE OF VIOLATION**

The Zoning Inspector and/or Property Maintenance inspectors shall serve a Notice of Violation (hereinafter referred to as "Notice" or "Notice of Violation") on all persons, firms, or corporations found to conflict with or be in violation of any of the provisions of this article.

**12.06.C. FORM OF NOTICE OF VIOLATION**

Whenever the Zoning Inspector and/or Property Maintenance inspectors determine that there has been a violation of this article or has grounds to believe that a violation has occurred, notice shall be given in accordance with all the following:

**12.06.C.1.** The Notice must be in writing; and

**12.06.C.2.** The Notice shall be sent to the person, firm, or corporation listed by the Clermont County Auditor's Office as owner of the property at issue and to the subject property in which the violation exists; and

**12.06.C.3.** The Notice must include a description of the property at issue which description is sufficient for identification purposes; and

**0. ARTICLE 12.**

**PROPERTY MAINTENANCE STANDARDS**

**0. 12.07.**

**MUNICIPAL COURT PROCEEDINGS**

---

**12.06.C.4.** The Notice must include a statement of the violation or violations determined to exist on the property with specific references to the section or sections of this article alleged to have been violated; and

**12.06.C.5.** The Notice must include a deadline by which time the person receiving the Notice shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

**12.06.D. METHOD OF SERVICE**

The Notice of Violation shall be deemed to be properly served if a copy thereof is:

**12.06.D.1.** Delivered personally; or

**12.06.D.2.** Sent by certified or first-class mail addressed to the owner of the property at issue at the address of the property; or

**12.06.D.3.** Sent by certified or first-class mail addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Clermont County Auditor; or

**12.06.D.4.** Sent by certified or first-class mail addressed to the owner of the property at issue at the owner's last known address; or

**12.06.D.5.** Posted in a conspicuous place on or about the property at issue if another method of delivery of the Notice is returned showing that the Notice was not delivered.

**12.06.E. EXTENSION OF COMPLIANCE DEADLINE**

For good cause shown, the Zoning Inspector may, at their sole discretion, extend the deadline previously stated in the Notice of Violation for corrective action to bring a property into compliance. In the event such an extension is granted, the Community Development Director shall notify the owner of the property at issue of the extension in the same form and pursuant to the same method of service required by [Sections 12.05.C \(Form of Notice of Violation\)](#) and [12.05.D \(Method of Service\)](#) of this article. Any such notice of extension shall specifically state the revised deadline by which time the person receiving the extension shall be required to take the necessary corrective action required to bring the property into compliance with the provisions of this code.

**12.07. MUNICIPAL COURT PROCEEDINGS**

**12.07.A. REFERRAL TO MUNICIPAL COURT**

If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violation charged in the Citation within 14 days after service of the Civil Citation, the Tate Township **Fiscal Officer** or Zoning

Inspector shall notify the **Clermont County Municipal Court** of the denial so that a hearing can be set.

**1.01.A. MUNICIPAL COURT HEARINGS**

Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

**1.01.B. PAYMENT OF FINE AFTER DETERMINATION OF GUILT**

Persons, firms, or corporations found to have violated the provisions of this article charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue and/or the collection of the amount due in any manner authorized by law.

**12.08. APPEAL PROCESS**

Persons, firms, or corporations wishing to appeal an adverse determination by the Clermont County **Municipal Court** may file an appeal with the **Ohio Twelfth District Court of Appeals** within 30 days after the judgment.

**12.09. ABATEMENT AND OTHER LAWFUL REMEDIES**

Nothing in the provisions of this article shall prohibit the Zoning Inspector from taking any action authorized by law, without regard to the provisions of this code and regardless of whether the legal procedures herein described have been instituted, when, in their opinion, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has failed and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment.