TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 3
USE REGULATIONS

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ARTICLE 3. USE REGULATIONS

3.01. PURPOSE

The purpose of this article is to classify, regulate, and restrict the location of commercial establishments, industries, residential, recreation, and other land uses in order to assure the compatibility of uses and practices within the goal of protecting the property rights of all individuals.

3.02. USE PROVISIONS

3.02.A. Permitted Uses

A "P" in a cell indicates that a use is allowed by-right in the respective zoning district. Permitted uses are subject to all applicable regulations of this zoning resolution.

3.02.B. Permitted Uses with Standards

A "PS" in a cell indicates that a use is allowed by-right in the respective zoning district if it meets the additional standards that are identified in the last column of Table 3.03-1: Use Table. Permitted uses with standards are subject to all other applicable regulations of this zoning resolution.

3.02.C. Conditional Uses

A "C" in a cell indicates that a use may be permitted if approved through a conditional use process as established in Section 10.06.B. Conditional Use. Conditional uses may be subject to use-specific standards that are identified in the last column of Table 3.03-1: Use Table. Conditional uses are subject to all other applicable regulations of this zoning resolution, including the conditional use review standards set forth in Section 10.06.B.2. Review Criteria For Conditional Use.

3.02.D. Allowable Uses

An "A" in a cell indicates that a use may be allowable in the corresponding Planned Development (PD) subject to compliance with any applicable "Additional Standards" as established in Table 3.03-1: Use Table, and approval requirements for the applicable district. The Zoning Commission and Board of Township Trustees may limit the uses allowed within a PD district as part of the approval of a Preliminary PD Plan as established in Section 9.01.F. Approval Process. Allowed uses are subject to all other applicable regulations of this resolution.

3.02.E. Prohibited Uses

A blank cell in Table 3.03-1: Use Table indicates that a use is prohibited in the respective zoning district. If a use is not listed in Table 3.03-1: Use Table, then the use shall also be considered prohibited, unless approved by the Zoning Commission through the similar use determination process as established in Section 3.04.C. Similar Use Determination.

3.02.F. Section References

The section referenced in the "Additional Standards" column in Table 3.03-1: Use Table are references to additional standards and requirements within the Zoning Resolution that apply to the use listed in the respective row. Standards referenced in the table apply in all zoning districts in which the use is permitted or conditionally permitted, unless otherwise expressly stated.

3.03. USE TABLE

The following Table 3.03-1: Use Table lists the uses that are permitted, permitted with standards, conditionally permitted, and prohibited within the designated zoning districts.

Table 3.03-1: Use Table

"P" – By-Right Permitted Use | "PS" – By-Right Permitted Use w/Additional Standards | "C" – Conditional Use | "A" – Allowable Use By PD Type

USES	AG (A)	RR (R-1)	RL (R-2)	RM (R-3)	CR (C-1)	CC (C-2)	CG (C-3)	EP (I-1)	EO (I-2)	PSR (PS)	R-PD (PUD)	C-PD (PUD)	M-PD (PUD)	E-PD (PUD)	MHP (MHP)	Additional Standards
AGRICULTURAL USES																
Agriculture	P	P														3.05.A
Agribusiness	C	C														3.05.A
Agritourism	P	P														3.05.A
RESIDENTIAL USES																
Dwelling, Single-Family, Detached	P	P	P	P							A					
Dwelling, Single-Family, Attached (Townhome)			PS	PS							A		A			3.06.B
Dwelling, Two-Family (Duplex)			P	P							A		A			
Dwelling, Three-Family (Triplex)			P	P							A		A			
Dwelling, Multi-Family, Small-Scale (4-15 units)				PS							A		A			3.06.C.1
Dwelling, Multi-Family, Large-Scale (16+ units)				PS							A		A			3.06.C.2
Mobile Home															PS	9.02.A
Residential Facility	PS	PS	PS	PS							A		A			3.06.D
Residential Treatment Facility	PS	PS	PS	PS							A		A			3.06.E
PUBLIC & INSTITUTIONAL USES																
Cemetery	C	PS	PS	PS	C					PS						3.07.A
Education Facility – Public or Private	C	C	C	C	C	C	C			PS	A	A	A			3.07.B
Education Facility – Trade, College, or University		C	C	C	C	C	C	C	C	PS	A	A	A	A		3.07.B
Governmental Facility	P	P	P	P	P	P	P	P	P	P	A	A	A	A		
Library, Museum, Gallery					P	P	P			P		A	A			
Park or Recreation Facility, Public	P	P	P	P	P	P	P	P		P	A	A	A			
Religious Assembly / Places of Worship	C	C	C	C	PS	PS	PS	C		PS	A	A	A			3.07.C
Utility, Public or Private	C	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.07.D
COMMERCIAL USES																
Animal Kennel, Daycare, and Training Facility					C	PS	PS					A	A			3.08.A
Animal Hospital, Veterinarian Office and Clinic					C	PS	PS					A	A			3.08.B
Automotive Fueling / Charging						PS	PS					A	A	A		3.08.C
Automotive Rental							C					A	A	A		3.08.D
Automotive Sales / Leasing, Commercial and Recreational Vehicles							C					A	A	A		3.08.E
Automotive Sales / Leasing, Passenger Vehicles						C	PS					A	A	A		3.08.F
Automotive Service / Repair, Major						C	PS					A	A	A		3.08.G
Automotive Service / Repair, Minor						PS	PS					A	A	A		3.08.H
Automotive Washing / Detailing						C	PS							A		3.08.I
Banks and Financial Institutions						PS	PS	PS				A	A	A		3.08.J
Bar / Tavern						PS	PS					A	A	A		3.08.K
Bed and Breakfast	C	C	C	C	C						A					3.08.L
Brewery, Distillery, Winery, Cidery	C					C	C	C	PS			A	A	A		3.08.M
Brewpub						PS	PS					A	A	A		3.08.N
Campgrounds and Recreational Vehicle Camps	C				C					C						3.08.O
Club, Lounge, or Meeting Hall					P	P	P			C		A	A			
Day Care Center					PS	PS	PS	C		C		A	A	A		3.08.P

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Table 3.03-1: Use Table

"P" – By-Right Permitted Use | "PS" – By-Right Permitted Use w/Additional Standards | "C" – Conditional Use | "A" – Allowable Use By PD Type

USES	AG (A)	RR (R-1)	RL (R-2)	RM (R-3)	CR (C-1)	CC (C-2)	CG (C-3)	EP (I-1)	EO (I-2)	PSR (PS)	R-PD (PUD)	C-PD (PUD)	M-PD (PUD)	E-PD (PUD)	MHP (MHP)	Additional Standards
COMMERCIAL USES (CONT'D)																
Drive-In Theater						C	C					A				3.08.Q
Eating and Drinking Establishment					PS	PS	PS	C				A	A	A		3.08.R
Equestrian Facilities and Riding Stables	C	C														
Fitness Center						P	P					A	A			
Fitness Studio						P	P	C				A	A	A		
Funeral Home						PS	PS			C		A				3.08.S
Garden Center / Greenhouse / Nursery	C				P	C	P					A	A	A		
Hospital						C	PS	PS		C		A	A	A		3.08.T
Hotel / Motel						PS	PS					A	A			3.08.U
Institutional Care Facility						C	C				A	A	A			3.08.V
Marijuana Business																
Medical Office, Clinic, or Urgent Care					C	P	P	P				A	A	A		
Mixed-Use					P	P	P	P			A	A	A	A		
Office					C	P	P	P	P			A	A	A		
Parking, Commercial and Fleet Vehicles								C	C							3.08.W
Personal Services					P	P	P					A	A	A		
Recreation or Entertainment Facility, Indoor						C	C					A	A			
Recreation or Entertainment Facility, Outdoor					C	C	C					A	A			3.08.X
Retail Sales and Service					P	P	P					A	A			
Retail Sales and Service, Large-Scale							PS					A	A			3.08.Y
Sexually Oriented Business								C	C					A		3.08.Z
INDUSTRIAL USES																
Building Material Sales and Storage							C	C	PS					A		3.09.A
Building Trade and Equipment Sales and Service							C	P	C					A		3.09.B
Distribution / Fulfillment Center and Warehousing								PS	PS					A		3.09.C
Freight Services, Truck Terminals									C					A		3.09.D
Junk / Salvage Yard / Tow Yard									PS					A		3.09.E
Laboratory / Research & Development							C	PS	PS			A	A	A		3.09.F
Manufacturing, General									P					A		
Manufacturing, Light								P	P			A	A	A		
Self-Service Storage Facility							C		PS					A		3.09.G
Wholesale Facility							C	PS	C					A		3.09.H
ACCESSORY USES AND STRUCTURES																
Accessory Dwelling Units	PS	PS	PS	PS							A		A			3.10.B
Accessory Structures	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.10.C
Accessory Uses	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.10.D
Automated Teller Machines (ATMs)					PS	PS	PS	PS	PS			A	A	A		3.10.E
Automotive Washing / Detailing							PS	PS	PS			A		A		3.10.F
Day Care Home, Type A	PS	PS	PS	PS							A		A			3.10.G
Day Care Home, Type B	PS	PS	PS	PS							A		A			3.10.G

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Table 3.03-1: Use Table

"P" – By-Right Permitted Use | "PS" – By-Right Permitted Use w/Additional Standards | "C" – Conditional Use | "A" – Allowable Use By PD Type

USES	AG (A)	RR (R-1)	RL (R-2)	RM (R-3)	CR (C-1)	CC (C-2)	CG (C-3)	EP (I-1)	EO (I-2)	PSR (PS)	R-PD (PUD)	C-PD (PUD)	M-PD (PUD)	E-PD (PUD)	MHP (MHP)	Additional Standards
ACCESSORY USES AND STRUCTURES (CONT'D)																
Drive-Through Facilities						C	PS					A				3.10.H
Drop Off Receptacles					PS	PS	PS	PS	PS	PS		A	A	A		3.10.I
Electric Vehicle Charging Stations	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.10.J
Fences and Walls	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.10.K
Home Occupations	PS	PS	PS	PS							A		A			3.10.L
Keeping of Bees	P	PS	PS	PS							A					3.10.M
Keeping of Farm Animals	P	PS	PS	PS	PS					PS	A		A			3.10.N
Keeping of Fowl	P	PS	PS	PS	PS					PS	A		A			3.10.O
Outdoor Dining / Food Service Areas					PS	PS	PS					A	A			3.10.P
Outdoor Display / Retail	PS				PS	PS	PS					A	A			3.10.Q
Outdoor Storage	PS				PS	PS	PS	PS	PS			A	A	A		3.10.R
Parking/Storage of Recreational Vehicles & Equipment	PS	PS	PS	PS	PS	PS	PS	PS	PS		A	A	A	A		3.10.S
Pick-Up Windows						PS	PS					A				3.10.T
Roadside Stands	PS	PS	PS								A		A			3.10.U
Short-Term Lodging, Outdoor	C	C														3.10.V
Short-Term Rentals	C	C	C	C							A		A			3.10.W
Solar Panels, Accessory	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.10.X
Swimming Pools	PS	PS	PS	PS	PS	PS	PS			PS	A	A	A			3.10.Y
TEMPORARY USES AND STRUCTURES																
Construction Dumpster	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.11.B
Construction Trailer / Office	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.11.C
Construction Camper During Permitted Residential Construction	PS	PS														3.11.D
Festivals and Similar Events	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.11.E
Mobile Food Vendor	PS				PS	PS	PS	PS	PS	PS		A	A	A		3.11.F
Portable Storage Unit	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A		3.11.G
Residential Outdoor Sales	PS	PS	PS	PS							A					3.11.H
Seasonal Outdoor Sales	PS				PS	PS	PS					A	A			3.11.I
SPECIAL USES																
Data Centers														A		3.12.A
Solar Energy Systems, Grid												A	A	A		3.12.B
Solar Energy Systems, Point of Use	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A	A	3.12.B
Solar Energy Systems, Private	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A	A	3.12.B
Solar Energy Systems, Small												A	A	A	A	3.12.B
Wireless Telecommunication Facilities	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	A	A	A	A	A	3.12.C

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3.04. GENERAL USE REGULATIONS

3.04.A. Site Plan Review Required

Site plan review and approval, as established by Section 10.06.F. Site Plan Review 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.

3.04.B. Use Separation Measurement

Measurements from use to use shall be done so from property line to property line, as measured from the nearest point along the closest property line to the proposed use's nearest point along the closest property line.

3.04.C. Similar Use Determination

3.04.C.1. Where there is a proposed use that is not currently listed in Table 3.03-1: Use Table, the Zoning Inspector may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.

3.04.C.2. The Zoning Inspector should consider the nature, operation, and function of the use in its determination of an appropriate district.

3.04.C.3. The Zoning Inspector may find that the use is not compatible with any existing zoning district and not permit the use under the current zoning resolution, as an alternative, the Zoning Inspector may make a recommendation to the Zoning Commission that a new district and/or new provision be initiated through the zoning text and/or map amendment procedure, pursuant to Section 10.06.A. Zoning Map and Resolution Amendment.

3.04.D. Mixed-Use and Multiple Occupancies

Multiple occupancies / uses on a lot shall be permitted in non-residential zoning districts, provided such uses/occupancies are located within the same principal structure or comply with Section 3.04.E. Number of Permitted Structures Per Lot.

3.04.E. Number of Permitted Structures Per Lot

3.04.E.1. In the AG and RR zoning district, a maximum of one (1) principally permitted structure or building shall be permitted on parcels that are five (5) acres or less. On parcels greater than five (5) acres in size, additional principal structures may be permitted subject to the standards established by Table 4.02-1: Dimensional Standards for AG, RR, and RL Districts, and review and approval by the Board of Zoning Appeals. The Board of Zoning Appeals shall review such requests based on the review criteria established in Section 10.06.C.2. Review Criteria for Variances.

3.04.E.2. In the RL and RM zoning districts, a maximum of one (1) principally permitted structure or building shall be permitted per parcel.

3.04.E.3. In non-residential districts, or within a Planned Development (PD) district, lots may contain more than one (1) principal building, provided such buildings are utilized for the same business, occupant, or tenant. This condition may apply to another use permitted within the subject zoning district only when approved by the Zoning

Commission.

3.04.E.4. These provisions do not apply to accessory uses or buildings as regulated in Section 3.10. Accessory Structure and Use Regulations.

3.04.F. Principal Structure Required

3.04.F.1. No use shall be conducted on a lot without a principal structure first being established or present, unless specified otherwise.

3.04.F.2. The following uses are not required to have a principal structure:

3.04.F.2.a. Agricultural Uses

3.04.F.2.b. Cemeteries

3.04.F.2.c. Park or Recreation Facility, Public

3.04.F.2.d. Recreation or Entertainment Facility, Outdoor

3.04.F.2.e. Utility, Public or Private

3.04.F.2.f. Other uses as determined appropriate by the Zoning Inspector

3.04.F.3. Conducting a principal use within an accessory structure is prohibited unless specifically exempted and regulated herein.

3.04.G. Approved Water Supply and Sewage Disposal Facilities

3.04.G.1. It shall be unlawful to locate, erect, or construct any building or structure on any lot, or to use or permit the use of any lot without provisions for approved water supply and sewage disposal facilities. Agricultural uses shall be exempt from this provision, unless otherwise required by Health, Safety and Social Services, Clermont County Building Department, or other authority agencies.

3.04.G.2. Wherever an existing water and/or sewer main is accessible, connections shall be made with such mains.

3.04.G.3. In every other case, individual water supply and sewage disposal facilities meeting fully the requirements of the Clermont County Board of Health shall be installed in accordance with all standards and specifications prescribed by said agency.

3.05. AGRICULTURAL USE REGULATIONS

3.05.A. Agricultural Exemptions

3.05.A.1. Agricultural uses, and buildings or structures, as defined in Article 13. Definitions, that are incidental to agricultural uses, located on lots with a lot area of five (5) acres or more shall be exempt from the requirements of this Zoning Resolution, and property owners shall not be required to obtain a Zoning Certificate per such uses in accordance with ORC Section 519.21.

3.05.A.2. On lots less than five (5) acres in size that are platted or approved as described in ORC Section 519.21(B), all structures shall conform to the setback requirements and dimensional standards set forth for the applicable zoning designation in Table 4.02-1: Dimensional Standards for AG, RR, and RL Districts.

3.05.A.3. For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the ORC, or in any area consisting of 15 or more lots approved under Section 711.131 of

the ORC that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the township shall require a Zoning Certificate for:

3.05.A.3.a. Agricultural uses on lots of one (1) acre or less;

3.05.A.3.b. Setbacks, heights and sizes of buildings or structures incidental to the use of land for agricultural purposes on lots greater than one acre but not greater than 5 acres.

3.05.A.3.c. Dairying and animal and poultry husbandry on lots greater than one acre but not greater than five (5) acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under ORC Section 4503.06. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered nonconforming use of land and buildings or structures pursuant to ORC Section 519.19.

3.05.A.4. Structures that are exempt from the provisions of the Zoning Resolution pursuant to this section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Clermont County.

3.06. RESIDENTIAL USE REGULATIONS

3.06.A. General Regulations

The following general regulations shall apply to all zoning districts that permit residential uses.

3.06.A.1. Conversion of a Dwelling

The conversion of any building into a dwelling shall be permitted in any zoning district where such dwelling type is a permitted use, subject to all applicable regulations contained within this Zoning Resolution.

3.06.A.2. Number of Dwellings

Additional dwelling units must be able to be supported by sanitary and/or septic facilities. Additionally, the following provisions apply:

3.06.A.2.a. In the AG and RR districts, the following shall apply:

- **i.** Each lot is permitted one (1) principal dwelling unit per lot unless specifically permitted by Table 3.03-1: Use Table for the applicable zoning district or as otherwise specified in subsection 3.06.A.2.a.ii (below).
- **ii.** For lots 20 acres or more in size, an additional principal dwelling unit may be reviewed and approved by the Board of Zoning Appeals subject to the following:
  - **(A).** The additional principal dwelling unit meets all dimensional requirements established for the applicable zoning district;

and

(B). The applicant must provide a survey plat to the Board of Zoning Appeals demonstrating that all applicable minimum lot area, setback, and frontage requirements established by the Tate Township Zoning Resolution and the Clermont County Subdivision Regulations can be satisfied in the event of a property transfer or request to subdivide the parent parcel; and

(C). No more than one (1) newly created lot off a parent parcel 20 acres or more in size is allowed. The minimum lot size of the new lot shall be five (5) acres, and the parent parcel must remain at least 15 acres in size.

iii. Each lot is permitted one (1) Accessory Dwelling Unit as established by Section 3.10.B. Accessory Dwelling Units.

3.06.A.2.b. In the RL and RM districts, the following shall apply:

i. One (1) principal dwelling unit is permitted per lot, unless specifically permitted by Table 3.03-1: Use Table for the applicable zoning district.

ii. Each lot is permitted one (1) Accessory Dwelling Unit as established by Section 3.10.B. Accessory Dwelling Units.

3.06.B. Dwelling, Single-Family, Attached (Townhomes)

3.06.B.1. Single-Family, Attached Dwellings may be built to the side property lines when a shared wall is located on the shared property line. Where a shared wall is not located on the property line, the dwelling shall meet the required site setback.

3.06.B.2. In the RL, and RM districts, there shall be a maximum of three (3) Single-Family, Attached units in any grouping of units as illustrated in Figure 3-1 (below).

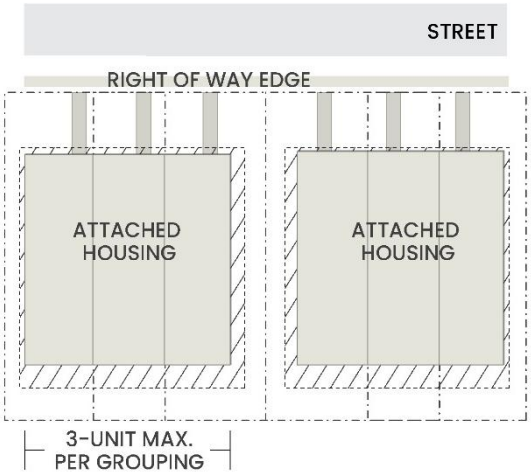


Figure 3-1: Illustration of Single-Family, Attached Dwelling Groups

3.06.C. Dwellings, Multi-Family

Sanitary and sewer provisions must be of sufficient size and treatment capacity to adequately serve the development as approved by Clermont County. The following additional requirements apply for multi-family dwellings:

3.06.C.1. Small-Scale (4-15 units)

Small-Scale Multi-Family Dwellings (4-15 units) are subject to the following:

3.06.C.1.a. Each individual dwelling unit shall have its own exterior entrance to the outside.

3.06.C.1.b. A private yard that is a minimum of 100 square feet shall be provided for each dwelling unit . A portion or all of the required yard may be located in a shared open space or recreation area if subject to Site Plan Review and Approval as established in Section 10.06.F. Site Plan Review.

3.06.C.1.c. Each unit shall meet the minimum parking requirements as established in Table 7.05-1: Parking Spaces Required.

3.06.C.2. Large-Scale (16+ Units)

Large-Scale Multi-Family Dwellings (16 or more units) are permitted with standards in the RM Districts subject to the following:

3.06.C.2.a. A minimum of 25% of the development shall be occupied by Open Space or Green Space that may include landscaping / screening areas, drainage areas, active and passive recreation areas, and other similar uses.

3.06.C.2.b. The development shall include a minimum of two amenities that are to be utilized by the residents of the development and/or the public. Such amenities may include club houses, pools, dog parks, playgrounds, active or passive parks, walking trails, public gathering areas, and other similar uses as determined by the Zoning Inspector.

3.06.C.2.c. Such uses shall be set back a minimum of 100 feet from any single family residential zoning district or use.

3.06.D. Residential Facility

A Residential Facility, as defined in this Zoning Resolution, is permitted in the residential zoning districts as regulated by the State of Ohio. A Residential Facility shall be located at least 500 feet from any other Residential Facility or Residential Treatment Facility.

3.06.E. Residential Treatment Facility

A Residential Treatment Facility, as defined in this Zoning Resolution, is permitted in the residential zoning districts as regulated by the State of Ohio. A Residential Treatment Facility shall be located at least 500 feet from any other Residential Facility or Residential Treatment Facility.

3.07. PUBLIC AND INSTITUTIONAL USE REGULATIONS

3.07.A. Cemeteries

3.07.A.1. All burial plots shall be set back a minimum of 30 feet from any lot line or street right-of-way.

3.07.A.2. Parking shall be provided on site, at least 50 feet from any lot line or street right-

of-way. No parking shall be permitted on any public street.

3.07.A.3. Cemeteries shall be established in compliance with all Township, County, and State laws.

3.07.A.4. All structures, excluding grave markers, shall be set back at least 200 feet from all street centerlines (not including internal site circulation drives) and adjoining property lines.

3.07.B. Educational Facilities

3.07.B.1. Site area for such facilities shall be at least five (5) acres in size.

3.07.B.2. Maximum site coverage of all buildings shall not exceed ten percent (10%) of the total lot area.

3.07.B.3. All buildings shall be set back from all property lines a minimum distance not less than two (2) feet for each foot of building height.

3.07.B.4. Service area/facilities and outdoor recreation facilities shall be set back a minimum of 100 feet from any residential lot line or recorded residential subdivision.

3.07.B.5. Parking areas shall be set back a minimum of 50 feet from any residential lot line, residential district, or recorded residential subdivision. Parking areas shall not be permitted within the minimum required front yard setback.

3.07.B.6. Student drop-off and vehicle turnaround facilities shall be provided on site to prevent vehicles from interference with traffic on street rights-of-way.

3.07.C. Religious Assembly / Places of Worship

3.07.C.1. Site area for such facilities shall be at least two (2) acres in size.

3.07.C.2. Maximum site coverage of all buildings shall not exceed ten percent (10%) of the total lot area.

3.07.C.3. All buildings shall be set back from all property lines a minimum distance not less than two (2) feet for each foot of building height.

3.08. COMMERCIAL USE REGULATIONS

3.08.A. Animal Kennel / Daycare / Training Facility

3.08.A.1. Any building, run, or enclosure on the premises used for such purposes shall be located at least 200 feet from any residential lot line, residential district or recorded residential subdivision.

3.08.A.2. Any outdoor run or enclosure shall be enclosed (uncovered) by a fence (wood, vinyl, or other similar material as approved by the Zoning Inspector) or wall at least six (6) foot high, and not to exceed eight (8) foot in height.

3.08.A.3. All principal use activities shall be conducted within a completely enclosed principal structure. There shall be no storage or boarding of animals outside of a completely enclosed structure.

3.08.A.4. Any outdoor run or enclosure shall not be located in the front yard and shall comply with the minimum building setback requirements of the district.

3.08.A.5. Any outdoor run or enclosure shall not be used between the hours of 10:00 pm and 7:00 am.

3.08.B. Animal Hospital, Veterinary Office and Clinic

3.08.B.1. All principal use activities shall occur within a completely enclosed principal structure. Storage or boarding of animals outside of a completely enclosed structure is prohibited, except that a fenced outdoor area may be allowed for the temporary housing or treatment of farm animals that are not kept within an enclosed structure, subject to the fence and wall standards established in Section 3.10.K. Fences and Walls.

3.08.B.2. There shall be no breeding and/or boarding of dogs or other animals, except for confinement under emergency treatment in facilities within the principal building subject to the following:

3.08.B.2.a. Facilities that include emergency-treatment boarding shall be located at least 100 feet from any residential district or recorded residential subdivision.

3.08.C. Automotive Fueling / Charging

3.08.C.1. All structures on the property (excluding signs) shall be located at least 20 feet from any lot line, and at least 100 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.C.2. Fuel canopies, gas pumps, charging stations, air compressors, and similar equipment may be located in the front yard.

3.08.C.3. The only services permitted to be performed on a vehicle on site shall be the dispensing of fuel, oil, air, windshield wiper fluid, the charging of electric vehicles, and other similar activities customarily incidental to such use.

3.08.C.4. The fuel canopy shall be constructed of the same materials used on the principal structure.

3.08.C.5. Under canopy lighting fixtures shall be flush mounted with the surface of the underside of the canopy and shall not be of such intensity as to be a distraction.

3.08.C.6. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

3.08.C.7. Electronic fuel price displays shall be subject to the standards of Section 8.07.K. Electronic Message Boards.

3.08.C.8. The parking spaces adjacent to each fuel pump or charging station may count towards the parking requirements set forth in Table 7.05-1: Parking Spaces Required.

3.08.C.9. Headlights shall be completely screened from public streets and adjoining property unless the adjacent property is used for non-residential purposes.

3.08.C.10. This section shall not apply to electric vehicle chargers as an accessory use in a parking lot for use by customers or employees.

3.08.D. Automotive Rental

3.08.D.1. Sites shall be at least 20,000 square feet in area and have at least 50 feet of

continuous frontage along a public street.

3.08.D.2. The use shall be located at least 500 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.D.3. A principal structure is required to be located on the same lot.

3.08.D.4. Any automotive repair and service work shall be accessory to the rental operation and shall be conducted within a completely enclosed building.

3.08.D.5. Headlights shall be completely screened from public streets and adjoining property unless the adjacent property is used for non-residential purposes.

3.08.D.6. No outdoor speaker systems shall be permitted for uses that are located within 500 feet of any residential lot line, residential zoning district, or recorded residential subdivision.

3.08.D.7. All sales and circulation areas must be paved with asphalt or concrete. There shall be no vehicle storage or sales on unpaved and unstriped areas.

3.08.D.8. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

3.08.E. Automotive Sales / Repair, Commercial and Recreational Vehicles

3.08.E.1. Sites shall be at least three (3) acres in area.

3.08.E.2. Such use shall be located a minimum of 200 feet from a residential lot line, residential district, or recorded residential subdivision.

3.08.E.3. Use shall be located along a street classified at least as a major arterial.

3.08.E.4. No outdoor speaker systems shall be permitted for uses that are located within 500 feet of any residential lot line, residential zoning district, or recorded residential subdivision.

3.08.E.5. No trucks, machinery, or equipment shall be parked or stored within the front yard or on an arterial street within 25 feet of the right-of-way.

3.08.E.6. All other requirements outlined in Section 3.08.F. Automotive Sales / Leasing, Passenger Vehicles shall apply to Automotive Sales / Repair, Commercial and Recreational Vehicles.

3.08.F. Automotive Sales / Leasing, Passenger Vehicles

3.08.F.1. Sites shall be at least 5,000 square feet in area and have at least 50 feet of continuous frontage along a public street.

3.08.F.2. The use shall be located at least 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.F.3. A principal structure is required to be located on the same lot.

3.08.F.4. Any automotive repair and service work shall be accessory to the sales / leasing operation and shall be conducted within a completely enclosed building.

3.08.F.5. Headlights shall be completely screened from public streets and adjoining property unless the adjacent property is used for non-residential purposes.

3.08.F.6. No outdoor speaker systems shall be permitted for uses that are located within

500 feet of any residential lot line, residential zoning district, or recorded residential subdivision.

3.08.F.7. All sales and circulation areas must be paved with asphalt or concrete. There shall be no vehicle storage or sales on unpaved and unstriped areas.

3.08.F.8. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

3.08.G. Automotive Service / Repair, Major

3.08.G.1. Such use shall be located a minimum of 200 feet from residential lot lines, residential zoning districts, or recorded residential subdivisions.

3.08.G.2. All repair work shall be conducted within a completely enclosed building.

3.08.G.3. No more than 20 vehicles shall be stored at the property at any one (1) time, and all vehicles shall be parked in a marked parking space on a surface paved with either asphalt or concrete.

3.08.G.4. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials unless such storage is located in the side or rear yard and completely screened by a privacy fence (wood, vinyl, or other similar material as approved by the Zoning Inspector) or wall at least six (6) foot high, and not to exceed eight (8) foot in height. Chain link fences, with or without slates, do not meet this requirement.

3.08.H. Automotive Service / Repair, Minor

3.08.H.1. Such use shall be located a minimum of 100 feet from residential lot lines, residential zoning districts, or recorded residential subdivisions.

3.08.H.2. All repair work shall be conducted within a completely enclosed building.

3.08.H.3. There shall be no outdoor storage of car parts, wrecked cars, or other similar materials.

3.08.I. Automotive Washing / Detailing

3.08.I.1. The use shall be located at least 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.I.2. Use shall be located along a street classified at least as a major arterial.

3.08.I.3. All washing / detailing facilities shall have a front yard setback of at least 50 feet.

3.08.I.4. Vacuuming and/or steam cleaning equipment may be located outside a building in the side or rear yard but shall not be placed in any yard adjoining a residential lot line, residential district, or recorded residential subdivision.

3.08.I.5. All vehicles required to wait for access to the facility shall be provided with off-street parking or Stacking Spaces, as required per Table 7.05-1: Parking Spaces Required and Table 7.17-1: Stacking Space Requirements.

3.08.I.6. An exit drive, which is a minimum of 40 feet in length, is required between the exit door of the wash / detailing facility and the street.

3.08.I.7. There shall be no outdoor storage of car parts, wrecked cars, or other similar

materials.

3.08.J. Banks and Financial Institutions

3.08.J.1. Where permitted, any drive-through facility shall meet the requirements established in Section 3.10.H. Drive-Through Facilities and any pick-up window facility shall meet the requirements established in Section 3.10.T. Pick-Up Windows.

3.08.J.2. Any Automated Teller Machine(s) (ATM) associated with such facility shall meet the requirements established in Section 3.10.E. Automated Teller Machines (ATM).

3.08.K. Bar / Tavern

3.08.K.1. Such facility shall be a minimum of 200 feet from any residential zoning district, residential lot line, or recorded residential subdivision.

3.08.K.2. Such uses shall meet the noise level standards as established by Table 11.01-1: Maximum Permitted Sound Levels and all lighting requirements as established by Article 5. Outdoor Lighting.

3.08.L. Bed and Breakfast

3.08.L.1. Such dwellings shall meet all applicable codes and resolutions of the Township, County, and State.

3.08.L.2. Occupancy shall be of a transient nature for periods not to exceed one (1) week in duration in any one (1) month by any transient occupant. A guest registry indicating name, address, phone number, vehicle license number, shall be kept indicating dates of arrival and departure of guests and shall be available to the Township for inspection upon request.

3.08.L.3. The owner of any single-family residential structure where a Bed and Breakfast is located must reside at the home.

3.08.L.4. Dwellings shall be suitable in character for the use proposed and shall not be cause for a change in character of the neighborhood.

3.08.L.5. No structure shall be altered or enlarged beyond its existing walls in order to accommodate the Bed and Breakfast use unless otherwise approved by the Board of Zoning Appeals.

3.08.L.6. Parking shall be provided in accordance with Table 7.05-1: Parking Spaces Required.

3.08.L.7. A sign not to exceed six (6) square feet in area may be provided. Such sign may be provided as a ground sign or a wall sign. Any illumination shall be limited to direct source and shall not glare onto adjacent properties or rights-of-way.

3.08.M. Brewery, Distillery, Winery, Cidery

3.08.M.1. Each use shall manufacture and sell alcoholic beverages in accordance with the provisions of the Ohio Division of Liquor Control and shall maintain current licenses as required by said agency.

3.08.M.2. Outdoor storage for such use is only permitted in the EP or EO Districts and shall comply with outdoor storage requirements of Section 3.10.R. Outdoor Storage.

3.08.M.3. All production shall be within completely enclosed structures.

3.08.M.4. Micro-scale uses shall be set back a minimum of 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.M.5. Macro-scale uses shall be set back a minimum of 500 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.M.6. Outdoor dining or gathering areas are subject to the regulations in Section 3.10.P. Outdoor Dining / Food Service Areas.

3.08.M.7. All production shall be within completely enclosed buildings, except exterior storage tanks that hold materials or products associated with the brewing or distilling process must be located in the side or rear yard, unless waived by the Zoning Commission. Such storage tanks shall be subject to the maximum height restrictions of the zoning district they are located within. No signage or identification may be located on such containers unless approved by the Zoning Commission.

3.08.N. Brewpub

3.08.N.1. The area used for brewing, including kegging, shall not exceed 30% of the total floor area of the commercial space.

3.08.N.2. No brewing equipment or storage is permitted on the exterior of the premises.

3.08.N.3. All structures shall be set back a minimum of 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.O. Campgrounds and Recreational Vehicle Parks

3.08.O.1. No recreational park or campground shall be located except with direct access to an arterial or highway and with sufficient frontage thereon to permit appropriate design of entrances or exits.

3.08.O.2. Spaces in recreational vehicle parks or campgrounds may be used by travel trailers, equivalent vehicles, constructed in or on automotive vehicles, tents, or other Short-Term housing arrangements or devices. Spaces shall be rented by the day only, and occupants of such space shall remain in the same recreational park for not more than 14 consecutive days.

3.08.O.3. Management headquarters, recreational facilities, laundry facilities and other uses and structures customarily incidental to the operation of recreational vehicle parks and playgrounds are permitted as accessory uses provided that such uses are restricted in their use to occupants of the park or campground and such uses shall present no usable evidence of their commercial character which would attract customers other than occupants of the park.

3.08.O.4. Toilets, showers and other essential plumbing fixtures shall conform to all applicable Ohio and Clermont County plumbing and health codes.

3.08.O.5. Entrances and exits to recreational vehicle parks and campgrounds shall be designed for safe and convenient movement of traffic and to minimize friction with the free movement of traffic on adjacent streets. All traffic into and out of the park shall be through such entrances and exits. No material impediment to visibility shall be created or maintained which obscures the view of an approaching driver

in the right lane of the street within:

3.08.O.5.a. 100 feet, where the speed limit is less than 45 miles per hour; or

3.08.O.5.b. 150 feet where the speed limit is 45 M.P.H. or more, of any portion of the approach line of the access way within 25 feet of its intersection with the right-hand lane of the street.

3.08.O.6. In connection with a recreational vehicle park or campground, no parking, loading or maneuvering incidental to parking or loading shall be permitted on any public street, sidewalk, right-of-way or public grounds not a part of the recreational vehicle park.

3.08.O.7. Each recreational vehicle site shall be at least one thousand-five hundred (1500) square feet in area. Each site shall contain a stabilized vehicular parking pad or marl, paving or other suitable material.

3.08.O.8. A fifty (50) foot setback with protective screening or fencing shall be required on property boundaries adjacent to a public right-of-way. Those property boundaries adjoining private property shall have a setback of twenty-five (25) feet with protective fencing.

3.08.P. Day Care Center

3.08.P.1. Outdoor play area shall be provided, subject to the following:

3.08.P.1.a. Be directly accessed from the principal structure;

3.08.P.1.b. Be located in the side and / or rear yard; and

3.08.P.1.c. Be enclosed with a fence that meets the regulations of Section 3.10.K. Fences and Walls. When such use is located adjacent to a residential lot line, residential district, or recorded residential subdivision, such fence shall be a solid wood or vinyl opaque at least six (6) foot in height, not to exceed eight (8) feet in height.

3.08.Q. Drive-in Theater

3.08.Q.1. All buildings and structures (excluding fences) shall be at least 100 feet from any property line.

3.08.Q.2. The viewing screen shall not be visible from any public right-of-way within 1,500 feet. In addition, cars parked in the viewing area shall be screened on all sides by a wall, fence or densely planted evergreen buffer not less than six (6) feet in height.

3.08.Q.3. Stacking Space for the vehicles waiting for admission to the theater shall be equal to 20% of the capacity of the theater. All entrances and exits shall be separated, and internal circulation shall be laid out to provide one-way circulation.

3.08.Q.4. Sale of refreshments shall be limited to patrons of the theater. Accessory uses and structures serving the theater shall be accessible only to the patrons of the theater.

3.08.Q.5. Outdoor speakers and noise shall meet noise level requirements as established by Table 11.01-1: Maximum Permitted Sound Levels.

3.08.Q.6. All parking areas and access ways shall be adequately illuminated; provided,

however, that such lighting shall be shielded to prevent any glare or reflection onto a public right-of-way or neighboring properties, as established in Article 5. Outdoor Lighting.

3.08.R. Eating and Drinking Establishment

3.08.R.1. Establishments may include a drive-through facility as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of Table 3.03-1: Use Table and as regulated by Section 3.10.H. Drive-Through Facilities.

3.08.R.2. Establishments may include a pick-up window facility as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of Table 3.03-1: Use Table and as regulated by Section 3.10.T. Pick-Up Windows.

3.08.R.3. Establishments may include outdoor dining / food service as an accessory to the use only in districts where permitted in the Accessory Structures and Uses subsection of Table 3.03-1: Use Table and as regulated by Section 3.10.P. Outdoor Dining / Food Service Areas.

3.08.S. Funeral Homes

3.08.S.1. There shall be adequate facilities for storage and parking of vehicles on the premises for employees, patrons, and visitors. There shall be no loading or unloading on a public street or right-of-way.

3.08.S.2. A detailed circulation plan indicating the outgoing vehicular traffic movement during high volume periods shall be provided as part of the application for such use.

3.08.S.3. Such uses abutting a residential lot line, residential district, or recorded residential subdivision shall be screened with a fence or wall at least six (6) foot in height, not to exceed eight (8) feet in height, subject to Section 3.10.K. Fences and Walls.

3.08.T. Hospital

3.08.T.1. Site area for such facilities shall be at least two (2) acres in size.

3.08.T.2. Maximum site coverage of all buildings shall not exceed ten percent (10%) of the total lot area.

3.08.T.3. All buildings shall be set back from all property lines a minimum distance not less than two (2) feet for each foot of building height.

3.08.U. Hotel / Motel

3.08.U.1. Site area for such facilities shall be at least one (1) acres in size.

3.08.U.2. Maximum site coverage of all buildings shall not exceed 25 percent (25%) of the total lot area.

3.08.V. Institutional Care Facility

3.08.V.1. Institutional Care Facilities shall have direct ingress and egress from an arterial or collector street. Alternatively, a private or commercial street may be approved by the Board of Zoning Appeals for direct ingress and egress. At no time shall a local residential street be used as the principal access point.

3.08.V.2. Such facility shall be treated as a Non-Residential use as it relates to required buffer as established in Table 6.06-1: Buffer Yard Requirements.

3.08.V.3. Except as otherwise required by this zoning code, all buildings shall be set back a minimum of 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.08.V.4. All such uses shall have a minimum lot area of five (5) acres.

3.08.V.5. Maximum lot coverage for such uses shall not exceed 50% for all buildings, including principal and accessory structures.

3.08.V.6. Permitted only where principal access is to a street designated at least a collector.

3.08.W. Parking, Commercial and Fleet Vehicles

3.08.W.1. Parking lots or garages for fleet or commercial vehicles shall be permitted in the EP and EO districts by Conditional Use Permit review and approval procedures of Section 10.06.B. Conditional Use.

3.08.W.2. The business or industry operation that the vehicles serve shall be located within 500 feet of the business or industry operation that it serves.

3.08.W.3. All landscape and buffer requirements outlined in Article 8. Signage shall apply.

3.08.W.4. No signage shall be permitted unless otherwise stated in Section 8.03.C. Exempted Signs.

3.08.X. Recreation or Entertainment Facility, Outdoor

3.08.X.1. Such uses and facilities shall be located at least 200 feet from any residential zoning district.

3.08.Y. Retail Sales and Service, Large-Scale

3.08.Y.1. Large-scale retail establishments shall be accessed from primary thoroughfares and shall be limited to one access point per street frontage, unless specially permitted otherwise by the Clermont County Engineer or ODOT. Site circulation shall be provided with internal access drives that connect developments, buildings, and parking areas.

3.08.Y.2. If there are multiple lots that comprise the overall development, cross access and cross parking agreements shall be established that are agreed upon and executed by all applicable property owners.

3.08.Y.3. The development shall provide continuous internal pedestrian walkways, no less than four (4) feet in width, which are provided from the public sidewalk located in the adjacent road right-of-way to each principal customer entrance of the principal building on the site. The internal walkway on site must feature landscaping, benches and other such materials/facilities for no less than fifty percent (50%) of its length.

3.08.Y.4. Raised sidewalks, no less than eight (8) feet in width shall be provided along the full length of the building and along any façade featuring a customer entrance or which abut public parking areas.

3.08.Y.5. All deliveries, loading, and trash storage or removal shall be conducted behind the

building, in the rear yard.

3.08.Y.6. A minimum of twenty percent (20%) of the development shall be occupied by Open Space or Green Space that may include landscaping or screening areas, drainage features, active and passive recreation areas, and other similar uses.

3.08.Y.7. The development shall contribute to the establishment or enhancement of community and public spaces by providing at least two (2) of the following, which in combination shall make up a minimum of five percent (5%) of the gross floor area of the large retail establishment:

3.08.Y.7.a. Decorative pedestrian plaza with benches;

3.08.Y.7.b. Pocket park;

3.08.Y.7.c. Outdoor playground area;

3.08.Y.7.d. Kiosk or wayfinding area;

3.08.Y.7.e. Water feature;

3.08.Y.7.f. Clock tower; or

3.08.Y.7.g. Other such deliberately shaped area or a focal feature of amenity.

3.08.Y.8. Parking shall be distributed around large buildings on not less than two sides to shorten the distance to other buildings and public sidewalks and to reduce perceived scale of paved surfaces. No single parking area shall exceed 200 spaces unless divided into two or more sub-areas separated from each other by landscaping, access drives or public streets, pedestrian walkways or buildings. If more than sixty-five percent (65%) of the total off-street parking spaces for the entire site are located between the front facade of the principal building and the Primary Street abutting the site, additional landscaping, buffering and raised pedestrian walkway connections are required.

3.08.Y.9. Overnight parking of recreational vehicles and tractor-trailer vehicles anywhere within the site development shall be prohibited.

3.08.Z. Sexually Oriented Business

3.08.Z.1. No such establishment shall be located within 1,000 feet of any religious place of worship, educational facility, day care, park, or recreation use.

3.08.Z.2. No such establishment shall be located within 1,000 feet of any parcel zoned residential or agricultural.

3.08.Z.3. No such establishment shall be located within 1,000 feet of any other Sexually Oriented Business.

3.08.Z.4. All building openings, entry ways, and windows of any building or structure in which a Sexually Oriented Business is located shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public area, sidewalk, or street. For new construction, the building or structure shall be oriented so as to minimize any possibility of viewing the interior from public areas.

3.08.Z.5. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public

from public areas.

3.09. INDUSTRIAL USE REGULATIONS

3.09.A. Building Material Sales and Storage

3.09.A.1. A principal building is required on site and shall be a minimum of 1,500 square feet.

3.09.A.2. Such uses shall be a minimum of 200 feet from any residential lot line, residential district, or recorded residential subdivision.

3.09.A.3. Materials stored outside shall be located in the rear yard and shall comply with the outdoor storage requirements of Section 3.10.R. Outdoor Storage.

3.09.A.4. Any operations conducted outside of the principal structure shall be within an area enclosed on all sides with a solid wall or uniformly opaque fence not less than six (6) feet in height.

3.09.B. Building Trade Sales and Service

3.09.B.1. A principal building is required on site and shall be a minimum of 1,500 square feet.

3.09.B.2. Materials stored outside shall be located in the rear yard and shall comply with the outdoor storage requirements of Section 3.10.R. Outdoor Storage.

3.09.B.3. Any operations conducted outside of the principal structure shall be within an area enclosed on all sides with a solid wall or uniformly opaque fence not less than six (6) feet in height.

3.09.B.4. No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.

3.09.C. Distribution / Fulfillment Center and Warehousing

3.09.C.1. No trailer, camper, manufacturing housing unit, modular office trailer or industrialized units shall be placed on the property for any purpose without Board of Zoning Appeal approval, except related to construction work that requires an active building permit.

3.09.C.2. Fleet vehicle parking shall be to the side or rear of the property on a striped asphalt or concrete paved surface.

3.09.C.3. Fleet vehicle parking areas shall be screened with an opaque, solid wall, fence, or hedge that is at least six (6) feet in height along all sides visible from the public right-of-way and from adjoining residential property.

3.09.C.4. No junk, inoperative, or unlicensed automobiles, or parts, shall be permitted on the property.

3.09.C.5. No outdoor storage of any material or waste shall be permitted on site.

3.09.D. Freight Services, Truck Terminals

3.09.D.1. There shall be no more than 50 commercial vehicles located on the site outside of a completely enclosed building at any one time.

3.09.D.2. All work on vehicles, including but not limited to, cleaning, service, and repair shall be done only inside an enclosed service building.

3.09.D.3. Vehicles shall not be located in any of the minimum required setbacks for the principal structure.

3.09.D.4. All outdoor storage shall be screened from view from adjacent properties and rights-of-way with an opaque, solid wall, fence, or hedge that is at least eight (8) feet.

3.09.E. Junk / Salvage Yard

3.09.E.1. Such uses shall be a minimum of 1,000 feet from any residential lot line, residential district, recorded residential subdivision, education facility, hospital, and public/institution facility.

3.09.E.2. The site shall be a minimum size of 40 acres. The Board of Zoning Appeals shall determine the percentage of the property that should be used for storage or disassembly functions, and the portions that shall be screened from public view.

3.09.E.3. The use shall have direct frontage and ingress / egress to an arterial street.

3.09.E.4. Such uses shall be located within one (1) mile of a state highway, federal highway, or freeway interchange.

3.09.E.5. Such uses must be within a completely enclosed building, or within a solid opaque masonry, brick, or concrete wall with a minimum height of eight (8) feet.

3.09.E.6. No articles shall be stacked or piled so as to exceed the height of the wall.

3.09.E.7. Burning on site is prohibited.

3.09.E.8. Processes involving the use of equipment for cutting, compressing, or packaging shall be conducted within a completely enclosed building.

3.09.F. Laboratory and Research / Development Facility

3.09.F.1. No retail trade with the general public is permitted, and no stock of goods shall be maintained for sale to customers.

3.09.G. Self-Service Storage Facility

3.09.G.1. Minimum lot size is two (2) acres.

3.09.G.2. All storage units within the facility shall gain access from the interior of the building or site.

3.09.G.3. Entire perimeter of such facility shall be enclosed by a fence of at least six (6) feet, not to exceed eight (8) feet. Such fence shall meet the requirements of Section 3.10.K. Fences and Walls as it relates to height and opacity. Perimeter landscape treatments as established by Table 6.06-1: Buffer Yard Requirements shall be installed on the exterior side of such fencing.

3.09.G.4. All storage shall take place within a structure. No outdoor storage is permitted. Recreational vehicles, including campers and boats, may be stored outside, but shall be screened from visibility from rights-of-way and adjacent properties.

3.09.G.5. All buildings on the site shall be set back a minimum of 200 feet from a residential zoning district residential lot line, or recorded residential subdivision, and 3,000 feet from any other Self-Service Storage Facility.

3.09.G.6. No activities other than rental of storage units and pick-up and deposit of dead storage shall be permitted on the premises. Examples of activities that are not permitted include, but are not limited to, auctions, commercial or wholesale sales, repair services, manufacturing or maker space, and recreational uses.

3.09.H. Tow Yard

3.09.H.1. Such uses shall be a minimum of 1,000 feet from any residential lot line, residential district, or recorded residential subdivision.

3.09.H.2. All vehicle storage areas and internal drives must be paved usings asphalt or concrete.

3.09.H.3. No dismantling, scraping, or parts sales are permitted,

3.09.H.4. Vehicles may not be stored more than 90 consecutive days unless otherwise authorized by applicable law enforcement or title processing procedures.

3.09.H.5. No stacking or staging of vehicles shall be visible from any public right-of-way or adjacent property.

3.10. ACCESSORY USES AND STRUCTURES REGULATIONS

3.10.A. General Provisions

Accessory uses or structures shall be permitted, provided that:

3.10.A.1. The building or use is incidental to, and customarily found in connection with, a principal building or use permitted in the district in which it is located.

3.10.A.2. It is subordinate to, and serves, the principal building or use.

3.10.A.3. An owner (or their authorized agent) applies for, and receives a Zoning Certificate, unless otherwise exempted or not required by this section.

3.10.A.4. Unless permitted by the Zoning Commission, or as part of a Planned Development approved by the Board of Trustees, accessory structures and uses shall be prohibited in any open space area that is preserved by a covenant deed restriction or other private agreement.

3.10.B. Accessory Dwelling Units

3.10.B.1. Each parcel shall be limited to one (1) Accessory Dwelling Unit, which shall be subordinate to the principal dwelling unit.

3.10.B.2. The property owner shall demonstrate to the Zoning Inspector that such Accessory Dwelling Unit shall be supported by sanitary sewer or septic as approved by the Clermont County Health Department prior to issuance of a Zoning Certificate.

3.10.B.3. Such structures shall be permanent structures constructed on a permanent foundation or slab. Accessory dwelling units shall not be permitted in a temporary structure, any vehicle, or a structure not constructed on a permanent foundation or slab.

3.10.B.4. Accessory dwelling units shall require at least one (1) designated parking space.

3.10.B.5. The property owner shall be required to live in the principal dwelling unit or the Accessory Dwelling Unit.

3.10.B.6. When Accessory Dwelling Units are within the principal structure, the unit shall be accessible only through common entrances of the principal dwelling unit and shall maintain an interior common pass through the principal dwelling unit. A separate entrance may not be added for the Accessory Dwelling Unit.

3.10.B.7. When Accessory Dwelling Units are located within an accessory structure, the following shall apply:

3.10.B.7.a. Such structure shall be located in the rear yard of the property; and

3.10.B.7.b. Such structure shall meet the minimum side and rear yard setbacks for a principal structure for the subject zoning district as established by Section 4.02. Dimensional Standards.

3.10.B.7.c. Accessory dwelling units shall meet the minimum square footage requirements based on the unit type as established by Table 4.01-1, for Dwelling, Multi-Family (By Unit Type).

3.10.B.7.d. When an accessory structure is used exclusively as an Accessory Dwelling Unit, at no time shall such structure exceed the maximum permitted size for accessory structures as established in Section 3.10.C.2. Accessory Structures in the AG and RR Districts and Section 3.10.C.3. Accessory Structure in the RL and RM Districts.

3.10.B.7.e. Accessory dwelling units may be located in existing accessory structures or co-located in an accessory structure used for other purposes. In such cases, the Accessory Dwelling Unit shall be required to meet the minimum floor area requirements based on type of unit as established in Table 4.01-1, for Dwelling, Multi-Family (By Unit Type). Conversions of portions or entirety of existing accessory structures for use as a secondary dwelling shall meet all county building and health department requirements.

3.10.B.7.f. The use of such structure as a Short-Term Rental is strictly prohibited with the following exception:

- **i.** In the event that the Accessory Dwelling Unit can no longer be used as prescribed by the provisions of Section 3.10.B. Accessory Dwelling Unit, the structure may be used as a Short-Term Rental only when permitted by Table 3.03-1: Use Table for the applicable zoning designation, and the property owner applies for, undergoes, and secures formal Conditional Use approval through the explicit processes established by Section 3.10.W. Short-Term Rentals and Section 10.06.B. Conditional Uses.

3.10.B.8. At no time shall the footprint or floor area devoted to an Accessory Dwelling Unit exceed the footprint or residential floor area of the principal dwelling on the property.

3.10.B.9. A separate address may not be created for the Accessory Dwelling Unit, and mail shall be delivered to one common mailbox already established for the principal dwelling.

3.10.B.10. At no time shall the Accessory Dwelling Unit be permitted to be deeded separately

from the principal dwelling unit.

3.10.C. Accessory Structures

3.10.C.1. General Regulations

3.10.C.1.a. These regulations apply to all accessory structures, except where specified elsewhere in this Zoning Resolution for specific uses, such as fences and Swimming Pools.

3.10.C.1.b. All accessory structures shall be located on the same lot as the principal use and/or structure that it serves.

3.10.C.1.c. No accessory structure shall be located in a platted easement.

3.10.C.1.d. Accessory structures shall only be permitted in yards as specified by district type below. No accessory structure shall be located in the front yard, unless specifically permitted. See specific district regulations established herein.

3.10.C.1.e. Accessory structures shall not be located less than ten (10) feet from other buildings located on the same lot.

3.10.C.1.f. The measurement of accessory structure height shall be consistent with the measurement requirements of Section 4.03.G. Height Measurement.

3.10.C.1.g. Accessory structures may be constructed prior to the principal use as long as a building permit has been issued for the principal use. The maximum time the accessory structure may be used prior to the issuance of a certificate of occupancy for the principal use is six (6) months. An applicant may ask for an additional six (6) month extension, which can be approved by the Zoning Inspector.

3.10.C.1.h. Front decks or porches, and ADA accessible ramps are permitted in the front yard as long as all applicable standards as established by Section 4.02. Dimensional Standards.

3.10.C.1.i. Dog houses, playsets, trampolines, sand boxes, fire pits, sports equipment, hot tubs, and other similar uses, as determined by the Zoning Inspector, are exempt from these regulations and do not require a Zoning Certificate.

3.10.C.1.j. Where the accessory structure is attached to the principal structure, the minimum setback standards for the applicable zoning district shall apply.

3.10.C.1.k. Breezeways used to connect accessory structures to principal structures shall not exceed 15 feet in length, measured from wall to wall. Any distance exceeding 15 feet, shall constitute an extension of the principal structure and therefore meet all applicable standards for a principal structure.

3.10.C.2. Accessory Structures in the AG and RR Zoning Districts

3.10.C.2.a. Accessory structures in the AG and RR district shall be located within the side or rear yard. Accessory structures shall not be located within the minimum required front yard setback for the respective zoning district.

3.10.C.2.b. Agricultural buildings, greenhouses, Swimming Pools, play sets, and other similar uses as stipulated herein are not included in this coverage requirement.

3.10.C.2.c. The maximum height of accessory structures is 25 feet, except as defined in Section 4.03.H. Exceptions to Height Limits.

3.10.C.2.d. Accessory structures shall be set back a minimum of five (5) feet from side property lines, and a minimum of 10 feet from rear property lines.

3.10.C.3. Accessory Structures in the RL and RM Zoning Districts

3.10.C.3.a. Accessory structures in the RL and RM district shall be located within the rear yard.

3.10.C.3.b. The number and coverage of accessory structures is limited to a cumulative 35 percent of the rear yard.

3.10.C.3.c. The maximum height of accessory structures is 15 feet.

3.10.C.3.d. Accessory structures shall be set back a minimum of three (3) feet from side property lines, and a minimum of five (5) feet from rear property lines.

3.10.C.4. Accessory Structures in the Non-Residential Districts

3.10.C.4.a. Accessory structures in non-residential districts shall be located within the side or rear yard. Accessory structures shall not be located within the minimum required front yard setback for the respective zoning district.

3.10.C.4.b. The number and coverage of accessory structures in non-residential districts is limited to a cumulative of 50 percent of the size of the principal structure.

3.10.C.4.c. The maximum height of accessory structures in non-residential districts shall not exceed 25 feet.

3.10.C.4.d. Accessory structures shall be setback a minimum of 10 feet from all side and rear lot lines.

3.10.D. Accessory Uses

Any use which is customarily found in conjunction with, and required for the full utilization and economic vitality of a principal use, is permitted provided that:

3.10.D.1. The use meets the definition of accessory use;

3.10.D.2. The use complies with the applicable standards of this section; and

3.10.D.3. The use complies with any other applicable standards of these Zoning Regulations.

3.10.E. Automated Teller Machines (ATM)

3.10.E.1. ATMs are permitted when incorporated into a drive-through facility, or the principal structure of a bank or financial institution or otherwise principally permitted use.

3.10.E.2. Free-standing ATMs are prohibited unless accessory to, and in association with the established permitted use on the same property.

3.10.F. Automotive Washing / Detailing

3.10.F.1. An accessory automotive wash / detailing facility as an accessory to a principally permitted use is subject to the regulations in Section 3.08.I. Automotive Washing / Detailing.

3.10.G. Day Care Home, Type A and B

3.10.G.1. Day Care Home, Type A and Type B, as defined in this Zoning Resolution and regulated by the Ohio Revised Code, shall be accessory to a principally permitted residential use.

3.10.H. Drive-Through Facilities

3.10.H.1. All drive-through areas, including, but not limited, stacking lanes, trash receptacles, outdoor speakers, drive-up windows and other objects associated with the drive-through area shall be located in the side or rear yard of a property, and shall not cross, interfere with or impede any public right-of-way.

3.10.H.2. Drive-through structures shall be subject to the vehicle stacking requirements of Section 7.17. Off-Street Stacking Spaces.

3.10.H.3. Any canopy structure shall be constructed of the same materials used on the principal building.

3.10.H.4. Audible electronic devices such as loudspeakers, automobile service order devices and similar instruments shall be set back a minimum of 200 feet from any residential use.

3.10.H.5. All signage shall comply with Article 8. Signage.

3.10.H.6. An opaque, solid wall, fence or hedge that is at least six (6) feet in height shall be located along all property lines that abut a residential property.

3.10.I. Drop-Off Receptacles

3.10.I.1. A maximum of one (1) charitable drop-off receptacle is permitted per lot.

3.10.I.2. No items shall be permitted to accumulate outside of the receptacle. All items shall be completely within the enclosed receptacle.

3.10.I.3. The receptacle and the immediate surrounding area shall be kept clean and free from trash and debris and shall be emptied on a regular schedule to prevent overflow.

3.10.I.4. The owner of the receptacle shall be clearly identified on the receptacle along with the applicable contact information, a pick-up schedule, and a list of the items that may be collected.

3.10.I.5. The receptacle shall not impede motorists' drive aisles or sight-distance triangles, or pedestrian walkways.

3.10.I.6. The receptacle shall be placed on a paved surface.

3.10.I.7. The receptacle shall be screened at a minimum on three (3) sides to a height that fully screens the use unless otherwise required in this resolution. Screening shall be accomplished by the use of hedges, walls, or decorative fence that provides full opacity screening.

3.10.I.8. The receptacle shall be no larger than five (5) feet wide, five (5) feet deep, or six (6) feet tall (150 cubic feet).

3.10.J. Electric Vehicle Charging Stations

3.10.J.1. Charging stations shall be reserved, and designated, for the charging of electric motor vehicles only. Information regarding amperage and voltage levels, time

limits, cost, towaway provisions, and contact information shall be posted in parking spaces designated for charging stations.

3.10.J.2. Where permitted, EV charging stations may be located in any yard, but shall meet the setback requirements of Article 7. Parking, Loading, and Circulation.

3.10.J.3. EV charging stations shall not interfere with vehicle, bicycle, or pedestrian access and circulation, or with required landscaping.

3.10.K. Fences and Walls

Fences and walls are subject to the following regulations:

3.10.K.1. Location Permitted

Fences, walls, and hedges shall meet the following:

Table 3.10-1: Fence and Wall Dimensional Standards

	Front Yard[1]	Side Yard	Rear Yard
Agricultural and Residential Districts			
Max Height	4′	8′	8′
Max Opacity	50%	100%	100%
Non-Residential Districts			
Max Height	6′	8′	8′
Max Opacity	50%	100%	100%

[1] See Section 3.10.K.2.Fences in Front Yards

3.10.K.2. Fences in Front Yards

3.10.K.2.a. Interior Lots, Corner Lots, and Through Lots

Fences located within the minimum required front yard setback for the applicable zoning designation shall be deemed fencing in the front yard, and the maximum fence height and opacity for front yards as listed in Table 3.10-1: Fence and Wall Dimensional Standards shall apply as illustrated in Figures 3-2; 3-3; and 3-4 in Section 3.10.K.2.d. Yards Permitted by Lot Type.

i. Fences located within the front yard but set back farther from the front property line than the minimum front yard setback for the zoning district, and still located in front of the principal structure, shall not exceed the maximum fence height and opacity permitted for side yards as illustrated in Figures 3-2; 3-3; and 3-4 in Section 3.10.K.2.d.Yards Permitted by Lot Type.

3.10.K.2.b. Panhandle Lots

For panhandle lots only, a fence may be located within the front yard, as illustrated in Section 3.10.K.2.d.Yards Permitted by Lot Type, provided that its height does not exceed the maximum permitted for a rear yard fence in the applicable zoning district when the front lot line abuts the rear lot line of an adjoining interior lot as illustrated in Figure 3-5 in Section 3.10.K.2.d.Yards Permitted by Lot Type.

3.10.K.2.c. Standards Applicable to All Front Yard Fences

All front yard fences shall meet the following standards to ensure adequate access for emergency service vehicles and personnel:

i. Any fence or gate installed across a driveway shall provide a minimum clear width of 14 feet and a minimum vertical clearance of 14 feet to accommodate emergency service vehicles and equipment. Such gates shall be equipped with an approved emergency access mechanism (lock box, keypad, or similar device) allowing entry by authorized emergency personnel.

ii. A minimum 36-inch wide gate shall be installed for pedestrian access in any front yard fence. The pedestrian gate shall be located in close proximity to the primary entrance of the dwelling, as approved by the Bethel-Tate Fire Department.

iii. Where a property is enclosed by fencing that restricts access to the rear yard, a minimum 36-inch wide gate shall be installed as close to the driveway as practicable to allow emergency personnel access to the rear yard without entry through the residence.

3.10.K.2.d. Yards Permitted by Type

The following figures illustrate the defined front, side, and rear yards for interior lots, corner lots, through lots, and panhandle lots as it relates to fence height and opacity as established by Table 3.10-1: Fence and Wall Dimensional Standards.

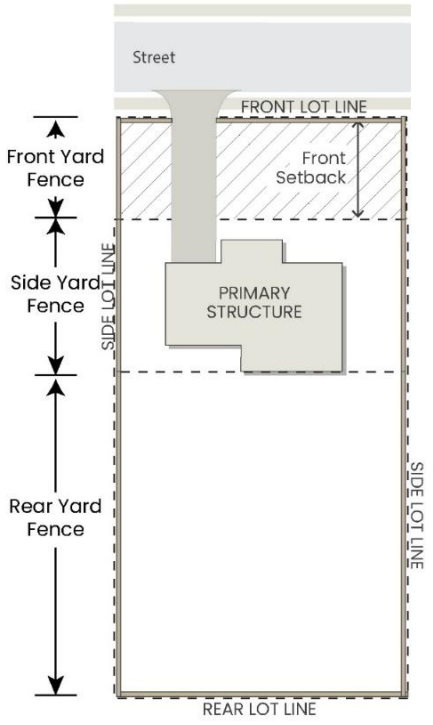


Figure 3-2: Interior Lot Fences

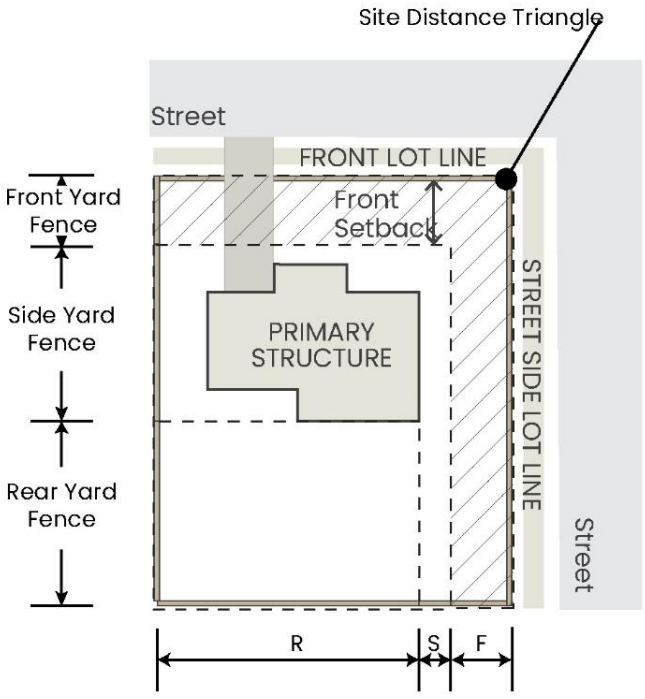


Figure 3-3: Corner Lot Fences

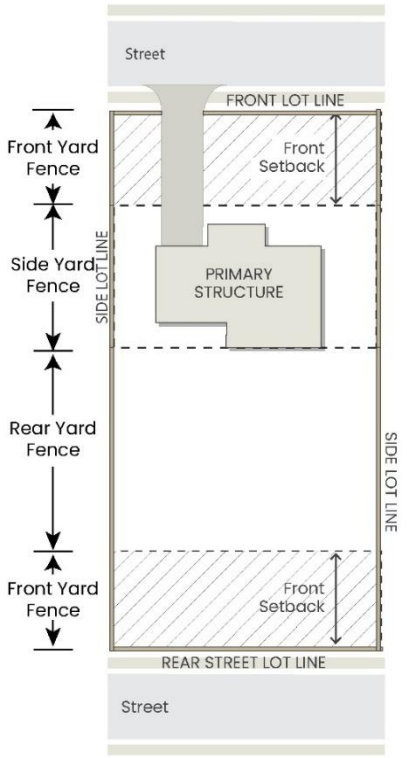


Figure 3-4: Through Lot Fences

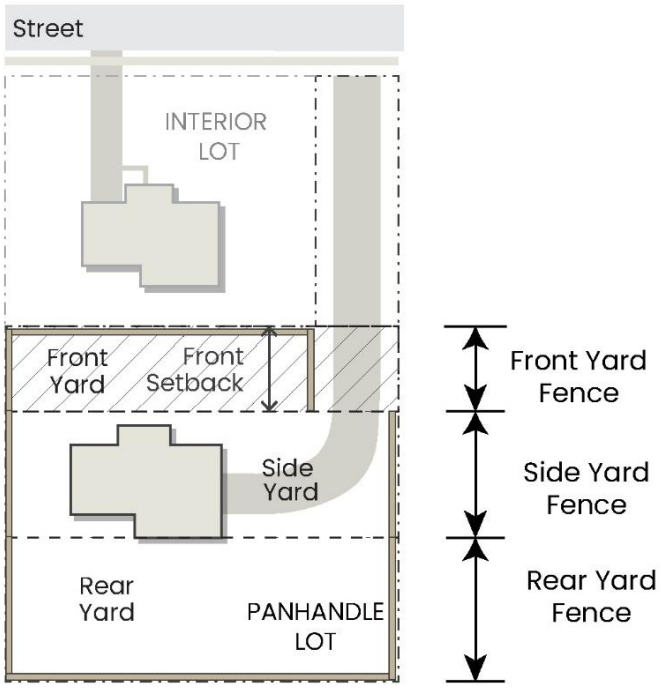


Figure 3-5: Panhandle Lot Fences

3.10.K.3. Prohibited Locations

Fences shall not be located within the defined clear vision zone or sight distance triangle.

3.10.K.4. Materials and Construction

3.10.K.4.a. Fences shall be constructed of materials that may include cedar, pressure treated lumber, vinyl, wrought iron, aluminum, or similar materials as determined and approved by the Zoning Inspector, with the following exception:

i. Chain link fences shall be prohibited in the CR, CL, and CC districts unless such fence is not visible from the public right-of-way or adjacent properties.

3.10.K.4.b. The use of barbed wire fences shall be prohibited unless for an exempted agricultural use, or for security purposes for an industrial use as established by Table 3.03-1: Use Table and as approved by the Board of Zoning Appeals.

3.10.K.4.c. All Fences and Walls must be erected so that the finished side faces outward, and the rough or unfinished side faces interior to the property being enclosed. All structural members, support beams, and wire mesh lining shall be located interior to the fenced area.

3.10.K.4.d. Fence post finials or decorative post caps are permitted to extend a maximum of six (6) inches above the maximum height of any permitted fence.

3.10.K.4.e. Landscape mounds may be constructed in lieu of or as part of a fence, wall, or hedge row in accordance with these provisions. In no case shall such mound or combination of mound and fence, wall, or hedge row be constructed to a height that exceeds the maximum permitted height of fence, wall, or hedge row as established in this section, unless otherwise permitted or required in this resolution.

3.10.K.5. Permit Required

3.10.K.5.a. The installation of any fence requires a zoning certificate issued by the Tate Township Zoning Inspector, unless otherwise exempted under Section 3.10.K.7. Exempted Fences.

3.10.K.5.b. It shall be the responsibility of the applicant to obtain any required building permit through Clermont County for fences that exceed six (6) feet in height prior to installation of such fence.

3.10.K.6. Maintenance and Upkeep

3.10.K.6.a. When fences are set back from the property line, the area between the exterior facing side of the fence and the property line shall be maintained by the subject property owner. This area shall be kept free of high grass, weeds, and debris, and shall be kept in good repair.

3.10.K.6.b. When fences are erected up to the property line, it remains the responsibility of the subject property owner to maintain the exterior facing façade of the fence

in good repair.

3.10.K.6.c. Fences located on the division line between two properties shall be subject to the construction, maintenance, or financial responsibility standards established by ORC Chapter 971 for partition fences.

3.10.K.6.d. For fences within the front yard setback, a maximum of 50% opacity shall be maintained. Clear visibility shall be maintained between 36" and 48" to ensure clear sight distance.

3.10.K.7. Exempted Fences

3.10.K.7.a. Decorative landscape fences less than three (3) feet in height around landscape and/or planting beds, and do not require the setting of posts, shall not require a Zoning Certificate.

3.10.K.7.b. Fences for used agricultural purposes as defined by ORC Section 519.21.

3.10.L. Home Occupation

3.10.L.1. General Regulations

3.10.L.1.a. Zoning Certificates

- **i.** A Zoning Certificate shall not be required for a "Home Occupation, Home Office" (Tier 1).
- **ii.** A Zoning Certificate shall be required for a "Home Occupation, Minor" (Tier 2).
- **iii.** A Conditional Use Permit is required and shall be issued by the Board of Zoning Appeals for a "Home Occupation, Major" (Tier 3).
- **iv.** All Zoning Certificates and Conditional Use Permits issued for Home Occupations shall be renewed by the applicant on an annual basis. Renewal applications may be reviewed and approved by the Zoning Inspector. At the discretion of the Zoning Inspector, such renewal may be referred to the Board of Zoning Appeals for review and approval when any of the following conditions apply:
  - **(A).** There has been a change in scope or nature of the Home Occupation;
  - **(B).** Written complaints have been filed against the Home Occupation; or
  - **(C).** The Zoning Inspector has determined that review by the Board of Zoning Appeals is warranted based on the nature, intensity, or potential impacts of the Home Occupation.

3.10.L.1.b. Non-Transferability

A home occupation permit is non-transferable. A new home occupation permit shall be required upon any change in:

- **i.** The nature of the home occupation;
- **ii.** The occupant operating the home occupation; or

iii. The address of the operation.

3.10.L.1.c. Retail Activity

i. Retail sales on the premises shall be limited to handmade items, including crafts made in the home, and goods sold in conjunction with a service provided on site.

ii. Goods, products, or commodities purchased for the primary purpose of resale shall not be sold at retail or wholesale on the premises, stored, or displayed on the premises, or distributed to other locations, unless associated with an agricultural use or a permitted Roadside Stand as established by Section 3.10.U. Roadside Stands.

iii. These provisions do not prohibit the storage of goods sold through mail-order or online sales, provided such storage does not violate other provisions of these regulations.

3.10.L.1.d. Area Limitation

i. The home occupation shall be clearly incidental and subordinate to the dwelling's residential use.

ii. No more than 50% of the principal dwelling floor area shall be used for the home occupation. If located in an accessory structure, that floor area may be counted toward the 50% limit.

3.10.L.1.e. Location

Home occupations shall be conducted only within:

i. The principal dwelling unit (including the basement and attached garage); and/or

ii. In the case of Home Occupation, Minor (Tier II), and Home Occupation, Major (Tier III), one (1) roofed, fully enclosed accessory structure located on the same parcel as the principal residence.

3.10.L.1.f. Alteration of Structures

No structural alterations shall be made that changes the residential character of the dwelling if no home occupation were present.

3.10.L.1.g. Parking

Any parking required for such operation shall be provided on-site and shall not alter the residential character of the lot.

3.10.L.1.h. Products and Processing

With the exception of arts and crafts created on site for individual orders, no goods, samples, materials, or products shall be sold, stored, displayed, manufactured, or processed on site.

3.10.L.1.i. Performance Standards

i. The home occupation shall not produce odor, vibration, fumes, glare, or electrical interference beyond what is typical for residential uses.

ii. No equipment or process shall cause visual or audible interference in off-site radio/television reception or cause voltage fluctuations off-site.

iii. No electrical or mechanical equipment or processes shall change the fire rating of the dwelling unit.

3.10.L.1.j. Prohibited Home Occupations

The following operations shall be prohibited as home occupations:

i. Medical or dental offices (except psychiatry/psychology, and telehealth);

ii. Private clubs;

iii. Eating and drinking establishments;

iv. Fortune telling and similar;

v. Health spas (excluding personal trainers and massage therapists);

vi. Hotels / Motels;

vii. Wholesale establishments; and

viii. Any use not specifically listed above, but exhibits characteristics of a listed prohibited operation, and which is determined to cause a negative impact on the residential character of the vicinity. Determinations shall be appealable to the Board of Zoning Adjustments.

ix. Agriculture-related home-based processing and micro-processing, unless such use is in compliance with ORC Chapter 519.01.

3.10.L.2. Home Occupation, Home Office (Tier 1)

A Home Office, as an accessory use, shall be permitted in a dwelling unit subject to the following:

3.10.L.2.a. The primary use of the property must remain residential. The home office business operator must reside within the dwelling unit.

3.10.L.2.b. The operator of the home office business does not employ for the business anyone not residing on the premises.

3.10.L.2.c. The home office shall be conducted entirely within the principal structure. No structural additions, exterior alterations, signs or separate entrances may be made to accommodate the operation.

3.10.L.2.d. No home office shall be conducted in an accessory building as established by Section 3.10.L.1.e. Location, unless approved by the Board of Zoning Appeals.

3.10.L.2.e. Clients or customers are not permitted to visit the premises for business purposes. There shall be no direct sales or distribution of merchandise, commodities, or wares from the premises.

3.10.L.2.f. The business shall not result in increased traffic on-street parking demand, or congestion beyond what is typical for the surrounding area.

3.10.L.2.g. There shall be no exterior storage related to such operation.

3.10.L.2.h. No equipment or process shall be used which will create any dust, noise,

vibration, glare, fumes, odors, or electrical interference beyond the lot or otherwise inconsistent with typical residential uses.

3.10.L.3. Home Occupations, Minor (Tier 2)

Minor Home Occupations shall be approved by the Zoning Inspector, subject to the following:

3.10.L.3.a. No person other than a resident of the dwelling shall be engaged or employed in the home occupation.

3.10.L.3.b. Home Occupation, Minor may be conducted in an accessory building as established by Section 3.10.L.1.e. Location.

3.10.L.3.c. No visible exterior evidence of the home occupation shall be permitted, with the exception of one (1) sign subject to the standards of Section 8.07.B. Wall Signs and Section 8.07.C. Freestanding Signs for the applicable zoning district.

3.10.L.3.d. No advertising shall contain the property address.

3.10.L.3.e. The number of students or clients shall not exceed two (2) at any one (1) time, with the exception of group or professional therapy, which may allow up to four (4) individuals at any one (1) time.

3.10.L.3.f. The use shall not require additional off-street parking or generate traffic beyond what is typical for a residential dwelling.

3.10.L.4. Home Occupation, Major (Tier 3)

Major Home Occupations shall require a Conditional Use Permit from the Board of Zoning Appeals and shall comply with the following standards. As part of the Conditional Use Review, the Board of Zoning Appeals shall have the authority to modify or waive specific operational standards in the following sub-sections 3.10.L.4 based on parcel size, surrounding land use, and site-specific compatibility on a case-by-case basis:

3.10.L.4.a. Employees shall be limited to residents of the dwelling unit, except that two (2) non-resident employees or volunteers may be present at any one (1) time, or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.L.4.b. Home Occupation, Major may be conducted in an accessory building as established by Section 3.10.L.1.e. Location.

3.10.L.4.c. The number of customers, students, clients, or patrons shall not exceed two (2) at any one (1) time, with the exception of group or professional therapy, which may allow up to four (4) individuals at any one (1) time, or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.L.4.d. Occupations that include personal services (barber or beauty shops, licensed massage therapist, psychiatry, and similar) shall be limited to one (1) chair, booth, or treatment station, or as otherwise determined by the Board of Zoning Appeals.

3.10.L.4.e. Overlapping appointments shall not exceed the patron occupancy limits established by this section, or as otherwise determined by the Board of Zoning

Appeals.

3.10.L.4.f. Hours of operation for such occupations with on-site patrons shall be between the hours of 7:00 a.m. and 9:00 p.m., or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.L.4.g. No non-resident employee may operate on-site between the hours of 9:00 p.m. and 7:00 a.m., or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.L.4.h. One (1) sign subject to the standards of Section 8.07.B. Wall Signs and Section 8.07.C. Freestanding Signs for the applicable zoning district may be permitted on the premises, or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.L.4.i. Deliveries associated with the home occupation shall not be made using tractor-trailers. No more than two (2) commercial deliveries (including, but not limited to, UPS, Federal Express, and U.S. Postal Service Express Mail) shall be made within any 24-hour period, or as otherwise determined appropriate by the Board of Zoning Appeals.

3.10.M. Keeping of Bees (Apiculture)

3.10.M.1. Applicability

The following provisions shall apply exclusively to residential uses on properties less than one (1) acre in size within the RR, RL, and RM districts. Pursuant to ORC Section 519.21 and Section 3.05.A. Agricultural Exemptions, these provisions shall not apply to:

3.10.M.1.a. Properties greater than one (1) acre in size,

3.10.M.1.b. Agricultural uses within any zoning district or

3.10.M.1.c. Any properties within an AG district, as established in ORC Section 519.21 and Section 3.05.A. Agricultural Exemptions.

3.10.M.2. General

3.10.M.2.a. Standards by Lot Size

The keeping of honeybees on residential lots is restricted based on total lot acreage as established in Table 3.10-2: Keeping of Bees Per Lot Size.

Table 3.10-2: Keeping of Bees Per Lot Size

Lot Size	Regulated by:	Max # of Colonies
Less than one-half (0.5) acres	Prohibited	
0.51 – 1.00 acre	3.10.M.2.b	2
1.00 acres or greater	Exempt	

3.10.M.2.b. Placement and Screening

i. Such colonies shall be located in the rear yard of the property.

ii. A continuous, solid privacy fence or dense hedgerow measuring at least six (6) feet in height must be located parallel to the property line.

iii. The barrier must extend at least ten (10) feet beyond the colony

footprint in all directions to direct the flight path of the bees upward and away from adjacent residential properties.

3.10.N. Keeping of Farm Animals

3.10.N.1. Applicability

The following provisions apply to residential uses within the RR, RL, and RM districts. Pursuant to ORC Section 519.21 and Section 3.05.A. Agricultural Exemptions, these provisions shall not apply to:

3.10.N.1.a. Agricultural uses within any zoning district;

3.10.N.1.b. All properties within the AG, Agricultural zoning district; and

3.10.N.1.c. Domestic pets or non-crowing fowl (as established by Section 3.10.O. Keeping of Fowl (Non-Crowing)).

3.10.N.2. Animal Units

3.10.N.2.a. The number of animals required to equal one (1) "Animal Unit" is established in Table 3.10-3: Farm Animal Type and Unit. For any animal species not listed below, the Board of Zoning Appeals (BZA) shall determine the applicable animal unit calculation based on the potential impact of the animal.

Table 3.10-3: Farm Animal Type and Unit

# AND TYPE OF ANIMAL	# OF ANIMAL / UNIT
Cattle	2
Horse, Mule or Donkey	2
Llamas or Alpacas	2
Ponies	2
Sheep	4
Swine	4
Goats	4

3.10.N.2.b. The type and number of animal units permitted per lot size is as established in the table below:

Table 3.10-4: Farm Animal Units Per Lot Size

Lot Size	Animal Types Permitted	Max # of Animal Units
Less than one (1) acre	n/a	n/a
1.01 – 1.99 acres	Sheep, Swine, Goats	1 animal unit / fenced acre
2 acres or greater	All types listed	

3.10.N.3. Sheltering Structures and Outdoor Areas

3.10.N.3.a. All animals shall be kept in a sheltering structure or fenced area at all times and shall comply with the following regulations:

3.10.N.3.b. Animal sheltering structures and outdoor areas shall be located in the side or rear yard of the property when accessory to a principal use.

3.10.N.3.c. Animal shelters shall meet the minimum setback requirements as established by Table 3.10-5: Sheltering Structures Setback Standards.

3.10.N.3.d. Animal sheltering structures shall be located within, or with direct access to, a fenced outdoor area.

3.10.N.3.e. Animal sheltering structures shall be designed to minimize the effects of

adverse weather, provide adequate ventilation, and a clean and safe environment that promotes the health and welfare for the animal(s), and shall provide enough space for the animal(s) to stand, lie down, and turn around.

Table 3.10-5: Sheltering Structures Setback Standards	
Type of Structure	**Minimum Setback (Feet)**
Structures for birds or fowl	10
Structures for domestic pets	10
Structures for all other animal units	50

3.10.N.3.f. This use shall not create a nuisance, disturb the peace, or create unsanitary conditions for either the animals or the owners/occupants of nearby properties. Doing so shall constitute a violation of these Zoning Regulations.

3.10.O. Keeping of Fowl (Non-Crowing)

3.10.O.1. Applicability

The following provisions shall apply exclusively to residential uses on properties less than one (1) acre in size within the RR, RL, and RM districts. Pursuant to ORC Section 519.21 and Section 3.05.A. Agricultural Exemptions, these provisions shall not apply to:

3.10.O.1.a. Properties greater than one (1) acre in size;

3.10.O.1.b. Agricultural uses within any zoning district; or

3.10.O.1.c. Any properties within an AG district, as established in ORC Section 519.21 and Section 3.05.A. Agricultural Exemptions.

3.10.O.2. General

3.10.O.2.a. Fowl may be raised or kept for a resident owner's use on single- and two-family dwelling unit properties.

3.10.O.2.b. No more than six (6) fowl are permitted per property less than one (1) acre. The raising or keeping of roosters shall be prohibited on lots less than one-half (1/2) acre in size.

3.10.O.2.c. Fowl shall be kept in a covered, predator-proof coop that is thoroughly ventilated and designed to be easily accessed, cleaned, and maintained.

3.10.O.2.d. Fowl shall have access to an outdoor enclosure that is adequately fenced to contain the animals on property.

3.10.O.2.e. Fowl coops shall only be permitted in the side or rear yard and shall meet the setbacks for accessory structures.

3.10.O.2.f. No person shall keep and raise fowl in a manner as to create a nuisance due to excessive noise, improper care, maintenance, or sanitation conditions.

3.10.P. Outdoor Dining / Food Service Areas

3.10.P.1. Outdoor cafes or food service areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking area. Outdoor cafes and food service areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café / food service area and the principal building.

3.10.P.2. Outdoor café and food services areas wider than four (4) feet shall be surrounded by railings or other means of delineation as determined acceptable by the Zoning Inspector that separates the eating area from the sidewalks or vehicular traffic.

3.10.P.3. Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.

3.10.P.4. Enclosing outdoor cafes or food service areas either by permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new Zoning Permit.

3.10.P.5. Temporary walls / tents shall require the issuance of a Zoning Permit and shall only be permitted during winter months (November – April). Temporary walls / tents shall be constructed of quality materials and supported with a framing structure, subject to approval by the Zoning Inspector, Clermont County Building Inspector, and the Fire Department.

3.10.P.6. Any utilization of speakers for music, live music, televisions, projecting screens, or other similar noise-producing elements must comply with the noise control standards as established in Article 11. Performance Standards.

3.10.Q. Outdoor Displays and Sales

3.10.Q.1. These provisions apply to outdoor display and sale areas that are accessory to a principal use and shall not apply to uses where outdoor display or sale is the principal use (e.g., automotive sales, equipment rental, etc.).

3.10.Q.2. Outdoor display and retail areas shall not be located within the public right-of-way, nor shall it interfere with parking or the safe and unobstructed view of pedestrian or vehicular traffic.

3.10.Q.3. A minimum pathway in areas used for outdoor displays and sales shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five (5) feet, or the width required to meet the minimum standards of the Americans with Disabilities Act.

3.10.Q.4. Outdoor display and sales may be located in the front, side, or rear yard.

3.10.Q.5. Area designated for outdoor display and sales shall not exceed 15% of the gross floor area of the principal structure.

3.10.Q.6. Outdoor displays and sales areas shall only be permitted within 20 feet of the principal building subject to the standards of this section.

3.10.R. Outdoor Storage

3.10.R.1. All outdoor bulk storage or display shall require a Zoning Permit and shall be illustrated on the corresponding site plan.

3.10.R.2. A minimum pathway in areas used for outdoor storage shall be provided to allow for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of five (5) feet, or the width

required to meet the minimum standards of the Americans with Disabilities Act, Clermont County Building Department, whichever is greater.

3.10.R.3. Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood material, or materials used in the principal building, shall be used for the fencing. Other materials may be permitted if the applicant can demonstrate that they are in-kind with the materials listed in this section.

3.10.R.4. Black plastic-coated chain link fencing shall only be permitted where the fencing is not visible from any public rights-of-way or residential uses.

3.10.R.5. Outdoor storage or display of large products that exceed 20 pounds, including, but not limited to, mulch (bag or bulk), concrete, salt, vehicles for sale, or other similar products that cannot be easily carried into the store for purchase shall be classified as outdoor storage subject to the following requirements:

3.10.R.5.a. Outdoor storage shall be prohibited on vacant lots.

3.10.R.5.b. Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard.

3.10.R.5.c. All outdoor storage areas shall be screened from view of the public right-of-way by a six (6) foot fence in conformance with this section.

3.10.S. Parking and Storage of Recreational Vehicles and Equipment

The following requirements shall apply to the storage of recreation vehicles, trailers, boats, or other similar vehicles or equipment in residential zoning districts:

3.10.S.1. In all residential districts, on lots less than five (5) acres in size, all recreational vehicles and equipment shall not be parked or stored in any front, side, or rear yard area unless parked on an improved parking surface. In no cases shall the vehicle be stored on grass or unimproved surface.

3.10.S.2. In the AG, Agricultural and RR, Residential Rural Districts, on lots five (5) acres or more, all recreational vehicles and equipment shall not be parked or stored within the minimum required front yard setback. Such vehicles may be parked in the on an improved surface in the front yard when located outside of the minimum required front yard setback.

3.10.S.3. No vehicle with more than two axles, and requiring a commercial driver's license, shall be parked or stored in any residential zoning district under one and one-half (1 ½) acres for a period greater than 48 hours unless within an enclosed building.

3.10.S.4. No junk, salvage, or inoperable vehicle, or vehicle without a current license, shall be parked or stored on any lot, unless parked within a completely enclosed structure.

3.10.S.5. Parking and storage must comply with all applicable setback, height, and bulk requirements of the zoning district.

3.10.S.6. No vehicles shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use.

3.10.T. Pick-Up Windows

Any use that proposes to utilize a pick-up window, where permitted, shall meet the following requirements:

3.10.T.1. All pick-up areas, including, but not limited to, stacking lanes, trash receptacles, window openings, and other objects associated with the pick-up window, shall be located in the side or rear of a property, and shall not interfere with, or impede any public right-of-way.

3.10.T.2. Audible electronic devices, such as loudspeakers, automobile service order devices, and similar instruments, shall not be permitted.

3.10.T.3. Pick-Up Windows are subject to all vehicle stacking requirements of Section 7.17. Off-Street Stacking Spaces.

3.10.T.4. All signage associated with such facility shall comply with Article 8. Signage.

3.10.U. Roadside Stands

3.10.U.1. The primary source of retail sales shall be limited to products raised, cultivated, or produced on premises, or raised, cultivated, produced locally or in the immediate vicinity. Other goods may be sold but may not be the primary source of products sold on premises.

3.10.U.2. Permanent structures shall not exceed 300 square feet and shall be set back a minimum of 35 feet from all lot lines and public right-of-way.

3.10.U.3. Temporary structures shall not exceed 150 square feet and shall be set back a minimum of 20 feet from all lot lines and public right-of-way.

3.10.U.4. No part of the operation shall encroach within any public right-of-way.

3.10.V. Short-Term Lodging, Outdoor

The following standards shall apply to Outdoor Short-Term Lodging as defined in Article 13. Definitions:

3.10.V.1. Permits and Renewals Required

3.10.V.1.a. Such uses shall require Conditional Use Approval by the Board of Zoning Appeals as established by Section 10.06.B. Conditional Use. The Board of Zoning Appeals shall take the following considerations when reviewing a Short-Term Lodging Conditional Use application:

- **i.** The number and concentration of outdoor Short-Term lodging uses, if any, within the general vicinity of the property being considered for such use.
- **ii.** The number and concentration of outdoor Short-Term lodging units on site, and the proximity to buildings and uses on adjacent properties.
- **iii.** Demonstrated compliance record of the applicant if they operate other Short-Term Lodging or Short-Term Rentals in Tate Township.
- **iv.** The occupancy rate of other outdoor Short-Term lodging uses in the general vicinity, including those operated by the applicant.
- **v.** Whether other Short-Term Rentals in the general vicinity have been cited as a nuisance, including those operated by the applicant.

3.10.V.1.b. All Short-Term lodging hosts must submit an annual registration form to the Zoning Inspector.

3.10.V.1.c. Short-term lodging shall be required to renew its zoning certificate license on an annual basis and comply with any applicable business license, transient room, and local taxes requirements.

3.10.V.1.d. If the Short-Term lodging use ceases operations they shall notify the Zoning Inspector in order to keep an up-to-date record of operating Short-Term Rentals within the Township.

3.10.V.2. General Regulations

3.10.V.2.a. Sites shall be a minimum of 10 acres in size, and location of such use shall be in the rear yard of the property.

3.10.V.2.b. The number of lodging units on a site shall not exceed one (1) Short-Term lodging unit per half-acre, or 15 per property, whichever is less.

3.10.V.2.c. Each lodging unit shall have at least one (1) designated and delineated parking space. Such space shall not be on a grass or unimproved surface.

3.10.V.2.d. All lodging units must be owned by the operator of such facility and provided to guests. Guest provided tents or RVs are not permitted unless separately authorized as a campground use.

3.10.V.2.e. Each such use shall provide an on-site potable water, sanitary sewer/septic, and solid waste disposal as approved by the Clermont County Health Department.

3.10.V.2.f. Maximum guest stay duration shall not exceed 28 consecutive days.

3.10.V.2.g. Common gathering spaces, recreational amenities, or food service facilities may be permitted in conjunction with such facility as approved by the Board of Zoning Appeals. Such ancillary facilities shall be for use by guests and not open to the general public.

3.10.V.2.h. Such lodging units shall not be permanent dwelling units, and shall not be located within existing permanent dwelling units or Accessory Dwelling Units.

3.10.V.2.i. An on-site manager or caretaker shall be available during guest occupancy.

3.10.V.2.j. Such use shall incorporate quiet hours from 10:00 p.m. to 7:00 a.m.

3.10.V.2.k. Outdoor fires shall be subject to review and approval by the Bethel-Tate Fire Department and shall be limited to designated fire pits.

3.10.W. Short-Term Rentals

The following standards shall apply to Short-Term Rentals within principal or accessory structures:

3.10.W.1. Permits and Renewals Required

3.10.W.1.a. All Short-Term Rentals shall require Conditional Use Approval by the Board of Zoning Appeals as established by Section 10.06.B. Conditional Use. The Board of Zoning Appeals shall take the following considerations when reviewing a Short-Term Rental Conditional Use application:

i. The number and concentration of Short-Term Rentals, if any, within the general vicinity of the property being considered for such use.

ii. Demonstrated compliance record of the applicant if they operate other Short-Term Rentals in Tate Township.

iii. The occupancy rate of other Short-Term Rentals in the general vicinity, including those operated by the applicant.

iv. Whether other Short-Term Rentals in the general vicinity have been cited as a nuisance, including those operated by the applicant.

3.10.W.1.b. All Short-Term Rental hosts must submit an annual registration form to the Zoning Inspector.

3.10.W.1.c. A Short-Term Rental shall be required to renew its zoning certificate license on an annual basis and comply with any applicable business license, transient room, and local taxes requirements.

3.10.W.1.d. If the Short-Term Rental ceases operations they shall notify the Zoning Inspector in order to keep an up-to-date record of operating Short-Term Rentals within the Township.

3.10.W.2. General Provisions

3.10.W.2.a. The Dwelling Unit shall be limited to a single Short-Term Rental contract at a time.

3.10.W.2.b. The maximum number of persons residing in the Short-Term shall not exceed two (2) times the number of bedrooms plus four (4) individuals.

3.10.W.2.c. The maximum stay for a Short-Term Rental shall be 28 consecutive days for the same occupant.

3.10.W.2.d. No food or alcoholic beverages shall be prepared for or served to the guest by the host.

3.10.W.2.e. Outdoor signage in conjunction with the Short-Term Rental is prohibited.

3.10.W.2.f. If the Short-Term Rental is not the primary residence of the host, they shall provide information on how to be contacted by phone, email, and address. This information shall be provided in a conspicuous location within the Short-Term Rental.

3.10.W.2.g. Hosts shall provide one (1) parking space per Short-Term Rental contract.

3.10.W.2.h. Short-Term Rentals shall not be utilized for private or commercial special events in which the number of participants exceeds the maximum occupancy limit, such as parties, weddings, concerts, or the like.

3.10.W.2.i. Detached accessory structures may be used as a Short-Term Rental only in a permitted detached Accessory Dwelling Unit. Such structure shall be permanently constructed on a foundation or slab and shall not be permitted in a temporary structure or any vehicle or structure not constructed on a permanent foundation or slab.

3.10.W.2.j.

3.10.W.2.k. Multi-Family buildings under common ownership shall not operate more than 50% of the dwelling units as a Short-Term Rental. This does not apply to condominiums where dwelling units are individually owned.

3.10.W.3. Enforcement and Penalties

3.10.W.3.a. Any person who violates any of the provisions of Section 3.10.W. Short-Term Rentals shall be deemed guilty of a violation and shall be issued a Notice of Violation and subject to the Enforcement and Penalty processes and procedures established in Section 10.07. Violations and Penalties.

3.10.W.3.b. Hosts who remain in violation after the prescribed time frame for correction shall have their license revoked. Continued operation of a Short-Term Rental in violation of this ordinance may result in legal action instituted against the violator in a Court of appropriate authority.

3.10.X. Solar Panels, Accessory

Solar panel systems accessory to and intended to serve the site on which it is located are subject to the standards established in Section 3.12.B.5. Private Solar Energy System Requirements.

3.10.Y. Swimming Pools

3.10.Y.1. Swimming Pool, Community

3.10.Y.1.a. Exclusive of PD Districts, community Swimming Pools shall be set back a minimum of 50 feet from abutting residential lots, within the development, a minimum of 10 feet from abutting open space lots within the development, and 150 feet from any lot outside of the development as measured from the edge of the water.

3.10.Y.1.b. All pools shall be screened with solid evergreen plantings on all sides and rear property lines.

3.10.Y.1.c. Community Swimming Pools shall meet all standards as required for private Swimming Pools.

3.10.Y.2. Swimming Pools, Private

The following regulations apply to privately owned Swimming Pools that exceed 18 inches in depth:

3.10.Y.2.a. Swimming Pools shall maintain a minimum setback of 10 feet from side and rear property lines to any deck or patio surrounding the pool, and 15 feet to the water's edge. Distance from a residence to the above features is subject to all applicable building codes. No such structure may be placed within a recorded easement for any purpose.

3.10.Y.2.b. For the purposes of this section, water's edge shall include any structures used to enter or exist that water that are located in or under the water at the water's edge.

3.10.Y.2.c. Any Swimming Pool, or any permitted area of the property on which it Is located, shall be so walled or fenced by approved material and construction a

minimum of four (4) feet in height, not to exceed six (6) feet in height, to prevent uncontrolled access from the street or adjacent properties.

3.10.Y.2.d. The fence shall be maintained in good condition with a self- latching gate and lock.

3.10.Y.2.e. For above ground pools, the sidewall of the pool may serve as the safety wall provided the sidewall of the pool is at least 36 inches high, or as otherwise approved by the Zoning Inspector, as measured from the grade at the base of the wall, as long as the ladder can be locked in an upright position.

3.10.Y.2.f. Any lighting used to illuminate the pool shall be so arranged as to deflect the light from adjacent properties.

3.10.Y.2.g. If electrical service drop conductors or other utility wires cross under or over a proposed pool area, the applicant shall make arrangements with the utility involved for the relocation of such conductors or wires before a zoning permit shall be issued for the construction or installation of a Swimming Pool. Such relocation shall occur prior to issuance of permit.

3.11. TEMPORARY USES AND STRUCTURES REGULATIONS

3.11.A. General Provisions

Temporary buildings, structures, or uses shall be reviewed in accordance with the provisions of this section and all other applicable sections of this Zoning Resolution

3.11.B. Construction Dumpster

3.11.B.1. A construction dumpster is only permitted in conjunction with an active demolition, construction, or rehabilitation project

3.11.B.2. Dumpsters are only permitted during active construction projects and shall be removed upon completion of the project.

3.11.B.3. Dumpsters shall not be permitted within a street or right-of-way.

3.11.C. Construction Trailer / Office

3.11.C.1. No construction trailer / office shall be placed on a property until a valid Zoning Certificate has been issued for a principal structure or active demolition, construction, or rehabilitation project.

3.11.C.2. Any such temporary structure shall be removed from the subject property prior to the issuance of a Zoning Compliance Certificate for the property improvements, or as otherwise required by Section 10.06.E.2. Zoning Compliance Certificate).

3.11.C.3. Such temporary structures shall be removed upon the completion or abandonment of the construction work.

3.11.D. Construction Camper During Permitted Residential Construction

3.11.D.1. Intent

A temporary zoning certificate may be issued for the use of a single recreational vehicle or camper as a temporary residence during the active construction of a new Single-Family Dwelling (SFD). A certificate for a construction camper shall not

be issued under any circumstances until a valid Zoning Certificate for the principal SFD structure has been approved and issued by the Zoning Inspector.

3.11.D.2. General Requirements

Prior to the issuance of the temporary zoning certificate and the placement or occupancy of a construction camper on the property, the applicant shall demonstrate that the following minimum infrastructure requirements have been met and verified by the appropriate county agency:

3.11.D.2.a. An approved, permanent on-site septic system or public sanitary sewer hook-up must be installed on the site and expressly approved for camper connection by the Clermont County Health Department.

3.11.D.2.b. Permanent or temporary construction water and electrical services must be fully established on-the site and permitted by the Clermont County Building Department.

3.11.D.2.c. A valid driveway permit must be issued, and a minimum of a construction culvert, apron, and driveway must be physically installed to provide safe, all-weather ingress and egress.

3.11.D.2.d. The designated parking location for the temporary residential structure must consist of a prepared gravel pad or concrete slab, with a stable driveway connection extending to the vehicle parking area.

3.11.D.3. Duration, Renewals, and Extensions

To prevent perpetual or unauthorized residential use, time limits and tracking protocols are established as follows:

3.11.D.3.a. Initial Term

The initial temporary zoning certificate for a construction camper shall be valid for a period not to exceed one (1) year, running concurrently with the active progress of the principal home construction.

3.11.D.3.b. Renewal

Upon expiration of the initial term, the Zoning Inspector may grant one (1) extension for an additional period of six (6) months, provided active and continuous construction progress on the principal dwelling is documented.

3.11.D.3.c. Maximum and Extraordinary Extensions

At the discretion of the Zoning Inspector, additional extensions may be granted in three (3) month increments, up to an absolute maximum total duration of two (2) years from the original issuance date. Any extension beyond the initial 18 months must be accompanied by a renewal of the principal structure's zoning certificate and a written statement from the builder detailing the extraordinary circumstances necessitating the extension.

3.11.E. Festivals and Similar Events

The following standards shall apply to such events that are to occur on private property within Tate Township:

3.11.E.1. Such uses shall not exceed three (3) consecutive days.

3.11.E.2. Festivals and such events which are sponsored by a governmental entity are exempt from the standards of this section.

3.11.E.3. Such activities are required to submit a site plan illustrating the location of sales areas, parking, circulation, pedestrian and vehicle ingress or egress, surface material, and sanitary facilities, as applicable.

3.11.E.4. The applicant for the activity shall provide written agreement from the property owner granting permission for the proposed use.

3.11.E.5. No activities shall take place within the public right-of-way.

3.11.E.6. Signage for the festival or event that is visible from the public right-of-way shall be limited to the size requirements of the zoning district in which the event is located and shall be attached to and flush-mounted to the temporary sales structures, tent, trailer, or similar use.

3.11.F. Mobile Food Vendors

The following standards shall apply to such Mobile Food Vendors that are to operate on private property within Tate Township:

3.11.F.1. Mobile Food Vendors shall be located on private property with the permission of the property owner and shall not be located on the public right-of-way without the permission of Tate Township.

3.11.F.2. No Mobile Food Vendor shall operate on any lot where a principally permitted use does not already exist. The operation of a Mobile Food Vendor on a vacant lot is prohibited.

3.11.F.3. Mobile Food Vendors shall only be parked on a hard, durable, and paved surface, unless otherwise approved by the Zoning Inspector.

3.11.F.4. Overnight parking is not permitted except in the case where the vehicle is associated with the principal use on the property and the vehicle is kept within 10 feet of the principal structure.

3.11.F.5. Mobile Food Vendors shall not operate on the same property for more than five (5) days in a row.

3.11.G. Portable Storage Units

3.11.G.1. Portable Storage Units may be located on any property for a period not to exceed 30 consecutive days from the time of delivery to the time of removal. If a longer period of time is required, a permit must be obtained from the Zoning Inspector. In any event, the use of the unit(s) for more than 60 consecutive days within a 12-month period is prohibited.

3.11.G.2. If the Portable Storage Unit is being used to store personal property as a result of a major calamity (e.g. fire, flood, or other event where there is significant property damage), the Zoning Inspector may extend the period of time up to one (1) year at their discretion.

3.11.G.3. Such storage units shall be located on hard durable surface designated for

parking of vehicles and shall not be located within the public right-of-way. Such storage units shall not be located on grass or unimproved surfaces.

3.11.H. Residential Outdoor Sales

3.11.H.1. Residential Outdoor Sales (yard sales) are permitted in any district, but only when limited to the personal possessions of the owner or occupant of the dwelling unit at which such sale is being conducted.

3.11.H.2. Such uses shall be limited to a period not to exceed three (3) consecutive days and no more than three (3) such sales shall be conducted from the same property in any 12-month period.

3.11.H.3. A temporary zoning certificate shall be required prior to conducting any Residential Outdoor Sale.

3.11.H.3.a. No certificate or fee shall be required for sales conducted in conjunction with a designated official governmental community garage sale authorized by Tate Township or the Village of Bethel and promoted by such for community-wide residential participation. Such occurrence shall not count toward the annual maximum of three (3) such sales in any given 12-month period.

3.11.I. Seasonal Outdoor Sales

A seasonal sale of items pertaining to a holiday, event, or season such as the sale of Christmas trees, pumpkins, and similar items, is subject to the following:

3.11.I.1. Seasonal sales which are sponsored by a governmental entity are exempt from the requirements of this section.

3.11.I.2. A site plan shall be submitted for approval that illustrates the location of the sales area, parking, circulation, pedestrian and vehicle ingress or egress, surface material, and sanitary facilities, as applicable.

3.11.I.3. The applicant for the activity shall provide written agreement from the property owner granting permission for the proposed use.

3.11.I.4. No activities shall take place in the public right-of-way.

3.11.I.5. Signage for seasonal sales shall be limited to the size and type requirements of the zoning district in which they are located and shall be attached to, and flush mounted to the temporary sales structure, tent, trailer, or similar use.

3.11.I.6. A seasonal sale is limited to a period not to exceed 60 days per calendar year.

3.12. SPECIAL USE REGULATIONS

3.12.A. Data Centers

3.12.A.1. Planned Development

All Data Centers must apply for and receive approval to change the zoning district to an Enterprise Planned Development (E-PD) as established in Section 9.01. Planned Developments, and follow the requirements and procedures set forth in the following regulations.

3.12.A.2. General Requirements

3.12.A.2.a. A principal building is required on site and shall be designed and constructed to accommodate data processing, storage, and associated mechanical and electrical infrastructure.

3.12.A.2.b. Cryptocurrency mining and blockchain validation operations as a primary use shall be prohibited.

3.12.A.2.c. Where the requirements of this section differ from the underlying zoning requirements, the most restrictive of the two shall be required.

3.12.A.3. Location and Separation

3.12.A.3.a. Data Centers shall be set back a minimum of 500 feet from any residential lot line, residential district, park, school, or hospital.

3.12.A.3.b. The minimum setback may be reduced to 300 feet when separated by an arterial roadway or highway.

3.12.A.4. Building Design and Screening

3.12.A.4.a. Blank walls exceeding 100 feet in length facing a public right-of-way shall incorporate façade articulation or architectural variation.

3.12.A.4.b. All rooftop mechanical equipment shall be screened from view from adjacent properties and public rights-of-way.

3.12.A.4.c. Mechanical yards, substations, and utility infrastructure shall be located to the side or rear of the principal structure and screened with an opaque wall or fence not less than eight (8) feet in height.

3.12.A.4.d. Enhanced architectural standards, including masonry materials and step-backs, shall be required when adjacent to non-industrial districts.

3.12.A.5. Noise Standards

3.12.A.5.a. Continuous noise generated by mechanical equipment, including cooling systems and backup generators, shall comply with applicable noise regulations at the property line.

3.12.A.5.b. An acoustic analysis may be required as part of site plan or conditional use approval.

3.12.A.5.c. Generator testing shall be limited in frequency and duration as determined during development plan review.

3.12.A.6. Mechanical and Utility Infrastructure

3.12.A.6.a. Backup generators, fuel storage tanks, cooling towers, and substations shall be located behind the principal building or within enclosed service areas. Any generator located outside a building shall not be tested more than once per week, with testing only occurring between the hours of 8 a.m. to 5 p.m.

3.12.A.6.b. All such equipment shall be screened from view with an opaque wall, fence, or landscaping.

3.12.A.6.c. Any equipment associated with the facility shall not generate any noise that equals or exceeds a measured sound level of 65 dBA when measure at or beyond any property boundary of the sound source.

3.12.A.6.d. On-site fuel refining or industrial-scale fuel processing is prohibited.

3.12.A.7. Traffic and Access

3.12.A.7.a. All loading areas and service access shall be located to the side or rear of the building and shall not face a public right-of-way.

3.12.A.7.b. Site access shall be designed to minimize conflicts with adjacent properties and shall comply with spacing requirements for driveways.

3.12.A.7.c. Emergency access shall be provided in coordination with the applicable fire authority.

3.12.A.8. Environmental and Infrastructure Impacts

3.12.A.8.a. Developments shall provide documentation of projected water usage and energy demand as part of site plan approval.

3.12.A.8.b. Developments shall implement low-impact development practices in energy efficiency. The development shall:

- **i.** Minimize land disturbance;
- **ii.** Maximize tree preservation;
- **iii.** Minimize impervious surface;
- **iv.** Utilize alternative energy sources (solar, wind, hydro, or any other system that can be demonstrated to the Zoning Inspector Director to reduce energy demands from the distribution systems) to the greatest extent possible; and
- **v.** Utilize reclaimed water for cooling, when available.

3.12.A.8.c. Stormwater management facilities shall be designed to accommodate large roof areas and impervious surfaces.

3.12.A.8.d. No industrial waste discharge shall be permitted beyond standard sanitary and stormwater systems.

3.12.A.9. Security and Lighting

3.12.A.9.a. Perimeter fencing shall not exceed eight (8) feet in height unless otherwise approved and shall be designed to minimize visual impact.

3.12.A.9.b. Lighting shall be directed downward and shielded to prevent glare onto adjacent properties.

3.12.A.9.c. Flashing, strobe, or high-intensity lighting visible from off-site shall be prohibited except as may be otherwise required by other federal or state regulations.

3.12.A.10. Outdoor Storage

3.12.A.10.a. No outdoor storage of materials or equipment shall be permitted except for screened mechanical and utility infrastructure.

3.12.A.10.b. All permitted outdoor equipment shall comply with Section 3.10.R. Outdoor Storage.

3.12.B. Solar Energy Systems

3.12.B.1. Purpose and Intent

3.12.B.1.a. The purpose of this section is to establish guidelines and requirements for the use of solar energy collectors in Tate Township and, as authorized by Ohio Revised Code Section 519.213, for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any Small Solar Energy System, whether publicly or privately owned, or the use of land for that purpose, and to protect the public health, safety, comfort, and general welfare of the Township residents.

3.12.B.1.b. Recognizing the importance of clean, sustainable, and renewable energy sources, the Tate Township Board of Trustees has determined that it is in the best interests of Township residents to put in place such zoning regulations as to permit the use or installation of Solar Energy Systems within Tate Township.

3.12.B.1.c. Additionally, the Trustees also recognize that in some specific instances, under carefully controlled circumstances, it may be in the public interest to permit the placement of Solar Energy Systems of a size and capacity beyond the scope of a residential use within the Township. No Solar Energy System shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without the full compliance with the terms of this Section.

3.12.B.2. Permitted Use for Solar Energy Systems

Solar Energy System uses are permitted as established in Table 3.03-1: Use Table.

3.12.B.2.a. Point of Use Solar Energy Systems

Point of Use Solar Energy Systems are permitted in all Zoning Districts

3.12.B.2.b. Private Solar Energy Systems

Private Solar Energy Systems are Permitted in all Zoning Districts

3.12.B.2.c. Grid Solar Energy Systems

Permitted only in Planned Development Districts, subject to the applicable zoning regulations established herein. However, Grid Solar Systems are prohibited in all zoning districts within 2,000 feet of State Route 125 and within 2,000 feet of State Route 133.

3.12.B.2.d. Small Solar Energy Systems

Permitted only in Planned Development Districts, subject to the applicable zoning regulations established herein. However, Small Solar Energy Systems are prohibited in all zoning districts within 2,000 feet of State Route 125 and within 2,000 feet of State Route 133.

3.12.B.3. General Requirements of All Solar Energy Systems

3.12.B.3.a. All Solar Energy Systems, except Point of Use Solar Energy Systems, are required to obtain the necessary zoning and building permits.

3.12.B.3.b. Solar Energy Systems may be installed on any surface of an existing structure, provided such installation does not result in violation of the permitted height requirements or any other requirements set forth in other sections of this

Zoning Resolution.

3.12.B.3.c. Within all zoning districts, Solar Energy Systems shall be repaired, replaced, or removed within 30 days of becoming damaged or non-functional. Failure to do so may result in the Solar Energy System being declared discontinued or abandoned.

3.12.B.3.d. The installation of a Solar Energy System shall not impact adjacent properties with additional or excessive storm water run-off and/or drainage. Any such impact may result in the cancellation, revocation, or denial of the associated permit or request for zoning change by the Tate Township Board of Trustee, or, as in the case of a Private Solar Energy System, a finding that the Solar Energy System violates these regulations and must be removed. Further, the Tate Township Board of Trustees may require the applicant to work with the Clermont County Soil and Water Conservation District, or any other company designated by the Trustees, to investigate the cause and/or remediation of the impact.

3.12.B.3.e. All panels shall have tempered, non-reflective surfaces and shall comply with all Federal, State, and local construction and electrical codes.

3.12.B.3.f. Panels and building mounts shall be installed per manufacturer's specifications.

3.12.B.3.g. All Solar Panels or Systems shall be installed so there is a minimum glare onto adjacent properties or towards the road right-of-way.

3.12.B.3.h. All Solar Energy Systems must comply with any more specific requirements as otherwise provided in these Regulations.

3.12.B.4. Point of Use Solar Energy Systems Requirements

3.12.B.4.a. Point of Use Solar Energy Systems, subject to all general and specific regulations contained in this Zoning Resolution, do not require a permit to be issue by the Zoning Inspector.

3.12.B.4.b. Upon complaint by an adjoining property owner, the Zoning Inspector shall investigate and determine whether any infringements or other violations have occurred. If so, the Zoning Inspector may require that a Point of Use Solar Energy System be relocated or removed, with preferences given to relocation rather than removal.

3.12.B.5. Private Solar Energy System Requirements

3.12.B.5.a. Roof- and Building-Mounted Solar Energy Systems

i. Permitted Location

In Agricultural, Residential, Commercial, and Enterprise Zoning Districts, a Roof or Building-Mounted Solar Energy System may be located on the roof of the principal building or accessory structure. Building-Mounted Solar Energy Systems may be located on the side or rear of the structure. Any side or rear mounted panels must receive approval of the Township Fire Chief so as to not adversely impact access to the primary

structure (or the safety and/or wellbeing of fire/rescue personnel) as it relates to emergency fire/rescue response.

ii. Height Limitation

Solar Energy Collectors shall not project more than two (2) feet above the highest point of the roof or exceed the maximum building height limitations allowed in the subject zoning district.

iii. Placement

(A). In Residential Districts, the placement of Roof or Building-Mounted Solar Energy Systems shall not be located on the front slope of a pitched roof and shall not be visible from the street front or side street of the residence. Solar Energy Collectors shall not be located within three (3) feet of any peak, eave, or valley to maintain adequate accessibility.

(B). In Commercial or Industrial Districts, Solar Collectors shall be a minimum of six (6) feet from any peak, eave, or valley to allow accessibility per the Ohio Fire Code.

(C). Roof and Building-Mounted Solar Energy Collectors shall be such weight as to be safely supported by the building. A Solar Energy System shall be aesthetically pleasing. In addition, the property owner may be required to provide written proof that the panels proposed to be constructed can/will be able to be supported by the existing building's current structural construction, additional structural elements installed to account for the additional panel and mounting weight, and additional weight added by snow events should the Zoning Inspector request such proof.

(D). No Private Solar Energy System shall be mounted or affixed to any freestanding wall or fence.

(E). All Roof or Building-Mounted Solar Energy Collectors shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

iv. Permitting

A zoning certificate is required for any Roof-Mounted Solar Energy System or Building-Mounted Solar Energy System.

3.12.B.5.b. Ground-Mounted Solar Energy Systems

i. Permitted Location

Ground-Mounted Solar Energy Systems are only permitted on parcels with a minimum of three (3) acres. Further, Ground-Mounted Solar Energy Systems are only permitted behind the rear building line of the principal building or structure. Placement at street intersections shall be done so in a manner which provides adequate sight distances for

motorists to observe on-coming traffic and comply with the Ohio Department of Transportation's (ODOT) requirements for sight-distance.

ii. Height Limitation

Ground-Mounted Solar Energy Systems shall not exceed ten (10) feet in height measured from the average ground (elevation of adjacent and undisturbed ground) at the base of the equipment. The height of the Ground-Mounted Solar Energy System shall be measured from ground level to the highest point of the solar panel.

iii. Placement

(A). For Agricultural, Residential, Commercial, and Industrial Districts, a ground-mounted Solar Energy System shall have a minimum set back distance of fifteen (15) feet from all property lines, except on corner lots which shall meet the minimum street side yard setback for the zoning district.

(B). There shall be a minimum of twenty-five (25) foot distance from all natural features including water courses, wooded lots, streams, wetlands, and 100-year floodplain locations. If located in a floodplain or an area of known localized flooding, all panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

(C). A Ground-Mounted Solar Energy System shall not be located over a septic system, leach field area, or identified reserve area unless approved by the health department.

(D). All Ground-Mounted Solar Energy Systems shall be placed so that concentrated solar radiation or glare does not project onto nearby structures or roadways.

(E). A Ground-Mounted Solar Energy System shall have, to the extent required by the zoning authority, a visual buffer of natural vegetation, plantings, earth berms, and/or fencing that minimizes impacts of the Solar Energy System on the visual character to adjoining property owners.

iv. Maximum Area Coverage

A Ground-Mounted Solar Energy System and any other structures on the lot shall not exceed 30 percent of the lot area.

v. Permitting

A zoning certificate is required for any Ground-Mounted Solar Energy System.

3.12.B.6. Planned Development

All other Solar Energy Systems, including Grid Solar Energy Systems and Small Solar Energy Systems, must apply for and receive approval to change the zoning district to a Planned Development (PD) and follow the requirements and procedures set forth in the following regulations.

3.12.B.6.a. Applicable Types of Solar Energy Systems for a PD

- **i.** Grid Solar Energy Systems
- **ii.** Small Solar Energy Systems
- **iii.** Any other Solar Energy System not specifically described within the regulations

3.12.B.6.b. Application and Site Plan Requirements

Each applicant, if possible, should confer with the Zoning Inspector in connection with the preparation of the Planned Development Application. The Zoning Commission may seek assistance from the staff of the Clermont County Planning Commission or any other consultants or experts it may find useful to the consideration and evaluation of the proposed plans. The application and submissions to the Zoning Commission must include:

- **i.** An application for a zoning map amendment to PD as established in Section 9.01.D. Application Requirements including a Preliminary Development Plan.
- **ii.** Information regarding the applicant, including:
  - **(A).** Documentation reflecting the applicant's name, address, and general description of the proposed Energy System; the name and address of the proposed Solar Energy System; and the property owner, if different;
  - **(B).** Identification of all parties to and solar access easements pertaining to the Solar Energy System; and
  - **(C).** A copy of the effective interconnection agreement for the use.
- **iii.** A Site Plan developed by an Ohio registered professional engineer (signed/stamped) containing a plot and development plan drawn in sufficient detail to clearly describe the following:
  - **(A).** Physical dimensions of the property, existing structures, and proposed structures. (Property lines shall have been determined by a professional Ohio registered land surveyor).
  - **(B).** Location of existing and proposed structures.
  - **(C).** Location of the proposed Solar Energy System, foundations, guide wires, and associated equipment.
  - **(D).** Location of easements, setbacks, obstructions, and square footage of the solar array area.
  - **(E).** The right of way and any public road that is contiguous with

the property.

(F). Existing topography of the land on which the proposed Solar Energy System is intended to be erected as well as the land within a half-mile of the proposed location.

(1). The topography drawing of the property must identify all drainage tiles and indicate how stormwater drains from the property; identify the location of discharge points or areas; and identify conditions present on the property that may contribute to significant soil erosion.

(2). Additionally, all existing drainage tiles must be inspected by robotic camera and with the resulting inspection report submitted to the Township and the landowner to establish a baseline of the tile's condition.

(G). Existing wetlands, waterways, water sheds, or other bodies of water on the proposed site of the Solare Energy System and within a half-mile radius.

(H). Proposed grading of the site, removal of natural vegetations, and relocation of wetlands (if applicable).

(I). Setback distances indicated from roadways, properties, property lines, major structures, etc.

(J). Proposed ingress and egress roadways, entrances / exits, interior roads, etc. All ingress/egress(es) shall accommodate any/all public vehicles which may enter onto the site.

(K). Proposed safety fencing to prevent trespassing.

iv. Any additional information as may be required by the Zoning Inspector, Zoning Commission, or the Tate Township Board of Trustees for consideration of the application.

v. Additionally, applicants seeking a PD to erect a Small Solar Energy System must also submit the following information along with the application and information as noted above in Section 3.12.B.6.(b).i through Section 3.12.B.6.(b).iv.:

(A). All pertinent information regarding the components of the Small Solar Energy System as set forth below and which may be requested by the Zoning Inspector, Zoning Commission, or the Township Trustees:

(1). The number of Solar Panels to be installed.

(2). Specific information about the proposed Solar Panels, including the type, size, height, rated power output of each proposed Solar Panel, performance, safety, and

glare characteristics of each Solar Panel and accompanying equipment.

(3). Manufacturer's specifications and recommended installation methods for all major equipment, including Solar Panels, mounting systems, and foundations for poles or racks inverters.

(B). Before the PD will be approved, the applicant must provide documentation from the manufacturer's engineer and another qualified engineer, who is certified in the State of Ohio, which certifies that the foundation and design of the Solar Panels are within accepted professional standards, given local soil and climate conditions.

(1). Waterlines, Fire Hydrant Locations, Sewer Lines, and Utility Lines identified.

(2). A description of the method of connecting the array to a building or substation.

(3). Utility interconnection data and a copy of written notification to the utility of the proposed connection.

(C). A copy of the approval from the local utility must also be provided before operation of an interconnected facility will be authorized.

(D). Other required information pertaining to the property:

(1). A soil boring report, performed by a professional Ohio registered geotechnical engineer.

(2). Storm Water Prevention Plan application submitted and approved by the Clermont County Building Department.

(3). A stormwater management plan addressing how additional surface water will not adversely impact adjoining properties as well as local, county, state, or federal waterways.

(E). A Decommissioning Plan

3.12.B.6.c. Other Responsibilities of an Applicant Seeking PD for Small Solar Energy Systems

i. All reasonable expenses incurred by the Tate Township Zoning Inspector, the Tate Township Zoning Commission, and the Tate Township Board of Trustees to review the Small Solar Energy System project plan shall be paid for by the applicant.

ii. The applicant agrees to enter into a Road Usage Maintenance Agreement. This may require the applicant to post a Performance

Surety Bond.

iii. Any Small Solar Energy System project shall abide by all applicable fees, charges, and expenses as stated in the Tate Township Fee Schedule or these Regulations. This shall include but not be limited to Zoning Commission or Board of Appeal Fees, Plan Review Fees, Permit Fees, Fence Construction Fees, and any other fees required to be paid for development of this project.

iv. In the event that the Small Solar Energy System is to be transferred from the owner/applicant of the request for rezoning to a PD, at least ninety (90) days before the transfer, the current Solar Energy System owner shall submit a Transference of Ownership Letter identifying the new intended owner and contact information and indicating all specifications, requirements, and terms and conditions applied by the Zoning Commission and Board of Trustees. All specifications, requirements, and terms and conditions shall transfer to and apply to the new owner(s) and shall remain in full force and effect.

3.12.B.6.d. Requirements of a Grid Solar Energy System, Small Solar Energy System, Or Any Other Solar Energy System Seeking PD Map Amendment

i. Mounting System

Solar Panels shall be mounted onto a pole, rack, or suitable foundation, in accordance with manufacturer specifications, to ensure the safe operation and stability of the system. The mounting structure (fixed or tracking capable) shall be comprised of materials approved by the manufacturer, which are able to fully support the system components, in accordance with applicable building permit requirements. Electrical components of the Solar Energy System shall meet applicable electrical code requirements, and all electrical energy facility shall be installed underground. Multiple mounting structures shall be spaced apart at the distance recommended by the manufacturer to ensure safety and maximum efficiency.

ii. Fire Hydrants

There must be fire hydrants every 3,000 feet throughout the Solar Energy System. The Solar Energy System owner and/or operator shall be responsible for ensuring these hydrants are put in place and for the cost of any additional hydrants.

iii. Setbacks

A Solar Energy System and its appurtenant components and structures shall be set back a minimum of 100 feet from the center of the nearest road right of way. The tree buffer, as described in more detail below, must be ten (10) feet beyond the road right of way. The fencing must be 20 feet beyond the tree buffer, and the solar array must be set back 50

feet from the fence line. In addition, a Small Solar Energy System and its appurtenant components and structures shall be set back a minimum of 150 feet from all property lines.

iv. Height Limitations

Ground-Mounted Solar Panels or solar arrays shall not exceed 25 feet in height as measured from the grade at the base of the structure to the highest point.

v. Placement

(A). When the proposed location abuts an Agricultural Zoning District, the Solar Energy System shall be located as much as possible to minimize impacts on prime agricultural soils.

(B). If located in a floodplain or an area of known localized flooding, all Solar Panels, electrical wiring, automatic transfer switches, inverters, etc. shall be located above the base flood elevation.

(C). Components of the Solar Energy System shall not be located over a septic system, leach field area or identified reserve area unless approved by Clermont County Public Health.

(D). If grading activities occur in flood plain areas, all grading (cut/fill) shall be performed within the same sub-drainage area. No cut may be taken and disposed of outside of the sub-drainage area and no fill may be brought in from outside of the sub-drainage area of said flood plain.

vi. Screening

The Solar Energy System shall be fully screened from adjoining properties and adjacent roads using the natural topography, or by installation of an evergreen buffers capable of reaching a height of 10 feet within three years of planting, with at least 75 percent opacity at the time of planting, as set forth in more detail below:

(A). There shall be a landscape buffer at least 20 feet wide along the exterior of the fenced compound, whenever existing natural vegetation does not otherwise reasonably obscure the Solar Energy System.

(B). The buffer shall be installed to obscure the Solar Energy System and shall contain two rows of staggered evergreen trees planted not more than 12 feet apart trunk to trunk, and the two rows shall be ten (10) feet apart. The Zoning Commission may consider an alternative landscape buffer as a part of the rezoning process if it provides adequate screening.

(C). Plantings shall be at least eight (8) feet tall at the time of

planting, measured from the top of the root ball to the base of the leader (not including the height of the leader) and must be a species that can reasonably be expected to reach a heigh of 10 feet within three (3) growing seasons.

(1). The trees may be trimmed but must maintain a height of at least 18 feet at maturity.

(2). Good arboricultural techniques as set forth on the Arbor Day Foundation website (arborday.org) (or other arboricultural guide approved by the Tate Township Zoning Commission or Tate Township Board of Trustees) shall be followed with respect to vegetation, including but not limited to, proper pruning, proper fertilizing, and proper mulching, so that the vegetation will reach maturity as soon as practical and will have maximum density in foliage. Dead or diseased vegetation shall be removed and must be replanted in a manner consistent with this Section at the next appropriate planting time.

vii. Security Fencing

Security fencing is required for the safety and security of the area and to prevent unauthorized access. Fencing shall be chain link industrial fence with a height of no less than ten (10) feet. An additional 18 to 24 inches of fencing including three (3) wires of barbed wire material facing outward towards roadways and structures may be installed. If the fence is visible from an adjoining property, the Zoning Inspector may require the imposition of privacy panels. Anti-climb material shall be utilized for sensitive areas of the project site. Access gates and equipment cabinets must be locked when not in use. An emergency means of entry and lighting for first responders needing immediate access to facility shall be developed by owner and local fire authority and must be approved by the local fire authority.

viii. Noise

Inverter noise shall not exceed 40 dBA, measured at the property line. Inverters shall be off and silent after dark.

ix. Glare and Lighting

The Solar Energy System components shall be designed with an antireflective coating and shall not produce glare that would constitute a nuisance to occupants of neighboring properties, aircraft, or persons traveling adjacent or nearby roads. If lighting is required, it shall be activated by motion sensors, fully shielded, and downcast type where the light does not spill onto any adjacent properties, road right of way, or into the night sky.

x. Maintenance and Upkeep Standards

Solar Energy Systems shall be maintained in accordance with the manufacturer's specifications. The owner and operator shall maintain the Solar Energy Systems, including all buffer screening, in compliance with the approved plans and shall keep the location free from overgrown vegetation, weeds, trash, and debris.

(A). Repairs to damaged Solar Panels (for example after storm damage) shall be completed in a timely and reasonable fashion, but no later than 30 days after the event or as notified by officials.

(B). The Solar Energy System owner and/or operator shall be required to repair any damaged or broken drainage tile resulting from the existence of the Solar Energy System. All drainage tiles shall be inspected every three years by robotic camera, or earlier if required by the Zoning Inspector. Any necessary repairs shall be documented within the Annual Compliance Report.

(C). In addition, Solar Energy Systems shall be maintained in good condition and free of hazards, including but not limited to broken or damaged Solar Panels, faulty wiring, loose fastenings, painting, structural repairs, and integrity of security measures. In the event of a violation of any of the foregoing provisions, the Zoning Inspector shall give written notice to the property owner, as well as the Solar Energy System owner and operator specifying the violation, corrective action needed, and corrective time period.

(D). Fence lines shall be maintained, and repaired in a timely fashion, not to exceed 30 days after being notified of damage. Fence lines shall be kept free of overgrown weeds, trash, refuse, or other debris.

(E). The owner or operator of the Solar Energy System is responsible for the cost of maintaining all aspects of the Solar Energy System and any access road(s), throughout the complex unless accepted as a public way by the Township.

(F). In addition to the Maintenance and Upkeep Standards set forth above, the applicant, owner, and/or operator of the Small Solar Energy System shall:

(1). Submit a General Maintenance Bond to guarantee all aspects of this Resolution are met at all times during the construction and operation of the Small Solar Energy System. At the time of the rezoning application, the applicant, owner, and/or operator

shall submit two third-party contractor bids for construction of all fencing, landscaping, and drainage improvements associated with the Small Solar Energy System, and the bond shall be the higher of the two bids. The Township may use the bond, at its sole discretion, to repair any landscaping, fencing, drainage infrastructure (including drainage tiles), and/or to correct any ongoing violation of this Resolution, in the event that the Solar Energy System owner and/or operator fails to adequately maintain the required site improvements.

(2). As a condition of operation, fund an escrow account for investigation of complaints for, but not limited to glare, stray voltage, noise, property damage, (including water runoff damage), and/or signal interference in the amount of $25,000 to be used by the Township to pay for third-party investigative services, the provider of which shall be chosen by the Township. Such funds shall be deposited with the Township Fiscal Officer, or with a third-party fiduciary, at the discretion of the Township. When the escrow account balance is below $10,000, the Township shall notify the applicant, owner, and/or operator and the account shall be replenished to the amount of $25,000 within 30 days.

xi. Weed Control / Plantings

The owner or operator of the Solar Energy System shall have a weed prevention plan submitted to the Township yearly to ensure the area remains free and clear of overgrown vegetation, noxious weeds, briers, and other forms of uncontrolled vegetation as defined in Ohio Administrative Code 901:5-37-01.

xii. Signage

A sign of no less than four (4) square feet must be displayed in an easily noticed area from a public roadway indicating an address and toll-free telephone number, answered by a person twenty-four hours per day, seven (7) days per week, for emergency calls. No Solar Energy System Solar Panel or any part thereof, no fence surrounding the Solar Energy System site, or any building or structure located upon the Solar Energy System site may include or display any advertising sign, banner, insignia, graphics, or lettering other than the name and/or logo of the owner/operator of the on-site Solar Energy System.

xiii. Local Fire Department

The applicant, owner, or operator of the Solar Energy System shall submit to the local Fire Department a copy of the site plan within 30 days of submission to the Zoning Commission. Upon request of the local Fire Department, the owner or operator shall cooperate with the Fire Department to develop an emergency response plan.

(A). The applicant, owner, or operator of the Solar Energy System shall provide training, before, during, and after construction of the Solar Energy System for all emergency services in the Township and any mutual aid districts. The applicant, owner, or operator shall be responsible for all associated costs with the training.

(B). Any special equipment that may be required to ensure the safety of fire and rescue personnel when responding to an emergency at the facility shall be provided at no cost to the Township. Any special equipment must be paid for and provided to the Township before the Solar Energy System becomes operational.

xiv. Climb Protection

All Solar Energy System platforms must be unclimbable by design or protected by anti-climbing devices.

xv. Compliance with Other Standards

All power and communication lines running between banks of Solar Panels and to electric substations or interconnections with buildings shall be buried underground. Exemptions may be granted by the Tate Township Zoning Commission in instances where shallow bedrock, water courses, or other elements of the natural landscape interfere with the ability to bury lines.

xvi. Additional Requirements for Small Solar Energy Systems

In addition to the requirements set forth above, the owner or operator of each Small Solar Energy System shall also maintain a current general liability insurance policy covering bodily injury and property damage with limits reasonably related to the size of the project and as approved by the Township Board of Trustees. The Township may require a higher amount for larger projects and may allow for a lesser amount for smaller projects upon a finding that the alternate amount is more consistent with the level of risk. Additionally, the owner or operator of the Small Solar Energy System shall submit a certificate of insurance and name the Board of Trustees as additional insured.

3.12.B.6.e. Decommissioning Plan

i. Applicants seeking a PD for a Small Solar Energy System must also submit a Decommissioning Plan that satisfies the following:

(A). Decommissioning Plans shall be reviewed, re-submitted, and re-approved at least every five (5) years.

(B). The owner of a Small Solar Energy System is required to notify, in writing, the Board of Trustees for Tate Township within 90 days prior to discontinuation of the operation.

(C). The Small Solar Energy System shall be perceived to be discontinued or abandoned if no electricity is generated by such system for a period of 3 continuous months.

ii. Upon discontinuation or abandonment of the Small Solar Energy System, the owner shall be notified in writing that it has no more than twelve (12) months in which to dismantle and remove the system including all solar related equipment or apparatuses related thereto, including but not limited to buildings, cabling, electrical components, Solar Panels, roads, foundations, and other facilities from the property. It also must restore the property to its condition before the Small Solar Energy System was constructed. If the Small Solar Energy System owner fails to dismantle and/or remove all components within the established time frames, and restore the property to its prior condition, the Township may complete the decommissioning at the owner's expense.

iii. Small Solar Energy System owner/operator shall provide a Decommissioning Bond in the amount determined by the Board of Trustees to offset costs for removing all site materials, such as solar collectors, mountings, hardware, buildings, fencing, and all other infrastructures.

3.12.B.6.f. Annual Compliance Report

i. The applicant, owner, and/or operator of the Solar Energy System shall file an annual compliance report with the Tate Township Board of Trustees.

ii. The annual compliance report must confirm compliance with any and all conditions pertaining to the approval of the PD, as well as compliance with these Regulations. Additionally, the applicant, owner, and/or operator shall:

(A). Provide the information requested by the Zoning Inspector, including but not limited to information regarding the yearly electrical output on the Solar Energy System, the net metering agreement and report, any record of complaints and applicable resolution, and any other reasonable information requested by the Tate Township Board of Trustees; and

(B). Pay the applicable filing fee as stated in the Tate Township Fee Schedule or these Regulations.

3.12.B.6.g. Process for Designation as a Planned Development and Approval of Related Plans

i. As noted above, each applicant, if possible, should confer with the Zoning Inspector in connection with the preparation of the PD application. The general outlines of the proposal, evidenced schematically by sketch plans and other evidence, should be submitted and considered before submission of the PD application. The Zoning Commission may seek assistance from the staff of the Clermont County Planning Commission, the Tate Township Board of Trustees, or any other consultants or experts it may find useful to the consideration and evaluation of the proposed plans.

ii. Upon receipt of a PD application, the Zoning Commission shall follow the procedure set forth in Section 9.01.F. Planned Development Approval Process of the Zoning Resolution, including certification to the Clermont County Planning Commission and, following receipt of that commission's recommendation, holding a public hearing on the proposed PD application.

iii. As part of its evaluation of any PD application, the Zoning Commission may engage any necessary public and/or private consultants to ensure a sound review of the proposed application.

iv. The Zoning Commission's final recommendation regarding the PD shall contain written findings, which also shall include:

(A). The relationship, beneficial or adverse, of the proposed Planned Development to the local area in which it is proposed to be established;

(B). Whether there are adequate services and utilities available or proposed to be made available in the construction of the project;

(C). Whether the proposed meets the intent and objectives for Planned Developments as expressed in Section 3.12.B.1. Purpose and Intent;

(D). Whether the proposal meets all the general regulations for Planned Developments as expressed in Section 3.12.B.6. Planned Development.

v. Approval by Township Trustees

(A). The Zoning Commission shall notify and transmit all plans and recommendations to the Township Trustees.

(B). After review, the Township Trustees shall schedule a public hearing.

(C). The Township Trustees shall approve, modify and approve, or deny such application within 30 days after the public

hearing. If the Township Trustees grant the PD District, the zoning map shall be so notated.

vi. Final Development Plan

(A). Within one (1) year following the approval of the concept plan and the establishment of the PD District, the developer shall submit to the Township Zoning Inspector the final development plan and all other materials required to obtain final authorization to proceed with construction. The failure to submit the final development plan within one year shall nullify the approval of the PD and the Zoning Inspector shall remove from the Township Zoning Map any reference to the PD Upon receipt of the above materials, the Tate Township Board of Trustees shall review the final development plan at its next regular meeting or a special meeting and either approve or deny the final development plan.

(B). The final development plan shall include confirmation of compliance with the items identified in the concept plan and PD application as well as compliance with any conditions associated with the concept plan.

(C). The development shall conform to the approved final Planned Development plan. The development applicant, his successors and assignees shall make no alterations, additions or deletions to the final development plan, the related documents or to the site, except as provided herein. Upon final approval of uses, changes may be made only pursuant to the submission of a new Planned Development application which shall be processed and approved in accordance with these Regulations.

(D). Whenever the Township Trustees shall find in the case of any approved final development plan, that any of the terms, conditions, or restrictions upon which final approval of uses 3.12.B.6. Planned Development herein, was granted are not being complied with, such a violation of the final approval of uses for the Planned Development shall constitute violation of the zoning code with appropriate action to be taken.

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

3.12.C. WIRELESS TELECOMMUNICATION TOWERS

3.12.C.1. The purpose of this section is to encourage the location of telecommunication towers in non-residential areas, minimize the total number of towers, encourage

the joint use of new and existing towers, and encourage telecommunication companies to locate towers in areas of the township where the adverse impact on the community will be minimal.

3.12.C.2. Except as provided in Ohio Revised Code Section 519.11 with respect to any cellular or wireless telecommunication tower that is owned or used by a public utility, and proposed to be located in an area zoned for residential use, nothing contained in this Resolution shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any buildings or structures of any public utility, whether publicly or privately owned, or the use of any land by a public utility for the operation of its business.

3.12.C.3. In the case of a public utility that plans to construct, locate, erect, reconstruct, change, alter, use or enlarge a cellular or wireless telecommunication tower in an area zoned for residential use, the public utility shall provide evidence satisfactory to the Tate Township Board of Trustees concerning compliance with the notice provisions of Ohio Revised Code Section 519.211(B).

3.12.C.4. A permit for the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of a cellular or wireless telecommunication tower may be issued, upon application and compliance with Ohio Revised Code Section 519.211 and this Resolution, provided the applicant has satisfied all the following standards:

3.12.C.4.a. Telecommunication towers shall be subject to the requirements of Section 10.06.F. Site Plan Review of Tate Township Zoning Resolution.

3.12.C.4.b. Proof shall be provided by the applicant in a form satisfactory to the Board of Trustees that the proposal has been reviewed and/or approved by all agencies and governmental entities with jurisdiction, if required, including but not limited to the Ohio Department of Transportation Office of Aviation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

3.12.C.4.c. The applicant shall demonstrate by clear and convincing evidence that its tower and/or antennae cannot be located on any other communication tower, building or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering' of towers within an area. In the event of the construction of new facilities by the applicant, the applicant shall agree to the use of such facilities by other public utilities engaged in the provision of telecommunication services; upon payment of reasonable fees for such use.

3.12.C.4.d. An application shall be disapproved unless the applicant demonstrates that technically suitable and feasible sites are not available in a non-residential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.

3.12.C.4.e. It is required that any building constructed to service a telecommunications tower be designed in an architecturally compatible manner to adjacent

buildings. It is further required that the tower itself and any support equipment located on the ground shall be painted or have a finish in earth tones to reduce visual impact.

3.12.C.4.f. Pole, tower and/or structure placement shall only be on a lot meeting not less than the square footage requirements of the zoning district it is located within, with a minimum separation not less than the height of the structure plus 10% from any adjacent residential structures.

3.12.C.4.g. For reasons of aesthetic and public safety such facilities shall be effectively screened on each side. Screening shall consist of a solid masonry wall or solid fence, not less than four (4), nor more than six (6) feet in height, a tight screen of hardy evergreen shrubbery, or natural or existing screening not less than four (4) feet in height. Screening walls and fences shall meet the requirements as specified in Section 3.10.K. Fences and Walls of this resolution, or as otherwise specified by the site plan review. Spaces between any required screening device(s) and adjacent property lines shall include, but not be limited to, grass, hardy shrubs, evergreen ground cover, etc. All screening devices and landscape materials shall be maintained in good condition.

3.12.C.4.h. The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give notice of such ceasing of operation to the Tate Township Zoning Department. Facilities shall be removed from the site within twelve months of ceasing operations. Resale or renting of facilities is permissible only to other telecommunication systems subject to the obtainment of a zoning certificate from the Tate Township Zoning Department.

3.12.C.4.i. Any special zoning certificate issued under this section shall be revocable and may be revoked after notice and hearing if any continuing conditions of the certificate has been violated and is not remedied within 30 days of written notice from the Zoning Inspector.

3.12.C.4.j. The permit application shall list the location of every tower, building or structure within a half mile radius which could support the proposed antenna so as to allow it to service its intended function.

3.12.C.4.k. An antenna or tower may not be illuminated, nor may lighting fixtures or advertisement signs be attached to the structure, except such lighting as may be required by applicable law.

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