ZONING RESOLUTION
TATE TOWNSHIP, OHIO

Adopted: September 28, 2026

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TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 1
GENERAL PROVISIONS

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ARTICLE 1. GENERAL PROVISIONS

1.01. PURPOSE

This resolution is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; providing for orderly and systematic development of Tate Township; conserving and protecting property and property values; securing the most appropriate use of land, and facilitating adequate and economical provisions of public improvements all in accordance with a comprehensive plan for the desirable future development of the township; and providing a method of administration and prescribing penalties for the violations of provisions hereafter described all as authorized by the provisions of Ohio Revised Code Chapter 519. Township Zoning and the Sections thereunder of the Ohio Revised Code (ORC).

1.02. TITLE

This resolution shall be known and may be cited and referred to as the "Tate Township, Clermont County, Ohio, Zoning Resolution."

1.03. EFFECTIVE DATE

1.03.A. This Zoning Resolution became effective on October 29, 2026.

1.03.B. Any amendments to this Zoning Resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

1.04. APPLICABILITY

This resolution has been passed under the authority granted to the township under Section 519.02 et seq. of the ORC and embraces the provisions thereof regarding enforcement and penalties for violations.

1.05. JURISDICTION

The provisions of this resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Tate Township, Clermont County, Ohio.

1.06. INTERPRETATION AND CONFLICTS

For the purposes of interpretation and application, the provisions of this Zoning Resolution shall be held to the minimum requirements for the promotion of the purpose of this resolution.

1.06.A. When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.

1.06.B. Where this Zoning Resolution imposes a greater restriction than imposed or required by other provisions of law or by other rules, regulations, or resolutions, the provisions of this Zoning Resolution shall control provided it complies with the ORC.

1.07. RELATIONSHIP WITH THIRD PARTY PRIVATE AGREEMENTS

1.07.A. This Zoning Resolution is not intended to interfere with or abrogate any third-party private agreements including, but not limited to, easements, covenants, or other legal agreements between third parties. However, wherever this Zoning Resolution proposes a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas or larger lot areas than are imposed or required by such third-party agreements, the provisions of this Zoning Resolution shall govern.

1.07.B. In no case shall the township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties, which include Homeowners' Association rules and regulations.

1.08. COMPLIANCE REQUIRED

1.08.A. Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zoning district in which it is located.

1.08.B. It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning Certificate is issued by the Zoning Inspector in accordance with Section 10.06.E. Zoning Certificates.

1.08.C. Such Zoning Certificate shall state that such building, premises, or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Resolution.

1.08.D. Uses, lots, buildings, and structures that do not comply with this Zoning Resolution will be subject to the nonconforming uses provisions of Section 10.06.G. Pre-Existing Development and Non-conformities.

1.09. SEVERABILITY

1.09.A. If any court of competent jurisdiction invalidates any provision of this Zoning Resolution, then such judgement shall not affect the validity and continued enforcement of any other provision of this Zoning Resolution.

1.09.B. If any court of competent jurisdiction invalidates the application of any provision of this Zoning Resolution to a particular property, structure, or situation, then such judgement shall not affect the application of that provision to any other building, structure, or situation not specifically included in that judgement.

1.09.C. If any court of competent jurisdiction invalidates any condition attached to the approval of a development review application, then such judgement shall not affect any other conditions or requirements attached to the same approval that are not specifically included in that judgement.

1.09.D. Whenever a condition or limitation is included in an administrative action authorizing

regulatory activity, then it shall be conclusively presumed that the authorizing officer, commission, or board considered such condition or limitation necessary to carry out the spirit and intent of this Zoning Resolution, and that the officer, commission, or board would not have granted the authorization to which the condition or limitation pertained except in belief that the condition or limitation was lawful.

1.10. TRANSITIONAL RULES

1.10.A. Violations Continue

Any violations under the previous Zoning Resolutions that applied to the township prior to the adoption of this Zoning Resolution shall continue to be a violation under this Zoning Resolution and is subject to penalties and enforcement under Section 10.07. Violations and Penalties, unless the use, development, construction, or other activity complies with the provisions of this Zoning Resolution.

1.10.B. Nonconformities Continue

1.10.B.1. Any legal nonconformity under any previous Zoning Resolution that applied to the township prior to the adoption of this Zoning Resolution shall continue to be a legal nonconformity under this Zoning Resolution, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.

1.10.B.2. If a legal nonconformity under any previous resolutions that applied to the township prior to the adoption of this Zoning Resolution becomes conforming because of the adoption of this Zoning Resolution, then the situation will be considered conforming and shall no longer be subject to the regulations pertaining to nonconformities.

1.10.C. Approved Projects

1.10.C.1. Any building, structure, or development for which a building permit was issued prior to the effective date of this Zoning Resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with the provisions of this Zoning Resolution. If such building structure, or development does not fully comply with this Zoning Resolution, such building, structure, or development shall be considered a legal non-conforming use upon the issuance of a certificate of occupancy from the Clermont County Building Department or final Zoning Certificate from Tate Township.

1.10.C.2. If the building, structure, or development is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Zoning Resolution.

1.10.C.3. Any application for a project where the Zoning Certificate has expired shall meet the standards in effect at the time the application is resubmitted.

1.10.D. Vested Rights

The transitional rule provisions of Section 1.10.A through 1.10.C of this resolution are subject to Ohio's vested rights laws.

1.11. RESTORATION OF UNSAFE BUILDINGS

Except as provided in Section 10.06.G. Pre-Existing Development and Non-conformities, nothing in this resolution shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the proper authority.

1.12. REPEAL

This Zoning Resolution may be repealed in accordance with the provisions established in ORC Section 519.25.

1.13. USE OF TABLES, GRAPHICS, FIGURES, AND CROSS REFERENCES

1.13.A. Tables**,** graphics, and figures are provided for illustrative purposes only and shall not be construed as regulations. Where a conflict may occur between the text and any graphic, illustration, or figure, the text shall control.

1.13.B. In some instances, cross references between articles, sections, and subsections are provided that include the article, section, or subsection number along with the name of the reference in parenthesis. Where a conflict may occur between the given cross reference number and name, the name shall control.

1.14. HOW TO USE THIS DOCUMENT

The structure of the text of this Resolution is as follows: Article (indicated by a 1, etc.), Section (indicated by a 1.01), and subsequent Subsections (indicated by A, 1, a, i, etc.).

TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 2
ZONING DISTRICTS

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ARTICLE 2. ZONING DISTRICTS

2.01. GENERAL REGULATIONS

2.01.A. Purpose

The purpose of this section is to establish land use regulations for lots within Tate Township, Ohio.

2.01.B. Zoning Map

The boundaries of the township's zoning districts are hereby established as shown on the map accompanying and made part of this zoning code. The Zoning Map shall be on file with the Tate Township Zoning Inspector.

2.01.C. Zoning District Boundaries

2.01.C.1. Where a zoning district boundary divides a single lot or parcel of record existing at the effective date of this Resolution, the following provisions shall apply:

2.01.C.1.a. The zoning district regulations applicable to the largest portion of the lot, measured by area, shall apply to the entire lot.

2.01.C.1.b. If the zoning district encompasses substantially equal areas, the regulations of the more restrictive district shall apply to the entire lot or parcel.

2.01.C.2. Whenever any street, alley, or other right-of-way is vacated by Clermont County, the zone boundary shall be automatically extended to the center of the vacated right-of-way, and all areas included in the vacated area in question shall be subject to all appropriate regulations of the extended areas.

2.01.C.3. In all cases where a district boundary line, as shown on the Zoning Map, divides a lot that is of single ownership, the use authorized thereon and the district requirements applying to the least restricted portion of such lot may be extended a maximum of 50 feet into the more restricted portion of such lot. The use so extended shall be deemed conforming.

2.01.D. Compliance with District Standards

Except as otherwise provided in this section, no building or premises shall be erected, reconstructed, structurally altered, or used for any purpose that is not in compliance with the Zoning Resolution, except as regulated by Section 10.06.G. Pre-Existing Development and Non-conformities.

2.02. ESTABLISHED ZONING DISTRICTS

For the purposes of this resolution, all land within Tate Township is hereby divided into the districts established in Table 2.02-1: Zoning Districts. Refer to the Official Zoning Map for the designation and location of all zoning districts.

Table 2.02-1: Zoning Districts

ABBREVIATION	DISTRICT NAME	EQUIVALENCY	LOCATION
AGRICULTURAL DISTRICT			
AG	Agricultural District	A	Section 2.03
RESIDENTIAL DISTRICTS			
RR	Residential, Rural	R-1	Section 2.04
RL	Residential, Low Density	R-2	Section 2.05
RM	Residential, Moderate Density	R-3	Section 2.06
COMMERCIAL DISTRICTS			
CR	Commercial, Rural	C-1	Section 2.07
CC	Commercial, Community	C-2	Section 2.08
CG	Commercial, General	C-3	Section 2.09
ENTERPRISE DISTRICTS			
EP	Enterprise, Professional	I-1	Section 2.10
EO	Enterprise, Operational	I-2	Section 2.11
PUBLIC & SEMI-PUBLIC DISTRICTS			
PSR	Public Services & Recreation	RS	Section 2.12
PLANNED DEVELOPMENT & SPECIAL DISTRICTS			
R-PD	Residential Planned Development	PUD	Section 9.01.C.1
C-PD	Commercial Planned Development	PUD	Section 9.01.C.2
E-PD	Enterprise Planned Development	PUD	Section 9.01.C.3
M-PD	Mixed-Use Planned Development	PUD	Section 9.01.C.4
MHP	Mobile Home Park	MHP	Section 9.02

2.03. "AG" AGRICULTURAL DISTRICT

Table 2.03-1: AG District Intent and Uses

DISTRICT INTENT

The Agricultural (AG) District is intended to preserve and protect the township's prime farmland, open spaces, and agricultural operations from the encroachment of incompatible development. This district prioritizes agriculture as the principal land use, limiting residential and non-agricultural development to minimize conflicts and fragmentation of productive land. The AG District also serves to protect rural landscapes, support agricultural economies, and ensure the viability of working lands for future generations. Development is limited and should not require urban services, helping to manage growth and discourage premature subdivision of farmland.

USES

PERMITTED USES	CONDITIONAL USES	ACCESSORY USES	TEMPORARY USES
Agricultural Uses • Agriculture* • Agritourism* **Residential Uses** • Dwelling, Single-Family, Detached • Residential Facility* • Residential Treatment Facility* **Public/Institutional Uses** • Governmental Facility	**Agricultural Uses** • Agribusiness* **Public/Institutional Uses** • Cemetery* • Utility, Public or Private* **Commercial Uses** • Bed and Breakfast* • Campgrounds and Recreational Vehicle Camps* • Garden Center / Greenhouse / Nursery	• Accessory Dwelling Units* • Accessory Structures* • Accessory Uses* • Day Care Home, Type A* • Day Care Home, Type B* • Electric Vehicle Charging Station* • Fences and Walls* • Home Occupations* • Keeping of Farm Animals* • Keeping of Fowl* • Outdoor Display / Retail* • Outdoor Storage* • Parking/Storage of Recreational Vehicles & Equipment* • Roadside Stands* • Short-Term Rentals* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit* • Residential Outdoor Sales* • Seasonal Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations

Table 2.03-2: AG District Dimensional Standards

SEWER OR SEPTIC	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			BUILDING HEIGHT (MAX)	IMPERVIOUS COVERAGE (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer or Septic	43,560 sf	150′	75′	20′	30′	35′	30%

2.04. "RR" RESIDENTIAL, RURAL DISTRICT

Table 2.04-1: RR District Intent and Uses

DISTRICT INTENT

The Rural Residential (RR) District provides for very low-density residential development in areas where maintaining the rural character, natural features, and open space is a priority. This district acts as a transition between agricultural land and more developed residential areas, supporting large-lot, single-family homes and allowing for limited, low-impact agricultural or home-based uses. Infrastructure demands remain minimal, and development should preserve the scenic, environmental, and agricultural integrity of the area. This district helps absorb growth pressure without undermining rural qualities.

USES

PERMITTED USES	CONDITIONAL USES	ACCESSORY USES	TEMPORARY USES
Agricultural Uses • Agriculture* • Agritourism* **Residential Uses** • Dwelling, Single-Family, Detached • Residential Facility* • Residential Treatment Facility* **Public/Institutional Uses** • Cemetery* • Governmental Facility • Park or Recreation Facility, Public • Utility, Public or Private*	**Agricultural Uses** • Agribusiness* **Public/Institutional Uses** • Education Facility – Public or Private* • Education Facility – Trade, College, or University* • Religious Assembly / Places of Worship* **Commercial Uses** • Bed and Breakfast*	• Accessory Dwelling Units* • Accessory Structures* • Accessory Uses* • Day Care Home, Type A* • Day Care Home, Type B* • Electric Vehicle Charging Station* • Fences and Walls* • Home Occupations* • Keeping of Farm Animals* • Keeping of Fowl* • Parking/Storage of Recreational Vehicles & Equipment* • Roadside Stands* • Short-Term Rentals* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Portable Storage Unit* • Residential Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.04-2: RR District Dimensional Standards

SEWER / SEPTIC	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			BUILDING HEIGHT (MAX)	IMPERVIOUS COVERAGE (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	10,000 sf	100′	50′	10′	30′	35′	30%
Served by Septic	20,000 sf						

2.05. "RL" RESIDENTIAL, LOW DENSITY DISTRICT

Table 2.05-1: RL District Intent and Uses

DISTRICT INTENT
The Residential Low-Density (RL) District is designed to accommodate single-family residential development at a low density while providing for a quiet, rural residential environment. This district allows for modest expansion of the township's housing stock in areas suitable for limited infrastructure and public services. Non-residential uses are restricted to those clearly compatible with residential character. Development patterns should respect topography, water resources, and open space to reinforce rural identity while meeting housing needs.

USES			
PERMITTED USES	**CONDITIONAL USES**	**ACCESSORY USES**	**TEMPORARY USES**
Residential Uses • Dwelling, Single-Family, Detached • Dwelling, Single-Family, Attached (Townhome)* • Dwelling, Two-Family (Duplex) • Dwelling, Three-Family (Triplex) • Residential Facility* • Residential Treatment Facility* **Public/Institutional Uses** • Cemetery* • Governmental Facility • Park or Recreation Facility, Public • Utility, Public or Private*	**Public/Institutional Uses** • Education Facility – Public or Private* • Education Facility – Trade, College, or University* • Religious Assembly / Places of Worship* **Commercial Uses** • Bed and Breakfast*	• Accessory Dwelling Units* • Accessory Structures* • Accessory Uses* • Day Care Home, Type A* • Day Care Home, Type B* • Electric Vehicle Charging Station* • Fences and Walls* • Home Occupations* • Keeping of Farm Animals* • Keeping of Fowl* • Parking/Storage of Recreational Vehicles & Equipment* • Roadside Stands* • Short-Term Rentals* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Portable Storage Unit* • Residential Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.05-2: RL District Dimensional Standards

SEWER / SEPTIC	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			BUILDING HEIGHT (MAX)	IMPERVIOUS COVERAGE (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	7,500 sf	75′	35′	10′	30′	35′	30%
Served by Septic	20,000 sf	100′					

2.06. "RM" RESIDENTIAL, MODERATE DENSITY DISTRICT

Table 2.06-1: RM District Intent and Uses

DISTRICT INTENT
The Residential Moderate-Density (RM) District supports more compact residential development while remaining sensitive to the township's rural character. This district is intended to provide opportunities for growth near existing or planned infrastructure and community facilities, serving as a logical extension of lower-density districts or a buffer to more intensive land uses. Development should include a mix of lot sizes, promote land efficiency, and encourage context-sensitive design, such as clustering or conservation subdivisions. The RM District plays a key role in accommodating development pressure while managing growth responsibly.

USES			
PERMITTED USES	**CONDITIONAL USES**	**ACCESSORY USES**	**TEMPORARY USES**
Residential Uses • Dwelling, Single-Family, Detached • Dwelling, Single-Family, Attached (Townhome)* • Dwelling, Two-Family (Duplex) • Dwelling, Three-Family (Triplex) • Dwelling, Multi-Family, Small-Scale (4-15 units)* • Dwelling, Multi-Family, Large-Scale (16+ units)* • Residential Facility* • Residential Treatment Facility* **Public/Institutional Uses** • Cemetery* • Governmental Facility • Park or Recreation Facility, Public • Utility, Public or Private*	**Public/Institutional Uses** • Education Facility – Public or Private* • Education Facility – Trade, College, or University* • Religious Assembly / Places of Worship* **Commercial Uses** • Bed and Breakfast*	• Accessory Dwelling Units* • Accessory Structures* • Accessory Uses* • Day Care Home, Type A* • Day Care Home, Type B* • Electric Vehicle Charging Station* • Fences and Walls* • Home Occupations* • Keeping of Farm Animals* • Keeping of Fowl* • Parking/Storage of Recreational Vehicles & Equipment* • Short-Term Rentals* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Portable Storage Unit* • Residential Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.06-2: RM District Dimensional Standards

LOT STANDARD	SINGLE-FAMILY		TWO- & THREE-FAMILY	MULTI-FAMILY	
	DETACHED	ATTACHED		4-15 UNITS	16+ UNITS
LOT SIZE (min.)					
Served by Sewer	6,000 sf	4,500 sf	7,500 sf	3,620 sf / unit (12 du/acre)	
Served by Septic	As Required by Clermont County Health Department				
DIMENSIONS & SETBACKS (min)					
Lot Width	50′	40′	75′	150′	200′
Front Yard Setback	25′			35′	35′
Side yard Setback	10′			15′	20′
Rear Yard Setback	30′			35′	35′
BUILDING MASSING & LOT COVERAGE (max)					
Building Height	35′			45′	50′
Impervious Coverage	45%			50%	50%

2.07. "CR" COMMERCIAL, RURAL DISTRICT

Table 2.07-1: CR District Intent and Uses

DISTRICT INTENT
The Commercial-Rural (CR) District is intended to accommodate small-scale, low-intensity commercial uses that serve the daily needs of rural residents and are compatible with the surrounding agricultural and residential areas. This district supports rural services such as farm supply stores, local markets, repair shops, and home-based businesses that do not require extensive infrastructure or generate high traffic volumes. Development should be designed to reflect the rural character through appropriate site planning, signage, and architecture, minimizing visual and environmental impacts. The CR District provides essential services while preserving the open and agricultural landscape.

USES			
PERMITTED USES	**CONDITIONAL USES**	**ACCESSORY USES**	**TEMPORARY USES**
Public/Institutional Uses • Governmental Facility • Library, Museum, Gallery • Park or Recreation Facility, Public • Religious Assembly / Places of Worship* • Utility, Public or Private* **Commercial Uses** • Club, Lounge, or Meeting Hall • Day Care Center* • Eating and Drinking Establishment* • Garden Center / Greenhouse / Nursery • Mixed-Use • Personal Services • Retail Sales and Service	**Public/Institutional Uses** • Cemetery* • Education Facility – Public or Private* • Education Facility – Trade, College, or University* **Commercial Uses** • Animal Kennel, Daycare, and Training Facility* • Animal Hospital, Veterinarian Office and Clinic* • Bed and Breakfast* • Campgrounds and Recreational Vehicle Camps* • Medical Office, Clinic, or Urgent Care • Office • Recreation or Entertainment Facility, Outdoor*	• Accessory Dwelling Units* • Accessory Structures* • Accessory Uses* • Automated Teller Machines (ATMs)* • Drop Off Receptacles* • Electric Vehicle Charging Station • Fences and Walls* • Keeping of Farm Animals* • Keeping of Fowl* • Outdoor Dining / Food Service Areas* • Outdoor Display / Retail* • Outdoor Storage* • Parking/Storage of Recreational Vehicles & Equipment* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit* • Seasonal Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.07-2: CR District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	–‡	150′	60′/35′†	20′	15′	50%	35′
Served by Septic	As Required by Clermont County Health Department						

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.
‡ No minimum lot area is required in this district; however, all dimensional standards of the district and all other applicable provisions of this Zoning Resolution shall apply and shall be fully satisfied, irrespective of lot size

2.08. "CC" COMMERCIAL, COMMUNITY DISTRICT

Table 2.08-1: CC District Intent and Uses

DISTRICT INTENT

The Commercial-Community (CC) District is intended to provide for neighborhood- and township-serving commercial development at a moderate scale. Located near population centers or at key rural crossroads, this district accommodates a mix of retail, service, and office uses that meet the everyday needs of township residents. Development in the CC District should be pedestrian-scaled where appropriate, context-sensitive, and supportive of a compact community node. This district helps consolidate commercial activity in designated areas, reducing land use conflicts and supporting efficient infrastructure investment without encouraging strip-style or sprawling development patterns.

USES

PERMITTED USES		CONDITIONAL USES	ACCESSORY USES
Public/Institutional Uses • Governmental Facility • Library, Museum, Gallery • Park or Recreation Facility, Public • Religious Assembly / Places of Worship* • Utility, Public or Private* **Commercial Uses** • Animal Kennel, Daycare, and Training Facility* • Animal Hospital, Veterinarian Office and Clinic* • Automotive Fueling / Charging* • Automotive Service / Repair, Minor* • Banks and Financial Institutions* • Bar / Tavern* • Brewpub* • Club, Lounge, or Meeting Hall • Day Care Center* • Eating and Drinking Establishment* • Fitness Center	• Fitness Studio • Funeral Home* • Hotel / Motel* • Medical Office, Clinic, or Urgent Care • Mixed-Use • Office • Personal Services • Retail Sales and Service	**Public/Institutional Uses** • Education Facility – Public or Private* • Education Facility – Trade, College, or University* **Commercial Uses** • Automotive Sales / Leasing, Passenger Vehicles* • Automotive Service / Repair, Major* • Automotive Washing / Detailing* • Brewery, Distillery, Winery, Cidery* • Drive-In Theater* • Garden Center / Greenhouse / Nursery • Hospital* • Institutional Care Facility* • Recreation or Entertainment Facility, Indoor • Recreation or Entertainment Facility, Outdoor* **Accessory Uses** • Drive-Through Facilities*	• Accessory Structures* • Accessory Uses* • Automated Teller Machines (ATMs)* • Drop Off Receptacles* • Electric Vehicle Charging Stations* • Fences and Walls* • Outdoor Dining / Food Service Areas* • Outdoor Display / Retail* • Outdoor Storage* • Parking/Storage of Recreational Vehicles & Equipment* • Pick-Up Windows* • Solar Panels, Accessory* • Swimming Pools* **TEMPORARY USES** • Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit* • Seasonal Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.08-2: CC District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	–‡	100′	60′/35′†	0′/40′†	10′	50%	35′
Served by Septic							

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.
‡ No minimum lot area is required in this district; however, all dimensional standards of the district and all other applicable provisions of this Zoning Resolution shall apply and shall be fully satisfied, irrespective of lot size

2.09. "CG" COMMERCIAL, GENERAL DISTRICT

Table 2.09-1: CG District Intent and Uses

DISTRICT INTENT

The Commercial-General (CG) District is established to accommodate a broader range of commercial uses serving the wider region, including retail, service, office, and limited light industrial activities. This district is intended for locations with access to major transportation corridors or future growth areas where higher traffic volumes and more intensive uses can be supported by existing or planned infrastructure. Development should be carefully managed to ensure compatibility with surrounding uses, and site design standards should promote access management, screening, and stormwater protection. The CG District supports economic development while minimizing adverse impacts on the township's rural character.

USES

PERMITTED USES

Public/Institutional Uses
- Governmental Facility
- Library, Museum, Gallery
- Park or Recreation Facility, Public
- Religious Assembly / Places of Worship*
- Utility, Public or Private*

Commercial Uses
- Animal Kennel, Daycare, and Training Facility*
- Animal Hospital, Veterinarian Office and Clinic*
- Automotive Fueling / Charging*
- Automotive Sales / Leasing, Passenger Vehicles*
- Automotive Service / Repair, Major*
- Automotive Service / Repair, Minor*
- Automotive Washing / Detailing*
- Banks and Financial Institutions*
- Bar / Tavern*
- Brewpub*
- Club, Lounge, or Meeting Hall
- Day Care Center*
- Eating and Drinking Establishment*
- Fitness Center
- Fitness Studio
- Funeral Home*
- Garden Center / Greenhouse / Nursery
- Hospital*
- Hotel / Motel*
- Medical Office, Clinic, or Urgent Care
- Mixed-Use
- Office
- Personal Services
- Retail Sales and Service
- Retail Sales and Service, Large-Scale*

CONDITIONAL USES

Public/Institutional Uses
- Education Facility – Public or Private*
- Education Facility – Trade, College, or University*

Commercial Uses
- Automotive Rental*
- Automotive Sales / Leasing, Commercial and Recreational Vehicles*
- Brewery, Distillery, Winery, Cidery*
- Drive-In Theater*
- Institutional Care Facility*
- Recreation or Entertainment Facility, Indoor
- Recreation or Entertainment Facility, Outdoor*

Industrial Uses
- Building Material Sales and Storage*
- Building Trade and Equipment Sales and Service*
- Laboratory / Research & Development*
- Self-Service Storage Facility*
- Wholesale Facility*

ACCESSORY USES
- Accessory Structures*
- Accessory Uses*
- Automated Teller Machines (ATMs)*
- Automotive Washing / Detailing*
- Drive-Through Facilities*
- Drop Off Receptacles*
- Electric Vehicle Charging Stations*
- Fences and Walls*
- Outdoor Dining / Food Service Areas*
- Outdoor Display / Retail*
- Outdoor Storage*
- Parking/Storage of Recreational Vehicles & Equipment*
- Pick-Up Windows*
- Solar Panels, Accessory*
- Swimming Pools*

TEMPORARY USES
- Construction Dumpster*
- Construction Trailer / Office*
- Festivals and Similar Events*
- Mobile Food Vendor*
- Portable Storage Unit*
- Seasonal Outdoor Sales*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.09-2: CG District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer Served by Septic	–‡	75′	60′/35′†	0′/75′†	10′	50%	35′

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.
‡ No minimum lot area is required in this district; however, all dimensional standards of the district and all other applicable provisions of this Zoning Resolution shall apply and shall be fully satisfied, irrespective of lot size

2.10. "EP" ENTERPRISE, PROFESSIONAL DISTRICT

Table 2.10-1: EP District Intent and Uses

DISTRICT INTENT
The Enterprise-Professional (EP) District is established to encourage the development of office, research, light industrial, and technology-based enterprises that generate minimal environmental and community impacts. This district is intended to support businesses focused on innovation, professional services, and clean manufacturing, providing quality employment opportunities within a campus-style, well-landscaped setting. The EP District aims to balance economic growth with preservation of the township's rural character by promoting uses that are compatible with surrounding residential and agricultural areas. Development should incorporate thoughtful site design, appropriate buffering, and infrastructure that supports sustainable and orderly growth.

USES			
PERMITTED USES	**CONDITIONAL USES**	**ACCESSORY USES**	**TEMPORARY USES**
Public/Institutional Uses • Governmental Facility • Park or Recreation Facility, Public • Utility, Public or Private* **Commercial Uses** • Banks and Financial Institutions* • Hospital* • Medical Office, Clinic, or Urgent Care • Mixed-Use • Office **Industrial Uses** • Building Trade and Equipment Sales and Service* • Distribution / Fulfillment Center and Warehousing* • Laboratory / Research & Development* • Manufacturing, Light • Wholesale Facility*	**Public/Institutional Uses** • Education Facility – Trade, College, or University* • Religious Assembly / Places of Worship* **Commercial Uses** • Brewery, Distillery, Winery, Cidery* • Day Care Center* • Eating and Drinking Establishment* • Fitness Studio • Parking, Commercial and Fleet Vehicles* **Industrial Uses** • Building Material Sales and Storage*	• Accessory Structures* • Accessory Uses* • Automated Teller Machines (ATMs)* • Automotive Washing / Detailing* • Drop Off Receptacles* • Electric Vehicle Charging Station* • Fences and Walls* • Outdoor Storage* • Parking/Storage of Recreational Vehicles & Equipment* • Solar Panels, Accessory*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.10-2: EP District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	90,000 sf	200'	100'	50'/100'†	75'	50%	40'
Served by Septic	As Required by Clermont County Health Department						

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.

2.11. "EO" ENTERPRISE, OPERATIONAL DISTRICT

Table 2.11-1: EO District Intent and Uses

DISTRICT INTENT

The Enterprise-Operational (EO) District is designed to accommodate a broader range of industrial, manufacturing, processing, and distribution activities that may involve heavier operational demands. This district supports businesses requiring robust infrastructure and access to major transportation routes while managing potential impacts such as noise, traffic, and environmental emissions through performance standards and site design controls. The EO District serves as a vital component of the township's economic framework by providing space for larger-scale industrial enterprises and operations that contribute to job creation and regional economic vitality. Careful siting and design are essential to minimize conflicts with nearby residential, commercial, and rural land uses.

USES

PERMITTED USES	CONDITIONAL USES	ACCESSORY USES	TEMPORARY USES
Public/Institutional Uses • Governmental Facility • Utility, Public or Private* **Commercial Uses** • Brewery, Distillery, Winery, Cidery* • Office **Industrial Uses** • Building Material Sales and Storage* • Distribution / Fulfillment Center and Warehousing* • Junk / Salvage Yard / Tow Yard* • Laboratory / Research & Development* • Manufacturing, General • Manufacturing, Light • Self-Service Storage Facility*	**Public/Institutional Uses** • Educational Facility – Trade, College, or University* **Commercial Uses** • Parking, Commercial and Fleet Vehicles* **Industrial Uses** • Building Trade and Equipment Sales and Service* • Data Centers* • Freight Services, Truck Terminals* • Wholesale Facility*	• Accessory Structures* • Accessory Uses* • Automated Teller Machines (ATMs)* • Automotive Washing / Detailing* • Drop Off Receptacles* • Electric Vehicle Charging Station* • Fences and Walls* • Outdoor Storage* • Parking/Storage of Recreational Vehicles & Equipment* • Solar Panels, Accessory*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.11-2: EO District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	175,000 sf	300′	100′	50′/200′†	75′	50%	45′
Served by Septic	As Required by Clermont County Health Department						

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.

2.12. "PSR" PUBLIC SERVICES AND RECREATIONAL DISTRICT

Table 2.12-1: PSR District Intent and Uses

DISTRICT INTENT
The Public Services & Recreation (PSR) District is established to accommodate essential public facilities, community services, and recreational areas that support the health, safety, welfare, and quality of life for township residents. This district is intended to provide locations for public and institutional uses such as government buildings, emergency services, educational and cultural facilities, as well as parks, open spaces, and recreational amenities. Development within the PSR District should promote accessibility, environmental stewardship, and harmonious integration with surrounding land uses while preserving the rural character of the township. Thoughtful site design, buffering, and infrastructure are encouraged to ensure safe, functional, and attractive facilities that meet community needs.

USES			
PERMITTED USES	**CONDITIONAL USES**	**ACCESSORY USES**	**TEMPORARY USES**
Public/Institutional Uses • Cemetery* • Education Facility – Public or Private* • Education Facility – Trade, College, or University* • Governmental Facility • Library, Museum, Gallery • Park or Recreation Facility, Public • Religious Assembly / Places of Worship* • Utility, Public or Private*	**Commercial Uses** • Campgrounds and Recreational Vehicle Camps* • Club, Lounge, or Meeting Hall • Day Care Center* • Funeral Home* • Hospital*	• Accessory Structures* • Accessory Uses* • Drop Off Receptacles* • Electric Vehicle Charging Stations* • Fences and Walls* • Keeping of Farm Animals* • Keeping of Fowl* • Solar Panels, Accessory* • Swimming Pools*	• Construction Dumpster* • Construction Trailer / Office* • Festivals and Similar Events* • Mobile Food Vendor* • Portable Storage Unit*

* Indicates uses that have additional use-specific standards. See Article 3. Use Regulations.

Table 2.12-2: PSR District Dimensional Standards

	LOT DIMENSIONS (MIN)		SETBACKS (MIN)			LOT COVERAGE (MAX)	BUILDING HEIGHT (MAX)
	LOT AREA	FRONTAGE	FRONT	SIDE	REAR		
Served by Sewer	43,560sf	150′	75′	0′/75′†	30′	20%	35′
Served by Septic	As Required by Clermont County Health Department						

† Indicates additional dimensional standards. See Table 4.02-3: Dimensional Standards for Non-Residential Districts.

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).

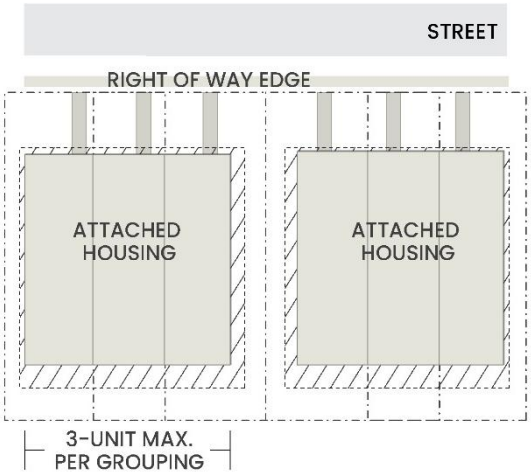


Figure 3-1: Illustration of Single-Family, Attached Dwelling Groups

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.

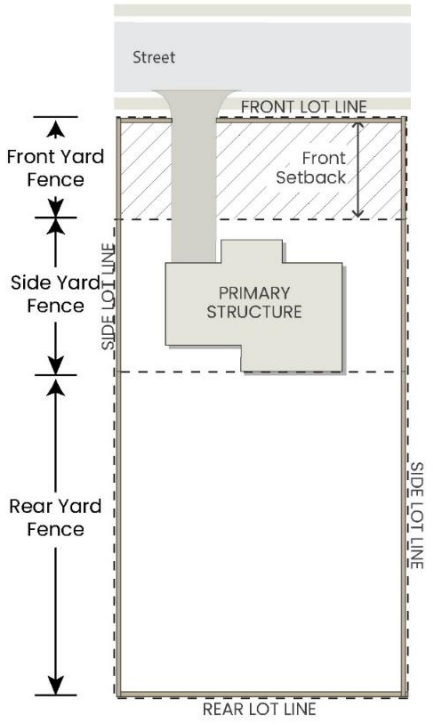


Figure 3-2: Interior Lot Fences

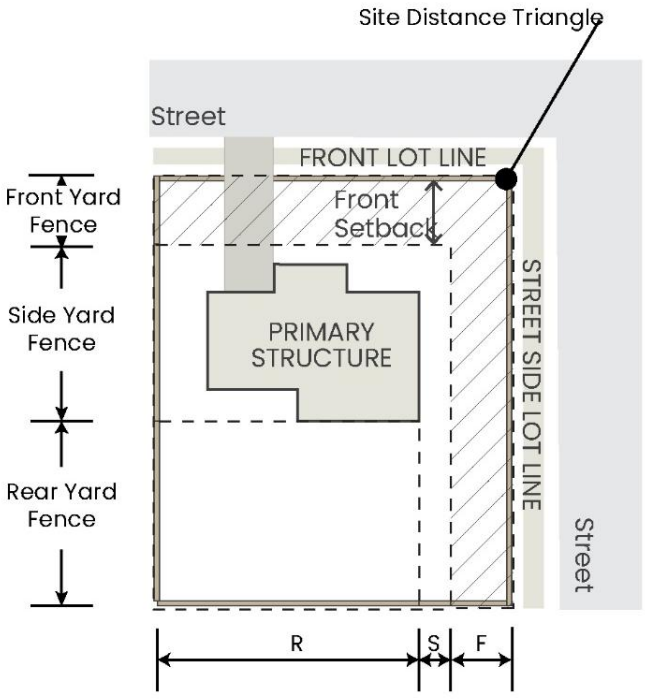


Figure 3-3: Corner Lot Fences

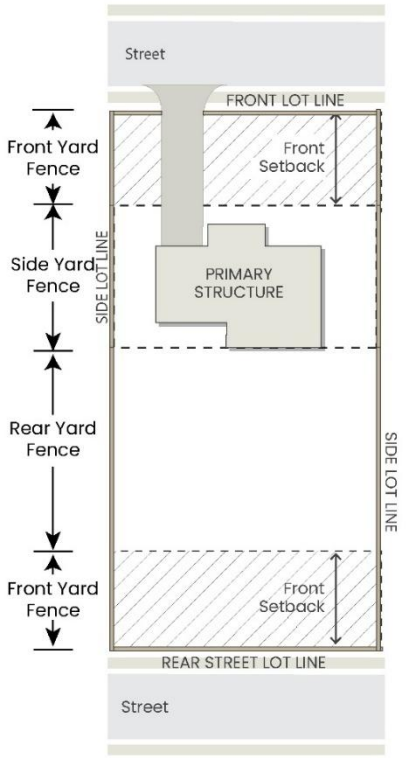


Figure 3-4: Through Lot Fences

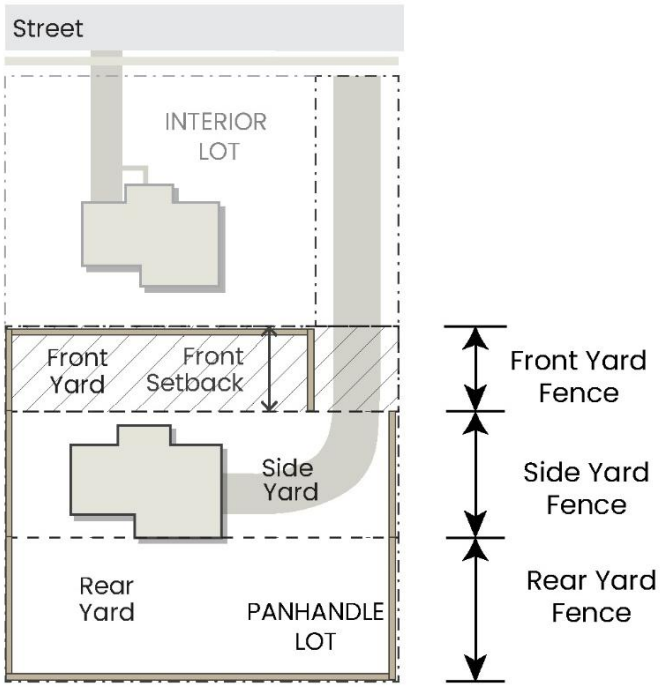


Figure 3-5: Panhandle Lot Fences

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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TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 4
DIMENSIONAL STANDARDS

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ARTICLE 4. DIMENSIONAL STANDARDS

4.01. GENERAL DEVELOPMENT STANDARDS

4.01.A. STREET FRONTAGE REQUIRED

The following shall apply to all residential lots unless specific exceptions are provided elsewhere in this zoning resolution.

4.01.A.1. All lots used for residential purposes shall have frontage on a designated public street or right-of-way in accordance with the district in which it is located.

4.01.A.2. Frontage along limited access or interstate roadways shall not be considered as part of the required street frontage.

4.01.A.3. Frontage regulations for specific lot types are further regulated in Section 4.03.I. Lot Requirements.

4.01.B. AGRICULTURAL EXEMPTIONS

4.01.B.1. Agricultural uses, and buildings or structures, which 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.

4.01.B.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.

4.01.C. RESIDENTIAL DWELLING MINIMUM FLOOR AREA

4.01.C.1. Principal residential dwelling structures shall meet the minimum residential floor area per dwelling unit as established in Table 4.01-1: Minimum Residential Floor Area Per Unit By Dwelling Type (below) based on type of dwelling. The aggregate floor area total for structures shall be a minimum of 1,400 sq. ft. regardless of number of units.

Table 4.01-1: Minimum Residential Floor Area Per Unit by Dwelling Type

DWELLING TYPE	MINIMUM FLOOR AREA PER DWELLING UNIT REQUIRED[1]
Dwelling, Single-Family	1,400 sq. ft
Dwelling, Two-Family	Combined total of the residential floor area for each dwelling unit type (See minimums below – Dwelling, Multi-Family by Unit Type), or 1,400 sq. ft., whichever is greater.
Dwelling, Three-Family	
Dwelling, Multi-Family (By Unit Type)	
Efficiency Unit	450 sq. ft.
1 Bedroom unit	650 sq. ft.
2 Bedroom unit	850 sq. ft.
3+ Bedroom unit	1050 sq. ft.

[1] Area of dwelling devoted to living purposes include stairways, halls, closets, and other finished spaces within the dwelling unit, excluding unfinished area of basements, attics, porches and spaces used for a garage or carport. In multi-family dwellings, the area of shared laundry rooms, storage rooms, office, elevators, stairways, hallways or lobbies shall be excluded from residential floor area.

4.01.D. TRAFFIC VISIBILITY ACROSS CORNER LOTS

4.01.D.1. Neighborhood / Subdivision Roads

On any corner lot located at the intersection of two local neighborhood or subdivision streets (typically characterized by posted speed limits of 25 mph or less), no fence, wall, structure, or planting which acts as an obstruction to vision shall be erected or maintained within a clear sight triangle of thirty (30) feet. This distance shall be measured along the edge of the pavement or traveled way, starting from the point of intersection of the two street lines, as illustrated in Figure 4-1.

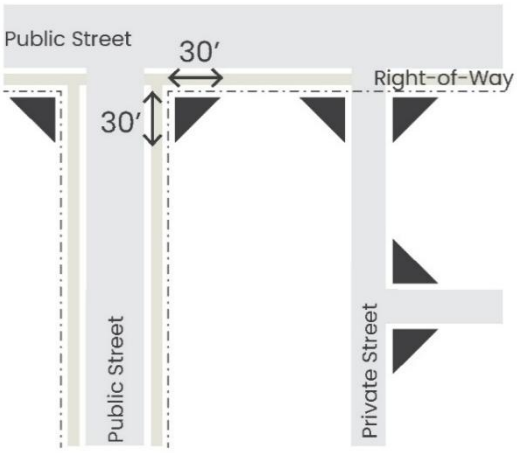


Figure 4-1: Traffic visibility across corner lots illustration

4.01.D.2. Township or Neighborhood Roads

On any corner lot located at an intersection involving a secondary or primary Township road (typically characterized by posted speed limits between 30 mph and 45 mph, or where a subdivision street intersects a through-township road), the clear sight triangle shall be increased to ensure adequate reaction times. No fence, wall, structure, or planting which acts as an obstruction to vision shall be erected or maintained within a clear sight triangle of fifty (50) feet, measured along the edge of the pavement or traveled way from the point of intersection.:

4.01.D.3. County and State Roads

All intersections and driveways intersecting with or crossing County and/or State roads must meet the intersection sight-distance criteria set forth in the current editions of the ODOT Location & Design Manual or the AASHTO Green Book, as applicable. Where the Ohio Department of Transportation (ODOT) or the Clermont County Engineer requires larger sight triangles, alternative dimensions, or dedicated sight-distance easements to accommodate higher legal travel speeds, those state or county requirements shall control and supersede the township metrics.

4.01.D.4. Minimum Standard Concept

The clear sight triangle dimensions established in this Section represent the absolute minimum requirements to maintain basic traffic safety. If the Zoning

Inspector, in consultation with the Township Trustees or County Engineer, determines that unique local topography, significant horizontal or vertical roadway curves, or documented traffic speeds require a greater unobstructed sight area than specified herein to preserve public safety, the stricter engineering standard or county/state guideline shall govern as the minimum acceptable standard.

4.02. DIMENSIONAL STANDARDS

4.02.A. DIMENSIONAL STANDARDS APPLICABLE TO "AG," "RR," AND "RL" DISTRICTS

The dimensional standards table in this section identifies the specific dimensional standards that apply to each agricultural and residential zoning district.

Table 4.02-1: Dimensional Standards for AG, RR, and RL Districts

LOT STANDARD	AG	RR	RL
Lot Size (min.)			
Served by Sanitary	43,560 sf	10,000 sf	7,500 sf
Served by Septic		20,000 sf	20,000 sf
Dimensions & Setbacks (min)			
Lot Width	150′	100′	75′
Front Yard Setback	75′	50′	35′
Side yard Setback	20′	10′	10′
Rear Yard Setback	30′		
Building Massing & Lot Coverage (max)			
Building Height	35′		
Building Coverage	30%		

4.02.B. DIMENSIONAL STANDARDS APPLICABLE TO "RM" DISTRICTS

The dimensional standards table in this section identifies the specific dimensional standards that apply to properties within RM districts.

Table 4.02-2: Dimensional Standards for RM Districts

LOT STANDARD	Single-Family		TWO- & THREE-FAMILY	Multi-Family	
	Detached	Attached		4-15 Units	16+ Units
Lot Size (min.)					
Served by Sanitary	6,000 sf	4,500 sf	7,500 sf	3,620 sf / unit (12 du/acre)	
Served by Septic	As Required by Clermont County Health Department or as required for such lot served by sanitary, whichever is greater				
Dimensions & Setbacks (min)					
Lot Width	50′	40′	75′	150′	200′
Front Yard Setback	25′			35′	35′
Side yard Setback	10′			15′	20′
Rear Yard Setback	30′			35′	35′
Building Massing & Lot Coverage (max)					
Building Height	35′			45′	50′
Building Coverage	45%			50%	50%

4.02.C. DIMENSIONAL STANDARDS APPLICABLE TO NON-RESIDENTIAL DISTRICTS

The dimensional standards table in this section identifies the specific dimensional standards that apply to each non-residential zoning district.

Table 4.02-3: Dimensional Standards for Non-Residential Districts

LOT STANDARD	CR	CC	CG	EP	EO	PSR
Lot Size (min.)						
Served by Sanitary	–[5]	–[5]	–[5]	90,000 sf	175,000 sf	43,560 sf
Served by Septic	As Required by Clermont County Health Department or as required for such lot served by sanitary, whichever is greater					
Dimensions & Setbacks (min)						
Lot Width	150′	100′	75′	200′	300′	150′
Front Yard Setback	60′/35′[1]			100′	100′	75′
Side yard Setback	20′	0′/40′[2]	0′/75′[2]	50′/100′[3]	50′/200′[4]	0′/75′[2]
Rear Yard Setback	15′	10′	10′	75′	75′	30′
Building Massing & Lot Coverage (max)						
Building Height	35′	35′	35′	40′	45′	35′
Impervious Coverage	50%	50%	50%	50%	50%	20%

[1] Minimum front yard setback of 60 ft. fronting Federal/State/County highways; 35 ft. minimum for Township roads.
[2] No side yard required except when commercial lot abuts an agriculturally or residentially used lot, then 40 ft. minimum or 75 ft. minimum as specified. Minimum buffer yard requirements as established by Section 6.06 shall apply regardless of the setback requirement.
[3] Minimum side yard setback of 50 ft.; 100 ft. if abutting residential. Minimum buffer yard requirements as established by Section 6.06 shall apply regardless of the setback requirement.
[4] Minimum side yard setback of 50 ft.; 200 ft. if abutting residential. Minimum buffer yard requirements as established by Section 6.06 shall apply regardless of the setback requirement.
[5] No minimum lot area is required in this district; however, all dimensional standards of the district and all other applicable provisions of this Zoning Resolution shall apply and shall be fully satisfied, irrespective of lot size

4.03. MEASUREMENTS, COMPUTATIONS, AND EXCEPTIONS

4.03.A. PERCENTAGES AND FRACTIONS

When a measurement results in a fractional number or percentage, any fraction or percentage of less than 0.5 shall be rounded down to the next lower whole number, and any fraction equal to or more than 0.5 shall be rounded up to the next higher whole number.

4.03.B. DISTANCE MEASUREMENTS

Unless otherwise expressly stated, distances specified in this resolution are to be measured in a straight line without regard to intervening structures or objects, joining those points at the closest points.

4.03.C. LOT AREA MEASUREMENT

The area of a lot includes the total horizontal surface area within the lot's boundaries. The area of a panhandle on a panhandle lot shall not count towards the minimum lot area requirement.

4.03.D. LOT FRONTAGE AND LOT WIDTH MEASUREMENTS

4.03.D.1. Lot frontage and lot width is the distance between the side lot lines measured at the front property line, unless otherwise expressly stated.

4.03.D.2. Lot width for panhandle lots shall be measured at the point of the building setback line.

4.03.D.3. In all cases, the minimum lot width shall be met at the building setback line.

4.03.E. SETBACKS AND YARDS

4.03.E.1. Measurements

Setbacks refer to the unobstructed, unoccupied open area between the furthermost projection of a structure and the property line of the lot on which the structure is located. Setbacks shall not contain any structure, except when in conformance with this code.

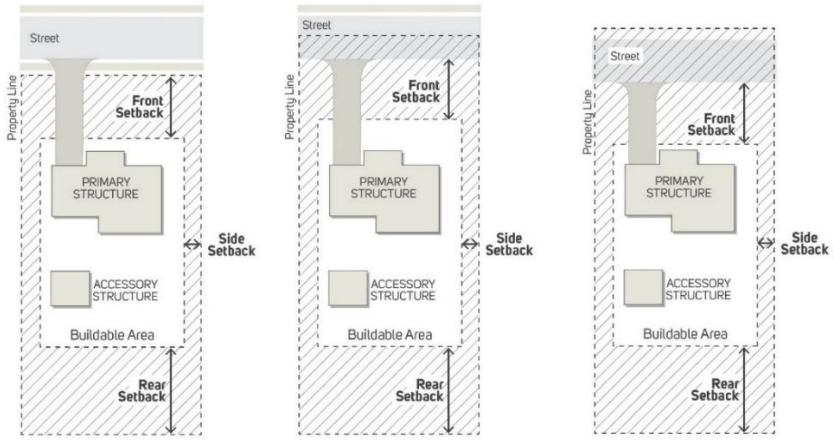


Figure 4-2: Setback and yard measurements defined – Interior Lot example

4.03.F. YARD PROJECTIONS

The following are permitted obstructions within the required yards provided they are so located that natural light and ventilation are not materially obstructed from the main building and adjoining property.

4.03.F.1. Open Air Front Porch

In residential zoning districts, there shall be no building or portion of a building above grade extending into the required front yard, except an open air porch (open on at least three (3) sides – including porches that may be covered, but not ones that are enclosed). No portion of such open air porch may be built more than 10 feet beyond the front wall of such building.

4.03.F.2. Architectural Features, Awnings, Chimneys, Eaves, Gutters, Downspouts, Stairs, and Canopies

Such features may extend into the required yard a maximum of one-fifth (1/5th) of the required setback, up to a maximum of three (3) feet.

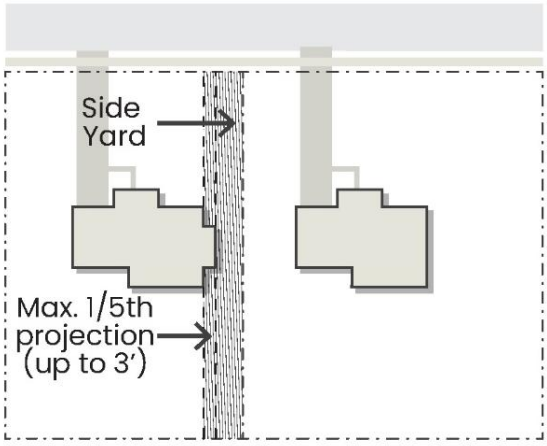


Figure 4-3: Architectural features and projections into required setback – side yard example

4.03.F.3. Heating, Cooling, and Mechanical Equipment

Heating, cooling, and residential mechanical equipment shall not extend more than three (3) feet into a required yard.

4.03.G. HEIGHT MEASUREMENT

The height of a structure is the vertical distance from the average finished grade of the structure to the:

4.03.G.1. Highest point of the roof surface for flat roofs;

4.03.G.2. The deck line of a mansard roof; or

4.03.G.3. The average height level between the eaves and ridge for a gable, hip, or gambrel roof.

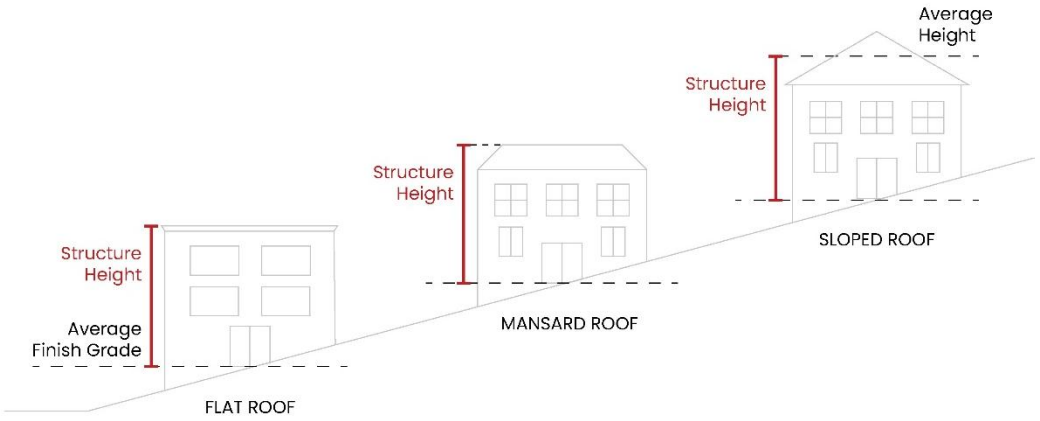


Figure 4-4: Height measurement by roof type

4.03.H. EXCEPTIONS TO HEIGHT LIMITS

The following uses and structures are exempt from the height limitations of these zoning regulations:

4.03.H.1. Barns, silos, or other farm buildings or structures on agricultural land used for agricultural purposes;

4.03.H.2. Water towers;

4.03.H.3. Transmission towers;

4.03.H.4. Parapet walls extended a maximum of four (4) feet above the maximum height of the building;

4.03.H.5. Places of worship, schools, and other permitted public and semi-public buildings provided that for each three (3) feet by which the height of such building extends the maximum height otherwise permitted in the district, its side and rear setbacks shall be increased in width or depth by an additional foot over the minimum requirement.

4.03.I. LOT REQUIREMENTS

4.03.I.1. Interior Lot

4.03.I.1.a. The required minimum front yard setback shall be measured from the front property line.

4.03.I.1.b. The lot line located directly behind the rear of the structure, as determined by the Zoning Inspector, shall be the rear lot line and the rear setback shall be applied.

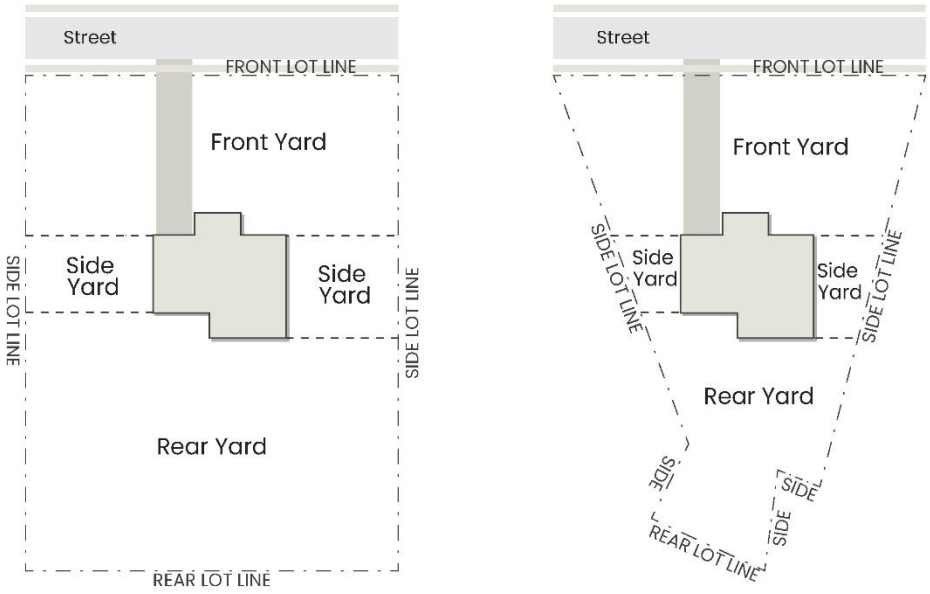


Figure 4-5: Interior lot yards defined

4.03.I.2. CORNER LOT

Buildings on corner lots shall be required to have two (2) front yards of the required depth pursuant to the district in which it is located.

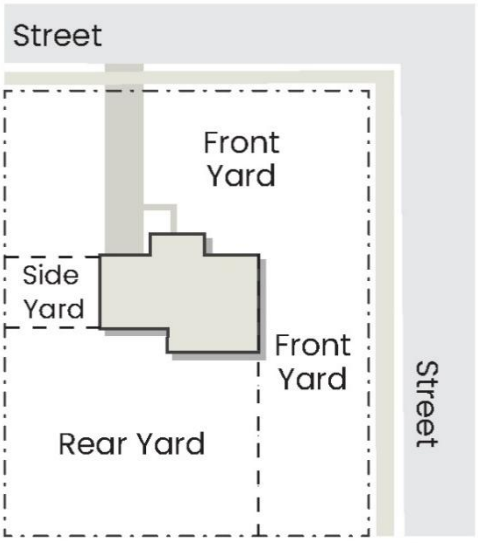


Figure 4-6: Corner lot yards defined

4.03.I.3. Through (Double Frontage) Lot

4.03.I.3.a. Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided from both frontages.

4.03.I.3.b. The remaining lot lines shall be considered side lot lines, and the minimum side yard setback shall be applied to those lot lines.

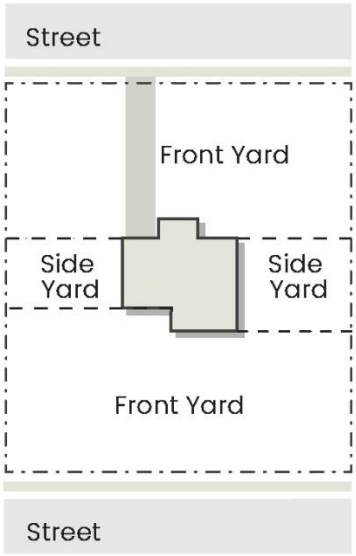


Figure 4-7: Through (Double-Frontage) Lot yards defined

4.03.I.4. Panhandle Lots

4.03.I.4.a. Panhandle or flag lots shall not be used to avoid the construction of a street.

4.03.I.4.b. The panhandle shall have a minimum width of 50 feet along the entire width of the panhandle.

4.03.I.4.c. The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot as illustrated in Figure 4-8

(below).

4.03.I.4.d. The panhandle portion of the lot shall not be used for storage, nor shall any structures be permitted in such portion of the lot.

4.03.I.4.e. The number of panhandle lots located within a recorded residential subdivision shall not exceed 10% of the total number of lots within the subdivision.

4.03.I.4.f. There shall not be more than two (2) contiguous panhandle lots.

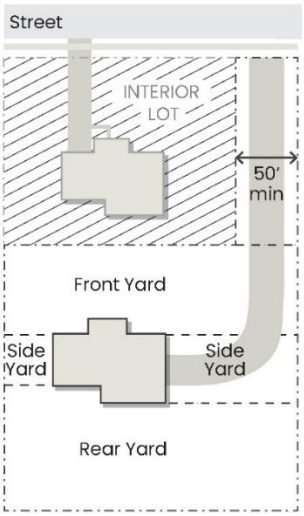


Figure 4-8: Panhandle lot yards defined

4.03.I.5. Cul-de-Sac or Curved-Street Lots

4.03.I.5.a. For a cul-de-sac lot or a lot abutting a curved street, the front-yard setback shall follow the curve of the front property line. See Figure 4-9 (below).

4.03.I.5.b. Lots on a cul-de-sac shall be required to have a minimum lot width of 50 feet measured at the front property line.

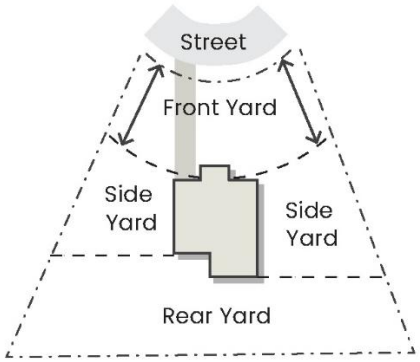


Figure 4-9: Cul-de-sac or curved-street lot yards defined

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TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 5
OUTDOOR LIGHTING

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ARTICLE 5. OUTDOOR LIGHTING

5.01. PURPOSE

The purpose of this section is to regulate the placement, orientation, distribution patterns, and fixture types of outdoor lighting in order to preserve, protect, and enhance the character of the township and the lawful nighttime use and enjoyment of property within the township. All outdoor lighting fixtures located on the applicable site including sign and building lightings, shall be arranged to reduce atmospheric light pollution, control light trespass, and minimize glare on adjacent properties and public roadways, and to provide safety, utility, and security.

5.02. APPLICABILITY

This section is applicable to all new outdoor lighting fixtures in all zoning districts within Tate Township.

5.03. EXEMPTIONS

The following lighting scenarios are exempt from the regulations contained herein:

5.03.A. Holiday lighting of a temporary nature of not more than two (2) months of continuous display per every six (6) months.

5.03.B. All temporary emergency lighting needed by police, fire department, other emergency service vehicles, and public service vehicles. This includes vehicular lights, which are exempt from the requirements of this section including flashing or blinking lights;

5.03.C. Street and traffic lights; and

5.03.D. All lighting required by the Federal Aviation Administration (FAA) or any other federal regulatory agency.

5.04. PROHIBITED LIGHTS

The following types of lights are prohibited within the Township:

5.04.A. Search lights

5.04.B. Beacons

5.04.C. Laser source lights

5.04.D. Any high-intensity or flashing light not associated with emergency services or public safety

5.04.E. Lighting, including LED strips, neon tubing, or string lights, installed for the purpose of outlining or tracing a building façade, roofline, window frame, or tenant space is prohibited. Lighting used as architectural accent illumination (emphasizing cornices, columns, pilasters, or other design features)is permitted when it does not form a continuous linear outline of the building or give the appearance of tracing the overall structure."

5.05. LIGHTING PLAN

A lighting plan is required, unless specifically exempted herein, for all non-residential and multi-family development. Agricultural uses, and single- and two-family dwellings shall not require a lighting plan. At a minimum, the lighting plan shall provide the following information:

5.05.A. The location of each existing and proposed site lighting, including wall-mounted, security, flood, parking lot lighting, and other lighting that may be proposed.

5.05.B. The height of proposed lighting fixtures.

5.05.C. The minimum and maximum intensity / illumination of the site.

5.05.D. A photometric plan showing the proposed intensity levels of the lighting throughout the site, indicating footcandle measurements for the subject site to all property lines, at a minimum. The initial output of lamp fixtures, as defined by the manufacturer, is the value to be considered in the intensity analysis. The photometric plan shall include all lighting, existing and proposed that is over 25 watts.

5.05.E. Details of the proposed outdoor lighting fixtures, indicating the manufacturer, model, and style of the fixture.

5.06. OUTDOOR LIGHTING REGULATIONS

5.06.A. Application

The following regulations shall apply to any outdoor lighting indicated in any district, on parcels where there are parking spaces for 20 or more vehicles.

5.06.B. Height

5.06.B.1. All lighting fixtures attached to the exterior of a structure shall not exceed the height of the structure.

5.06.B.2. All freestanding lighting fixtures shall not exceed a maximum height of 24 feet above grade.

5.06.B.3. Non-cutoff decorative freestanding lighting fixtures shall not exceed 12 feet in height.

5.06.C. Lighting Types

5.06.C.1. All outdoor lighting shall be located, screened, or shielded so that adjacent lots and the public right-of-way are not directly or indirectly illuminated.

5.06.C.2. Parking lot lighting shall be required to utilize full cut-off fixtures that are pointed down and away from the property line.

5.06.C.3. Wall-mounted lights shall be screened by the building's architectural features, or contain a cutoff shield, to direct lighting onto the building and not onto adjacent lots.

5.06.C.4. All outdoor lighting fixtures shall not exceed a color temperature of 4,000 Kelvin.

5.06.C.5. All exterior light poles and fixtures shall be bronze or black in color.

5.06.C.6. Statues, monuments, flags, and other similar objects, as determined by the Zoning Inspector, may utilize upward lighting in the form of spotlights to illuminate the object of interest.

5.06.C.7. Non-cutoff lighting shall only be used for decorative purposes only.

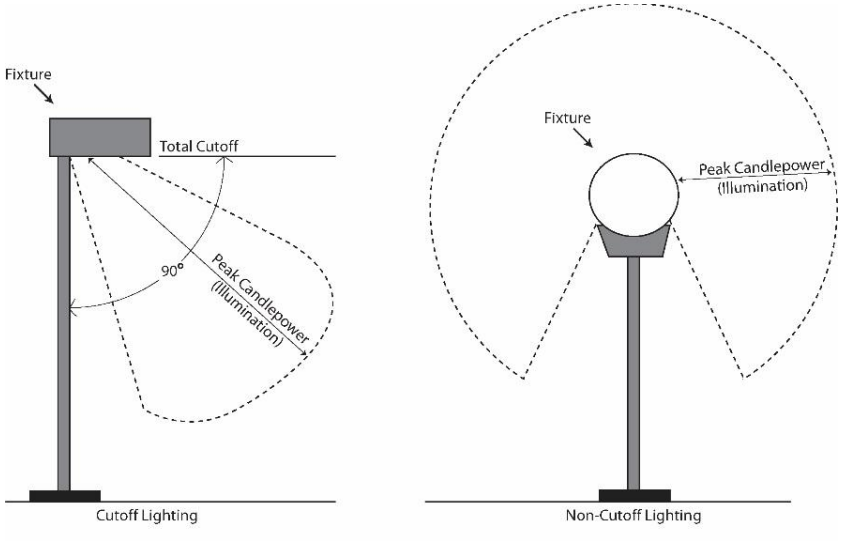


Figure 5.1: Cutoff and Non-Cutoff Light Fixtures

5.06.D. Illumination

The maximum illumination permitted at the property line in each district type and use, as demonstrated by a photometric plan, shall be meet the standards of Table 5.06-1: Illumination Levels.

Table 5.06-1: Illumination Levels

When a non-residential use abuts a…	The maximum illumination level at the property line is…
Agricultural, single-, two, and three-family dwellings	0.2 footcandles
Multi-Family residential development	0.5 footcandles
Non-residential use	1.0 footcandles

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TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 6
LANDSCAPING & BUFFERING

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ARTICLE 6. LANDSCAPING & BUFFERING

6.01. PURPOSE

The purpose of this article is to establish standards and regulations to promote the public interest and welfare by requiring buffering between incompatible land uses, screening visually undesirable areas, and providing attractive views from rights-of-way and adjacent properties.

6.02. APPLICABILITY

6.02.A. This article shall apply to all new property development, any expansion of existing structures or parking lots, and change of use. Single- (attached and detached), two-, and three-family dwellings are exempt from these provisions.

6.02.B. Parking lot area and parking spaces contained entirely within a parking garage shall not be subject to the landscaping requirements of this article.

Table 6.02-1: Landscaping & Buffering Applicability

Site/Building Improvement	Applicability of Landscaping and Buffering Standards
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	N/A
Less than 25% of floor area, but > 2,000 sq. ft.	Partial compliance; Parking lot landscaping and street trees
25 – 50% of floor area	Partial Compliance (Parking Lot Landscaping, Perimeter Landscaping)
>50% of floor Area	Full Compliance
EXTERIOR FAÇADE RENOVATION	
<25% of Façade Area	N/A
25 – 50% of Facade area	N/A
>50% of Façade Area	N/A
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	Compliance required if new use triggers higher landscaping requirements (adjacent use compatibility, additional parking required, etc.)
VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 20 Spaces	N/A
Parking Lot Expansion > 20 Spaces	Compliance required for expanded portion
Resurfacing or Restriping	N/A

6.03. LANDCAPE PLAN

Any new development that requires landscaping per Section 6.02. Applicability shall submit a landscape plan to the Zoning Inspector as part of the review process. Landscape plans shall be drawn to a reasonable scale and include the following information:

6.03.A. Date, graphic scale, north arrow, title and name(s) of owner(s), and the address and phone number of the person or firm responsible for preparing the plan;

6.03.B. Zoning designation of the site and adjacent properties;

6.03.C. Property boundary lines and lot dimensions;

6.03.D. Location of all existing and proposed structures and storage areas;

6.03.E. Existing and proposed utility lines and easements;

6.03.F. All paved surfaces, including roads, drives, sidewalks, and curbs;

6.03.G. Parking lot layout including parking stalls, bays, and driving lanes, including typical dimensions and total number of parking spaces provided;

6.03.H. A table showing the total square footage of internal parking and vehicular use areas, the square footage of the landscape islands, the number of parking spaces provided, and the number and type of trees and shrubs provided with their planting heights.

6.03.I. Existing trees, shrubs, and/or natural areas to be retained;

6.03.J. Plan indicating the location, installation size, scientific and common names of landscaped materials to be installed; and

6.03.K. The spacing between trees and shrubs used for screening.

6.04. GENERAL LANDSCAPING STANDARDS

6.04.A. Location Requirement

Landscaping shall be installed in locations such that when mature, it does not obscure traffic signs or lights, nor obstruct access to fire hydrants nor interfere with adequate motorist site distance or overhead utility lines.

6.04.B. Easements

Nothing shall be planted or installed wholly or partially within utility or other easements without the consent of the utility provider, easement holder, or the applicable governing authority. Trees placed under overhead utility wires must be small trees with a mature height of less than 35 feet.

6.04.C. Existing Landscape Materials

Any existing landscape material that is in satisfactory condition may be used to satisfy landscape requirements in whole or in part when, in the opinion of the Tate Township Zoning Office, such material meets the requirements and achieves the objectives of this article.

6.05. PARKING AND VEHICULAR USE AREA LANDSCAPING REQUIREMENTS

All parking areas, greater than 20 spaces, shall adhere to the following landscaping requirements:

6.05.A. All parking areas shall contain Landscaped Areas that equal at least five percent (5%) of the internal parking and vehicular circulation area. Each Landscaped Area shall contain a mixture of shrubs and trees. Access drives that go through the development shall not be counted as internal parking areas.

6.05.B. Trees shall be provided at a rate of one (1) tree for each 15 parking spaces. Any fractional number shall be rounded up to the next whole number.

6.05.C. Shrubs shall be provided at a rate of six (6) shrubs for each 15 parking spaces.

6.05.D. Minimum planting size of trees shall be 1.5" diameter measured 6" above grade, and the minimum planting size of shrubs shall be 24" in height.

6.05.E. Landscaped Areas shall be distributed throughout the parking area. Rows of parking spaces shall be interrupted, at a minimum, every 15 spaces , by a planter island that is a minimum of eight (8) feet in width and 18 feet in length or a parallel eight (8) foot planting strip shall separate rows of parking spaces. (See Figure 6-1: Parking Lot Landscaping).

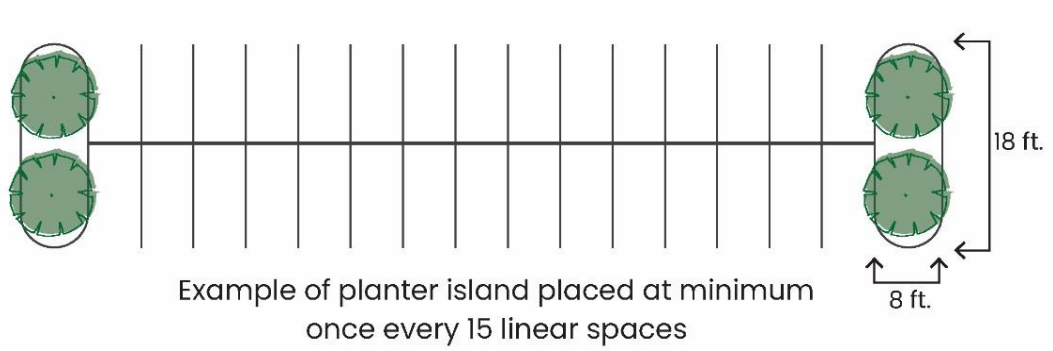


Figure 6-1: Parking Lot Landscaping

6.05.F. All parking spaces shall be within 125 feet of a Landscaped Area.

6.05.G. No landscaping shall obscure visibility at a vehicular intersection within the parking area or other areas where clear visibility is necessary to assure safe circulation. Where safe visibility is impaired, canopy trees shall have branches removed from the trunk at least eight (8) feet above the ground, and shrubs and groundcover shall not exceed three (3) feet in height. Evergreen trees and understory trees that would impair visibility for safe circulation shall not be planted in these areas.

6.06. BUFFER YARDS AND SCREENING

6.06.A. Requirements

New development shall provide buffering between land uses of varying intensities as provided in Table 6.06-1: Buffer Yard Requirements.

Table 6.06-1: Buffer Yard Requirements

When…	Is proposed to abut…	A minimum buffer yard of…	Plant Materials shall include:
Any multi-family dwelling use	An agricultural use or district, a detached or attached single-family use, two-family use, or institutional use	10 feet side and 15 feet rear yard is required with…	**Either:** One (1) deciduous tree planted every 25 lineal feet plus a continuous row of minimum six-foot (6') foot high evergreen plantings **OR** Minimum six-foot (6') tall, eight inch (8") thick wall, brick faced on both sides with a top course to be row locked or a six-foot (6') tall wood or vinyl privacy fence, plus one (1) deciduous tree planted every 25 lineal feet. **OR** A staggered, double row of minimum six-foot (6') high evergreen trees, planted every 15 lineal feet. **OR** A 40' wide, 6' tall earthen mound with deciduous trees planted every 25 lineal feet.
Any Non-Residential use (includes Public & Institutional Uses)		10 feet side and rear yard is required with…	
Any off-street parking lot for any multi-family or attached single-family use	The public right-of-way, public or private street, or a detached single-family use.	10 feet shall be landscaped with…	One (1) deciduous tree planted every 25 lineal feet, plus shrubs planted every three (3) lineal feet that are a minimum height of 36 inches.
Any off-street parking lot for any non-residential use			

6.06.B. Establishment

Once a buffer yard has been approved by the Township and established by the owner, it may not be used, disturbed, or altered for any purpose, unless specifically approved by the Tate Township Zoning Department.

6.07. MAINTENANCE

6.07.A. All landscaping, screening materials, and Landscaped Areas shall be maintained in good condition and kept free from debris, litter, junk, rubbish, weeds, overgrowth, and deceased planting materials.

6.07.B. Landscaping of parking areas shall be maintained in living and well-trimmed condition.

6.07.C. All dead, damaged, or missing landscape materials will be replaced by the property owner per the approved landscape plan.

6.07.D. Screening, if completed by utilizing non-landscaping materials, shall be maintained in good repair through the use of proper building materials.

6.08. MODIFICATIONS

The Tate Township Board of Zoning Appeals (BZA) may approve modifications to the landscaping and buffer yard requirements contained within this article if an applicant applies for a variance per Section 10.06.C. Variances. For Planned Developments, the Zoning Commission may approve modifications to the landscaping and buffer yard requirements as part of the Final Development Plan review. The Zoning Commission shall base its decision on all of the following factors:

6.08.A. Specific conditions which are unique to the applicant's land.

6.08.B. How the strict application of the provisions of this article would deprive the applicant of reasonable use of the land in a manner equivalent to the use permitted by other landowners in the same district.

6.08.C. The unique conditions and circumstances are not the result of the actions of the applicant after the adoption of this article.

6.08.D. Reasons that the modification shall preserve, not harm, the public safety and welfare, and shall not alter the essential character of the township.

6.08.E. A demonstration that the applicant has provided for landscaping and buffering that achieves the spirit of this article.

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TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 7
PARKING, LOADING, AND CIRCULATION

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ARTICLE 7. PARKING, LOADING, AND CIRCULATION

7.01. PURPOSE

The purpose of this article is to regulate the amount and location of vehicle parking, loading areas, access, and mobility to promote efficient use of land, enhance the form of development, provide for safe pedestrian movement, and protect air and water quality.

7.02. APPLICABILITY

7.02.A. Any building, structure, or use of land, when erected or enlarged, increased in capacity, or results in the addition of employees, dwelling units, or seating capacity, shall provide a parking plan, as established in Section 7.04. Parking Plan, to be reviewed and approved by the Zoning Inspector.

7.02.B. This article shall apply to all new property development, any expansion of existing structures or parking lots, and expansions of existing parking areas, except for single-family (attached and detached) and two-family dwellings, as established in Table 7.02-1: Applicability of Parking, Loading, and Circulation Standards.

Table 7.02-1: Applicability of Parking, Loading, and Circulation Standards

Site/Building Improvement	Applicability of Parking, Loading, and Circulation Standards
NEW CONSTRUCTION	
New Construction	Full Compliance
BUILDING EXPANSION / ADDITION	
Less than 25% of floor area	N/A
Less than 25% of floor area, but > 2,000 sq. ft.	Full compliance for additional spaces required
25 – 50% of floor area	Full compliance for additional spaces required
> 50% of floor Area	Full Compliance
EXTERIOR FAÇADE RENOVATION	
< 25% of Façade Area	N/A
25 – 50% of Facade area	N/A
> 50% of Façade Area	N/A
CHANGE OF USE / OCCUPANT	
Change in Use Only (No Expansion or Renovation)	Must provide additional spaces per new use
VEHICULAR USE AREA IMPROVEMENTS	
Parking Lot Expansion < 10 Spaces	N/A
Parking Lot Expansion > 10 Spaces	Full Compliance for New Spaces
Resurfacing or Restriping	N/A

7.03. MAINTENANCE

The duty to provide and maintain all parking, loading, and/or other vehicular use areas shall be the responsibility of the property owner where the vehicular use area is required. This includes maintaining curbing, paving surfaces, and pedestrian ways in good condition without failing materials, potholes, or other similar deterioration.

7.04. PARKING PLAN

A parking plan, as required in Section 7.02. Applicability shall be required for all uses, except for detached single-household dwellings and two-household dwellings. The parking plan shall be submitted to the Zoning Inspector as part of the applicable development plan or zoning certificate application. The plan shall be drawn to scale and shall show the following.

7.04.A. The boundaries of the property;

7.04.B. The proposed number of parking spaces, including typical dimensions;

7.04.C. Access drives and maneuvering aisles, including dimensions and locations;

7.04.D. Vehicular and pedestrian circulation patterns;

7.04.E. Preliminary drainage and grading plans;

7.04.F. A lighting and photometric plan if the proposed property abuts a residential or agricultural district or use;

7.04.G. The location(s) of any proposed fences or walls;

7.04.H. A landscaping and buffering plan;

7.04.I. An analysis of the required parking spaces according to Section 7.05. Parking Requirements; and

7.04.J. Any additional information as requested by the Zoning Inspector.

7.05. PARKING REQUIREMENTS

Each applicant is required to provide an adequate number of parking spaces for the proposed use or expansion of use, following the minimum established in the following table.

Table 7.05-1: Parking Spaces Required

Principal Use	Minimum Spaces Required (Unless Specified Otherwise)
AGRICULTURAL USES	
Agribusiness	1 space per employee on the largest shift, plus 1 space per 10 employees
RESIDENTIAL USES	
Dwelling, Single-Family	2 spaces per dwelling
Dwelling, Two-Family	2 spaces per dwelling
Dwelling, Three-Family	2 spaces per dwelling
Dwelling, Multi-Family	1 space per dwelling, plus 1 space per every 10 dwelling units
Mobile Home	2 spaces per dwelling
Residential Facility	1 space per every 2 beds
Residential Treatment Facility	1 space per every 2 beds
PUBLIC/INSTITUTIONAL USES	
Cemetery	n/a
Education Facility – Public or Private (Pre-K, Elementary, and Junior High)	2 spaces per classroom
Education Facility – Public or Private (High School)	10 spaces per classroom
Education Facility – Trade, College, or University	10 spaces per classroom
Governmental Facility	1 space per 500 square feet of floor area
Library, Museum, Gallery	1 space per 500 square feet of floor area

Table 7.05-1: Parking Spaces Required	
Principal Use	**Minimum Spaces Required (Unless Specified Otherwise)**
Park or Recreation Facility, Public	1 space per acre; 20 spaces per sport court or field; and 1 space per 75 square feet of water surface of pools
Religious Assembly / Places of Worship	1 space per 5 seats or 100 square feet of floor space in the auditorium/sanctuary; whichever is greater
COMMERCIAL USES	
Animal Kennel, Daycare, and Training Facility	1 space per 500 square feet of floor area, plus 1 space per employee on the largest shift
Animal Hospital, Veterinarian Office and Clinic	1 space per treatment room, plus 1 space per employee on the largest shift
Automotive Fueling / Charging	1 space per 500 square feet of floor area plus 1 space per employee on the largest shift
Automotive Rental	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Automotive Sales / Leasing, Commercial and Recreational Vehicles	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Automotive Sales / Leasing, Passenger Vehicles	1 space per 500 square feet of floor area plus 1 space per 2,000 square feet of outdoor area
Automotive Service / Repair, Major	4 spaces for each service bay
Automotive Service / Repair, Minor	4 spaces for each service bay, plus 1 space per employee on the largest shift
Automotive Washing / Detailing	1 space per employee on the largest shift
Banks and Financial Institutions	1 space per 400 square feet of floor area
Bar / Tavern	1 space per 300 square feet of floor area
Bed and Breakfast	1 space per bedroom, plus 2 spaces for the owner of the dwelling
Brewery, Distillery, Winery, Cidery	1 space per employee; plus 1 space per 3 seats for any restaurant or taproom
Brewpub	1 space per 150 square feet of floor area
Campgrounds and Recreational Vehicle Camps	1 space per designated campsite, plus 1 space per RV space
Club, Lounge, or Meeting Hall	1 space per 400 square feet of floor area
Day Care Center	1 space per every 5 children
Drive-In Theater	1 space per viewing stall, plus 1 space per employee on the largest shift
Eating and Drinking Establishment	1 space per 150 square feet of floor area
Fitness Center	1 space per 200 square feet of floor area
Fitness Studio	1 space per 200 square feet of floor area
Funeral Home	1 space per 35 square feet of floor area
Garden Center / Greenhouse / Nursery	1 space per 500 square feet of land area used for display plus 1 parking space per employee
Hospital	1 space per each 4 beds
Hotel / Motel	1 space per each guest room
Institutional Care Facility	1 space per 500 square feet of floor area, plus 1 space per employee on the largest shift
Marijuana Business	1 space per 500 square feet of floor area
Medical Office, Clinic, or Urgent Care	1 space per 200 square feet of floor area
Mixed-Use	The parking regulations for the uses contained within the mixed-use building or development shall be dictated by this table
Office	1 space per 400 square feet of floor area
Parking, Commercial and Fleet Vehicles	
Personal Services	1 space per 200 square feet of floor area
Recreation or Entertainment Facility, Indoor	1 space per 200 sq. ft. of floor area + 2 spaces per sports court or lane

Table 7.05-1: Parking Spaces Required	
Principal Use	**Minimum Spaces Required (Unless Specified Otherwise)**
Recreation or Entertainment Facility, Outdoor	1 space per 5,000 sq. ft. of site area + 1 space per 4 fixed seats
Retail Sales and Service	1 space per 500 square feet of floor area
Retail Sales and Service, Large-Scale	1 space per 200 square feet of floor area
Sexually Oriented Business	1 space per 500 square feet of floor area
INDUSTRIAL USES	
All Industrial Uses Not Specifically Listed	1 space per employee on the largest shift, plus 1 space per 10 employees
Self-Service Storage Facility	2 spaces per employee on the largest shift
ACCESSORY USES	
Accessory Dwelling Units	1 designated space per unit
Short-Term Rentals	1 space dedicated for each bedroom as indicated on the Short-Term Rental application

7.05.A. Uses Not Listed

For uses not listed in this section, or such instances when the requirement for an adequate number of spaces is unclear, the number of parking spaces shall be determined by the Tate Township Zoning Commission on the basis of similar use requirements, the number of persons served, number of employees, typical visitors, and other similar factors.

7.05.B. Units of Measurement

For this section, the following unit measurements shall apply:

7.05.B.1. Fractional units shall be rounded up to the next whole number for calculating required parking spaces.

7.05.B.2. For the parking requirements that use floor area (example: 1 space per 300 sq. ft.) as the standard, floor area shall:

7.05.B.2.a. Include the gross floor area used or intended to be used by tenants or for service to the public as customers, clients, patients, or patrons, including areas occupied by fixtures and equipment, used for the display or sale of merchandise.

7.05.B.2.b. Not include areas used principally for non-public purposes such as storage, incidental repair, processing or packing of merchandise, show windows, offices incidental to the management or maintenance of stores or buildings, toilet or restrooms, utilities, dressing rooms, or alteration rooms.

7.05.B.3. Where the required parking is determine by the number of employees, the maximum number of employees on duty at one (1) time, or any two (2) successive shifts, whichever is greater, shall be used.

7.05.B.4. In places of public assembly in which patrons occupy benches, pews, or other similar seating facilities, every 30 inches of such seating shall be counted as one (1) seat for the purposes of determining the parking requirements.

7.05.B.5. For mixed-use developments, the parking requirement shall be the sum of the parking requirements for each use considered separately. The Zoning Inspector may consider modifying the required number of spaces on an individual basis as

enumerated in Section 7.05.C. Modification of Requirements.

7.05.C. Modification of Requirements

7.05.C.1. The Tate Township Board of Zoning Appeals may modify the number of required parking spaces if it is deemed appropriate based on the following factors:

7.05.C.1.a. Parking demand of the proposed use;

7.05.C.1.b. Number of typical patrons or employees;

7.05.C.1.c. Shared parking opportunities;

7.05.C.1.d. Off-street parking availability;

7.05.C.1.e. Alternative transportation usage;

7.05.C.2. As part of the approval for a reduction in the number of required parking spaces, the approving body may require the applicant to reserve land on the subject property to be designated for a future parking area.

7.05.D. Shared Parking

Subject to approval by the Tate Township Zoning Commission, up to 50 percent of required off-street parking spaces for two (2) or more uses located on the same parcel or adjacent parcels may be shared provided the developer and/or landowner can demonstrate that the use will not substantially overlap in hours of operation or demand for the shared spaces. This shall be guaranteed by a written agreement properly drawn up and executed by the parties concerned, approved as to form by the Township legal counsel, and filed with the application for a zoning certificate.

7.06. PARKING FOR THE DISABLED

In addition to the required number of spaces as established by Section 7.05. Parking Requirements, parking spaces required for people with disabilities shall be provided in compliance with the Americans with Disabilities Act (ADA) and other applicable state and federal requirements. All spaces shall include the necessary markings, striping, and signage. All spaces should be located so that they provide easy access from the closest parking spaces to the major entrance(s) of the use for which they are provided.

7.07. SURFACING

All parking areas, greater than 10 spaces, shall adhere to the following:

7.07.A. All off-street parking areas, spaces, lots, and access drives to such parking areas shall be surfaced with asphalt or concrete of sufficient depth to meet the standard engineering practice for the design of pavements for the anticipated traffic load, in accordance with the standards of the Clermont County Engineer's Offices.

7.08. LOTS UNDER CONSTRUCTION

Lots under construction shall pave the first 20 feet of all access roads/drives in order to keep debris off the public right-of-way within 30 days of the issuance of a Zoning Certificate.

7.09. GRADING AND DRAINAGE

Such areas shall be graded and drained as to dispose of all surface water accumulated within the area, utilizing best practices including but not limited to, rain gardens and pervious pavers, in accordance with the standards of the Clermont County Engineer's Office.

7.10. MARKINGS

Parking areas shall be arranged and marked as to provide for safe loading, unloading, and parking of vehicles and self-propelled vehicles (such as bicycles and scooters).

7.11. PARKING LOCATION AND DESIGN

7.11.A. Uses which utilize private common parking areas must demonstrate that legal rights of easement exist and have been recorded to permit the use of parking spaces on adjacent or surrounding property. This documentation shall be provided to the Zoning Inspector before a Zoning Certificate is issued for said use.

7.11.B. All off-street parking areas shall be designed in a way to prevent vehicles from directly backing out of the lot onto a public street.

7.11.C. The spacing, location, and number of entrances and exits from the parking areas shall be approved by the Clermont County Engineer's Office or the Zoning Inspector.

7.12. RESIDENTIAL PARKING REQUIREMENTS

7.12.A. Single-family residential dwellings (attached or detached) shall provide a minimum of two (2) parking spaces. Two-family residential dwellings shall provide a minimum of three (3) parking spaces unless an alternate parking plan is approved by the Township. Parking spaces within a garage, or in the driveway area, shall count towards this requirement.

7.12.B. Vehicles shall be required to park in the garage or defined driveway or designated and delineated area only. Parking of vehicles on the lawn, or in other areas not designated for parking, for more than 24 hours in any seven (7) day period shall be prohibited. This subsection does not regulate parking in the street right-of-way.

7.12.C. The surface coverage ratio of the required front yard shall not exceed 30 percent. The surface coverage ratio shall include porches, sidewalks, driveways, and/or other impervious surfaces that project into the required front yard (excluding the public right-of-way).

7.12.D. The storage of recreational vehicles is subject to Section 3.10.S Parking and Storage of Recreational Vehicles.

7.13. PARKING OF COMMERCIAL VEHICLES

7.13.A. Commercial Vehicles in Residential Districts

7.13.A.1. To ensure clarity, this section does not prohibit the parking of a work truck or van, or a semi tractor in any residential district. Additionally, these regulations do not

apply to the agricultural district. No commercial vehicles, as defined in Article 13. Definitions shall be parked on any lot within any R-District unless:

7.13.A.1.a. Providing commerce or services to that property;

7.13.A.1.b. Approved as part of a Home Occupation per Section 3.10.L Home Occupation;

7.13.A.1.c. Stored within an entirely enclosed building under the same ownership as the commercial vehicle; or

7.13.A.1.d. Otherwise permitted herein.

7.13.A.2. One (1) commercial vehicle shall be permitted to be parked or stored on a driveway in any residential district if:

7.13.A.2.a. The property is a minimum of one (1) acre in size;

7.13.A.2.b. The commercial vehicle is screened from adjacent residential uses and districts;

7.13.A.2.c. Does not provide occupancy for human habitation; and

7.13.A.2.d. No business is conducted therein.

7.13.B. Commercial Vehicles in Commercial Districts

No commercial vehicle shall be parked on any lot within any commercial district (CR, CC, or CG) unless:

7.13.B.1. The commercial vehicle is for the purpose of providing commerce or services to that property;

7.13.B.2. The commercial vehicle is licensed to or affiliated with the business located thereon;

7.13.B.3. The commercial vehicle is being repaired thereon;

7.13.B.4. The lot is an approved truck terminal or truck stop; or

7.13.B.5. The commercial vehicle is parked at an establishment that offers overnight accommodations, provided the driver of the vehicle is a guest at such an establishment.

7.14. PARKING AISLE AND SPACE DIMENSIONS

Each off-street parking space and maneuvering aisle shall have the minimum width as set forth in the following table.

Table 7.14-1: Parking Aisle and Space Dimensions

Parking Aisle Orientation	A		B	C	D	E
	Drive Aisle Width		Space Width	Length of Space	Approximate Curb to Curb (Single-Bay)	Approximate Bay Width (Center to Center)
	One-way	Two-way				
0 degree / parallel	12 feet	20 feet	9 feet	21 feet	38 feet	38 feet
45 degrees	14 feet	20 feet	9 feet	18 feet	56 feet	53 feet
60 degrees	18 feet	22 feet	9 feet	18 feet	60 feet	58 feet
90 degrees	24 feet	24 feet	9 feet	18 feet	60 feet	60 feet

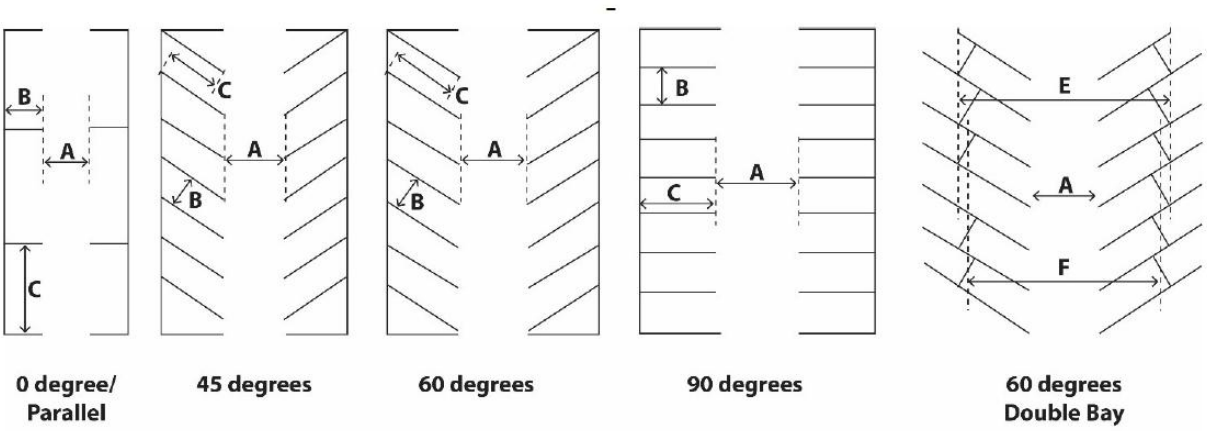


Figure 7-1 - Parking Aisle and Space Dimension Illustration

7.15. VEHICLE OVERHANG

7.15.A. When parking spaces abut a Landscaped Area, grassy strip, or yard, a reduction of a maximum of two (2) feet of the overall length of any such space or spaces may be allowed as vehicles may extend into the Landscaped Area, grassy strip, or yard.

7.15.B. When parking spaces abut a pedestrian path, a reduction of a maximum of two (2) feet of the overall length of any such space or spaces may be allowed provided that the vehicle overhang does not reduce the pedestrian path to less than four (4) feet in width and does not encroach on the pedestrian circulation.

7.15.C. A wheel stop, or curb, shall be utilized to delineate the limitations of the parking area.

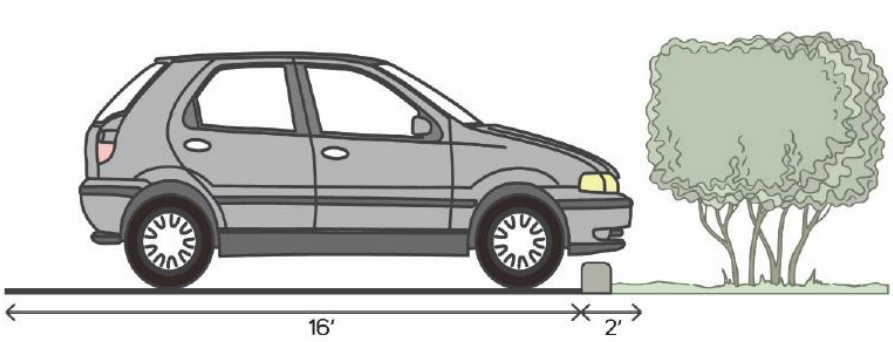


Figure 7-2: Vehicle overhang illustration

7.16. OFF-STREET LOADING STANDARDS

7.16.A. Dimensions

Each off-street loading space shall be at least 10 feet in width, 50 feet in length, and have a vertical clearance of 15 feet or more. Access aisles shall be provided in order to provide the necessary maneuvering space for delivery trucks.

7.16.B. Paving and Drainage

All loading spaces shall be graded and improved with bituminous concrete or Portland concrete and provide drainage in accordance with the standards of the Clermont County Engineer's Office.

7.16.C. Location

All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be served. No loading space shall be located within a front, side, or rear yard setback and in no case shall any space be located less than 50 feet from any residential zoning district.

7.16.D. Number of Off-Street Loading Spaces Required

In connection with every building or part thereof erected for commercial and industrial uses which customarily receive or distribute material or merchandise by vehicle (such as food deliveries to restaurants, merchandise deliveries to retail stores, material deliveries to manufacturing facilities, etc.), there shall be provided, on the same lot with such buildings, off-street lading spaces with the requirements herein, except for existing legal non-conformities. Off-street loading requirements shall be as follows:

Table 7.16-1: Off-Street Loading Requirements

Square Footage of Principal Building	Number of Loading Spaces Required
Commercial Uses	
< 1,000 sq. ft.	0
1,001 – 10,000 sq. ft.	1
10,001 – 40,000 sq. ft.	2
> 40,000 sq. ft.	3, plus 1 space for each 30,000 sq. ft. over 40,000 sq. ft. of building area
Industrial Uses	
< 2,000 sq. ft.	0
2,001 – 10,000 sq. ft.	1
10,001 – 40,000 sq. ft.	2
> 40,000 sq. ft.	3, plus 1 space for each 30,000 sq. ft. over 40,000 sq. ft. of building area

7.16.E. Exceptions and Modifications

The Board of Zoning Appeals may authorize a modification, reduction, or waiver of the foregoing requirements if they should find that there is an exceptional situation or condition that justifies such action.

7.17. OFF-STREET STACKING SPACES

7.17.A. The minimum number of required Stacking Spaces shall be as provided in the following table.

Table 7.17-1: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From
Restaurant with a drive-through/pick-up	6	Pick-Up Window
Restaurant with a pick-up window only	2	Pick-Up Window
Financial Institutions or ATM	4	Teller or window
Automotive Fueling	2	Pump island
Pharmacy	5	Pick-Up Window
Automotive Washing / Detailing, Full-Service	6	Outside of washing bay
Automotive Washing / Detailing, Self-Service	2	Outside of washing bay
Other	As determined by the Zoning Inspector	

7.17.B. Each off-street Stacking Space shall have a minimum dimension of 10 feet in width and 20 feet in length and shall be set back a minimum of 25 feet from rights-of-way.

7.17.C. Drive-through lanes must be separated by striping or curbing from other parking and circulation areas. Individual lanes must be striped, marked, or otherwise distinctly delineated.

7.17.D. Vehicle Stacking Spaces shall be located on the side and rear of the building.

7.17.E. Vehicle Stacking Spaces shall not interfere with access to the site and not impede traffic on the adjacent streets.

7.17.F. The Zoning Commission may authorize a modification, reduction, or waiver of the foregoing requirements if they should find that there is an exceptional situation or condition that justifies such action.

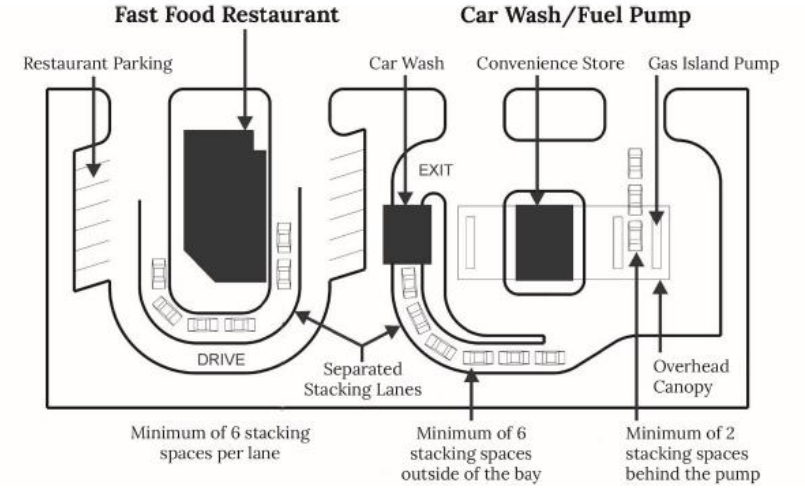


Figure 7-3: Example of off-street Stacking Space placement

7.18. APPEALS

The Zoning Inspector has the authority to reject a parking plan and/or analysis if they determine that an adequate amount of parking has not been provided. The applicant may appeal the decision to the Tate Township Board of Zoning Appeals per the appeals regulations in Section 10.06.D. Administrative Appeals.

TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 8
SIGNAGE

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ARTICLE 8. SIGNAGE

8.01. PURPOSE

8.01.A. The purpose of this article is to promote public health, safety, and general welfare by establishing regulations that govern the size, character, location, and structural integrity of signs and other advertising structures.

8.01.B. Furthermore, the intent of these sign regulations is to:

8.01.B.1. Encourage the effective use of signs as a means of communication in the Township, while preserving the rights of free speech under the Constitutions of the United States and the State of Ohio. The provisions of this article shall be uniformly enforced without regard to the content of any advertising message or the identity of the proponent of that message;

8.01.B.2. Maintain and enhance the aesthetic environment and the township's ability to attract economic development and growth;

8.01.B.3. Improve pedestrian and traffic safety;

8.01.B.4. Minimize the possible adverse effect of signs on nearby public and private property; and

8.01.B.5. Enable the fair and consistent enforcement of these sign regulations.

8.02. APPLICABILITY

8.02.A. The regulations contained within this article shall apply to all signs and to all zoning districts, unless specifically exempted in these regulations.

8.02.B. No sign shall be erected, established, modified, created, or maintained in Tate Township unless it follows the regulations of this article.

8.02.C. This article shall regulate the height, area, location, materials, and other visual aspects of signs and other advertising structures.

8.03. GENERAL PROVISIONS

The following provisions apply to signs in all districts within the township. Additional specific requirements regarding the type, size, location, and other requirements for signs in residential, public and institutional, commercial, and enterprise districts are included in the respective provisions of each use category.

8.03.A. Application to Accessory Uses

The setback and location requirements of accessory uses, pursuant to Section 3.10. Accessory Uses and Structures, shall not apply to signs. Specific setback and location requirements as well as other requirements for signs are included with each permitted sign type.

8.03.B. Zoning Certificate Required

A Zoning Certificate shall be obtained from the Zoning Inspector before any sign (except signs exempted from this article) is located, erected, constructed,

reconstructed, enlarged, replaced, structurally modified, or used in any zoning district in Tate Township.

8.03.C. Exempted Signs

Except as otherwise provided, the following signs shall not be subject to the provision of this Zoning Resolution:

8.03.C.1. Governmental signs for identification, control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of identification or public safety;

8.03.C.2. Flags, emblems, insignia, and signs of any governmental agency or political subdivision.

8.03.C.3. Signs within a stadium, theater, building, arena, or other structure, provide that such sign can be viewed only by persons within such facility or associated structure.

8.03.D. Nonconforming Signs

8.03.D.1. All signs legally existing before the effective date of this Zoning Resolution may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this Zoning Resolution, provided, such signs are properly maintained and do not endanger the public health, safety, morals, comfort, and general welfare of the community.

8.03.D.2. Such signs shall be issued a Legal Nonconforming Structure Certificate, pursuant to Section 10.06.G.7. Zoning Certificates for Legal Non-conformities. Message or copy changes and general maintenance shall be permitted on all nonconforming signs. However, relocation or replacement of the sign, or any alteration in the size or structure of the sign, except toward compliance with this Resolution shall cause the sign to lose its status as legally nonconforming.

8.03.E. Maintenance and Repair

All signs and sign structures, including the component parts of each, shall be kept in good repair and in a proper state of preservation by the owners of the sign or property owners of the lot on which the sign is located.

8.03.F. Message Changes

The following provisions shall apply for a change of message in a changeable copy sign.

8.03.F.1. If a permitted sign utilizes message changes with a manual message board, electronic changeable copy, menu boards, bulletin boards, marquees, or other similar signage types; the changing of the message and the repositioning of existing panels is permitted and does not require a Zoning Certificate.

8.03.F.2. Copy or face changes, including face changes on permanent cabinet signs, that require permanent replacement panels, or the replacement of the sign surface area shall require a Zoning Certificate.

8.03.G. Reader Board and Electronic Message Boards

Reader boards and electronic message boards are considered as part of the permitted display area of a sign. Each separate message copy must be displayed a minimum of five (5) seconds. The business name must be prominently displayed at all times and in the same location on either the reader board or permanent sign. Reader Boards and Electronic Message Boards shall require approval of a Conditional Use Permit pursuant to Section 10.06.B. Conditional Use.

8.04. MEASUREMENTS AND COMPUTATIONS

8.04.A. Measurement of Sign Area

8.04.A.1. The display surface area of a sign shall be considered as the entire area within a single continuous rectangular perimeter enclosing the extreme limits of writing, representations, emblems, or any figure of similar character together with any frame or other material or color forming an integral part of the display area or used to differentiate such sign from the background against which it is place; excluding supports, trim, uprights, or base which are necessary for structural purposes.

8.04.A.2. The sign area for a sign with more than one (1) face (multi-faced signs) shall be computed by adding together the area of all sign faces that are visible from any one (1) point.

8.04.A.3. Street addresses which are made an integral part of the sign, and which do not exceed nine (9) square feet in area, shall not be considered part of the sign display area.

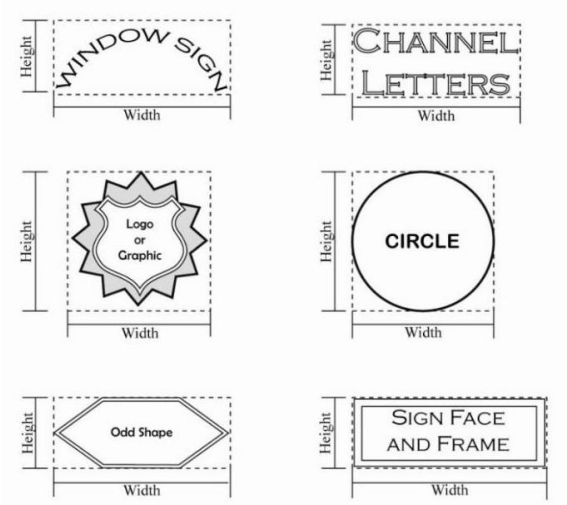


Figure 8-1: Diagram of sign measurement methods based on sign shape

8.04.B. Building Frontage

8.04.B.1. For multi-occupant buildings and structures, the portion of a building or structure that is owned or leased by a single occupant shall be considered a building unit. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit.

8.04.B.2. The building frontage is the length of an outside building wall which fronts a

dedicated street right-of-way or access drive.

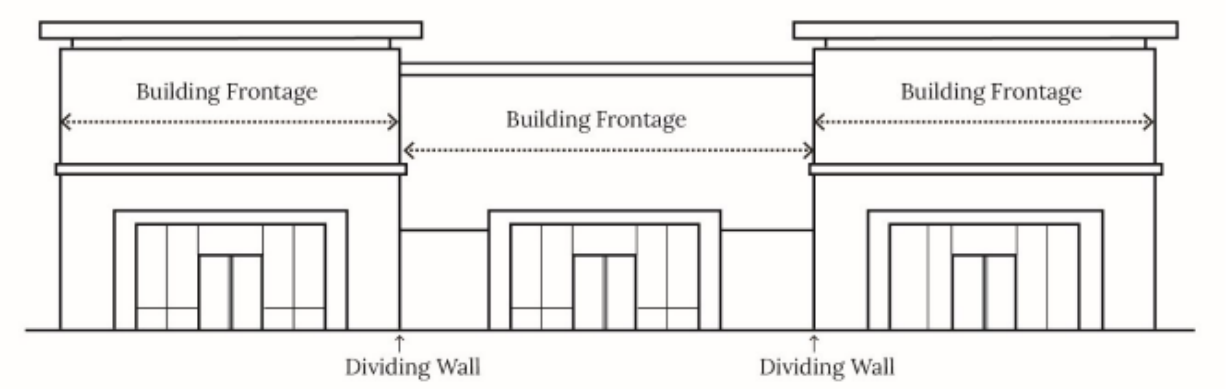


Figure 8-2: Building frontage measurements for multi-occupant buildings

8.04.C. Sign Height

8.04.C.1. The height of a sign shall be computed as the distance from the average natural grade at the base of the sign or support structure to the top of the highest attached component of the sign.

8.04.C.2. The height of a freestanding sign on a man-made base or mounding that has been installed to meet required screening or buffering requirements, shall be measured from the average natural grade, where the sign is to be located, prior to the addition of the sign.

8.04.D. Sign Setback

8.04.D.1. The required setback for a sign shall apply to all elements of the sign, including its frame and base.

8.04.D.2. The setback of a freestanding sign shall be measured horizontally from the nearest edge of any part of the sign structure to the street right-of-way or lot or access drive, as applicable.

8.05. PROHIBITED SIGNS

8.05.A. Types of Prohibited Signs

8.05.A.1. The following types of signs are specifically prohibited in all cases:

8.05.A.1.a. Signs which employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention, other than electronic message boards pursuant to the requirements of this article;

8.05.A.1.b. Signs attached to, painted on, or placed on a stationary vehicle, trailer, or other licensed or unlicensed vehicle or conveyance that is located in such a manner to serve exclusively as a permanent, temporary, or portable sign;

8.05.A.1.c. Billboards, except as permitted by the Ohio Revised Code; and

8.05.A.1.d. Signs within the right-of-way, unless exempted per Section 8.03.C. Exempted Signs.

8.05.A.2. The following types of signs are specifically prohibited, except when authorized by a Temporary Zoning Certificate, valid for a period not to exceed 30 days and

issued no more than three (3) times per calendar year, for properties used for non-residential purposes in a non-residential zoning district. In such cases, only one (1) such sign type may be used at a single time, and such sign type or device shall only be permitted during operation hours and must be removed or deflated during non-operational hours:

8.05.A.2.a. Pennants, feather / flutter flags, streamers, inflatable characters or objects, and similar type devices;

8.05.A.2.b. Portable signs;

8.05.A.2.c. Promotional balloons filled with helium, gas, air, or any other gaseous material either suspended from or affixed to a structure, vehicle, or ground;

8.05.A.2.d. Beacons and searchlights;

8.05.B. Prohibited Sign Locations

8.05.B.1. Sign locations shall be in accordance with the particular regulations of this article or the zoning district in which the sign is to be located. Under no circumstances shall a sign (other than those specifically exempted by this article) be located in a right-of-way (including those infixed in the ground), or applied to trees, utility poles, fences, supporting structures for street signs, and other governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device. Trash receptacles, newspaper vending machines, and similar devices may contain the identification of the owner of such device.

8.05.B.2. No sign shall be erected in such a manner to obstruct free and clear vision to any public thoroughfare or traffic flow along a designated parking lot aisle way for use by the general public.

8.05.B.3. Signs shall not be located upon, or mounted to, the roof of a structure or extend above the roof of the structure to which the sign is mounted.

8.06. SIGN LIGHTING

8.06.A. Lighting of signs shall comply with the unique lighting regulations per district and use type contained herein.

8.06.B. Light sources used to illuminate signs shall be shielded from all adjacent properties and rights-of-way and shall not be of such intensity to cause glare to pedestrians or motorists, or to cause any reasonable objection from adjacent uses.

8.06.C. All lighting shall be fully functional as designed, or the lighting shall be turned off until the time in which such non-functional lighting has been fixed.

8.06.D. Lighting of signs shall comply with Article 5. Outdoor Lighting.

8.07. PERMITTED SIGN TYPES & ALLOWANCES

The following types of signs are permitted according to the following table. These signs shall comply with the applicable regulations of this article and shall require the issuance of a Zoning Certificate.

Table 8.07-1: Permitted Sign Types

Sign Type	AG	R Districts; R-PD	C Districts; C-PD	E Districts; E-PD	M-PD	PSR	Section Reference
Wall Signs	PS	PS	PS	PS	PS	PS	8.07.A
Freestanding Signs	PS	PS	PS	PS	PS	PS	8.07.B
Multi-Tenant Development Signs	-	-	PS	PS	PS	PS	8.07.C
Drive-Through / Pick-Up Windows	-	-	PS	-	-	-	8.07.D
Development Entrance Sign	PS	PS	PS	PS	PS	PS	8.07.E
Incidental Signs	-	-	PS	PS	PS	PS	8.07.F
Projecting Signs	-	-	PS	-	PS	PS	8.07.G
Window Signs	-	-	PS	PS	PS	PS	8.07.H
Canopy / Awning Signs	-	-	PS	-	PS	PS	8.07.I
Electronic Message Boards	-	-	PS	PS	-	PS	8.07.J
Murals	-	-	PS	PS	PS	PS	8.07.K
Temporary Signs	PS	PS	PS	PS	PS	PS	8.07.L

PS - Sign type is permitted in the respective zoning district per the standards established for that sign type.

8.07.A. Wall Signs

Table 8.07-2: Wall Sign Regulations

Regulation	AG and R Districts (Home Occupations)	AG and R Districts (multi-family and non-residential uses)	Non-Residential Districts
Quantity	1	1 per building frontage	N/A
Maximum Area	6 sq. ft.	4% of the façade of the building that faces a public right-of-way	1 sq. ft. per 1 lineal foot of building frontage
Maximum Projection	10 inches		
Allowable Illumination	External	External	Backlit, Internal, and External

8.07.A.1. General Wall Sign Regulations

8.07.A.1.a. Wall signs shall not extend beyond the roof or wall extents of the structure.

8.07.A.1.b. No changeable copy sign shall be permitted on wall signs.

8.07.A.2. Wall Signs in Agricultural and Residential Zoning Districts

8.07.A.2.a. Wall signs are permitted for one- and two-family residential dwellings when associated with a permitted home occupation.

8.07.A.2.b. Wall signs are permitted for multi-family residential development. Signs which are indirectly illuminated shall not be directed toward any residential windows.

8.07.A.3. Wall Signs in Non-Residential Districts

8.07.A.3.a. The allowable wall sign area may be allocated to more than one (1) sign.

8.07.A.3.b. Wall sign area shall apply separately to each building frontage that faces a

dedicated right-of-way or access drive.

8.07.A.3.c. Allowable sign area may be allocated to a wall that does not have building frontage that faces a public or private street, but the combined sign area shall not exceed the maximum square footage allowed.

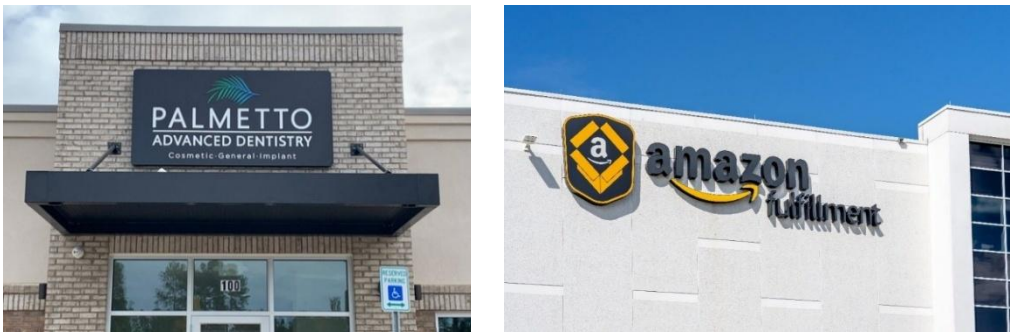


Figure 8-3: Examples of wall signs

8.07.B. Freestanding Signs

Table 8.07-3: Freestanding Sign Regulations

Regulation	AG and R Districts (multi-family and non-residential uses)	AG and R Districts (Public and Institutional uses)	Non-Residential Districts
Quantity	1 per lot frontage		
Maximum Area	20 sq. ft.	64 sq. ft.	0.5 sq. ft. per lineal foot of lot frontage or 80 square feet, whichever is less
Maximum Height	6 feet	8 feet	10 feet
Minimum Setback	10' from all rights-of-way 10' from side property lines 30' from another freestanding sign		
Allowable Illumination	External	External and Internal	

8.07.B.1. General Freestanding Sign Regulations

8.07.B.1.a. All freestanding signs shall be located outside of the corner visibility triangle.

8.07.B.1.b. Freestanding signs shall be located in a landscape bed that includes a mix of grasses, shrubs, perennials, and/or annuals. The size of the landscape bed shall be equal or greater in size to the square footage of the sign.

8.07.B.2. Freestanding Signs in Agricultural and Residential Districts

8.07.B.2.a. For subdivision entrance signs, a maximum of one (1) sign is permitted on each side of each primary entrance of a residential subdivision. Such signs may be mounted to a wall, fence, or gate, or may be freestanding in nature.

8.07.B.2.b. Freestanding signs for home occupations are prohibited in residential districts.

8.07.B.3. Freestanding Signs in Non-Residential Districts

8.07.B.3.a. Freestanding signs shall be mounted on a base of brick, stone, or material consistent with the principal structure as determined appropriate by the Zoning Inspector. The base of the sign shall be equal to, or greater than the width of the sign.

8.07.B.3.b. A freestanding sign may utilize manual or electronic changeable copy with the approval of a conditional use permit as established in Section 8.03.G. Reader Board and Electronic Message Boards.





Figure 8-4: Examples of freestanding

8.07.C. Multi-Tenant Development Signs

Table 8.07-4: Multi-Tenant Development Sign Regulations

Regulation	Requirement
Quantity	1
Maximum Area	120 sq. ft.
Maximum Height	16 feet
Minimum Setbacks	10' from all rights-of-way 15' from side property lines 50' from another freestanding sign
Allowable Illumination	External and Internal

8.07.C.1. A development that contains multiple users with a combine square footage of at least 20,000 sq. ft. may qualify for a multi-tenant development sign.

8.07.C.2. Multi-tenant development signs shall be constructed out of materials, colors, and design details that match or correlate to one of the principal buildings on the sign.

8.07.C.3. The sign shall be mounted on a base of brick or stone which must be equal to or greater than the width of the sign.

8.07.C.4. Multi-tenant development signs shall be located in a landscaped bed that includes a mix of grasses, shrubs, perennials, and/or annuals. The size of the landscape bed shall be equal or greater in size to the square footage of the sign.

8.07.C.5. A multi-tenant development sign may utilize manual or electronic changeable copy with the approval of a conditional use permit as established in Section 8.03.G. Reader Board and Electronic Message Boards.

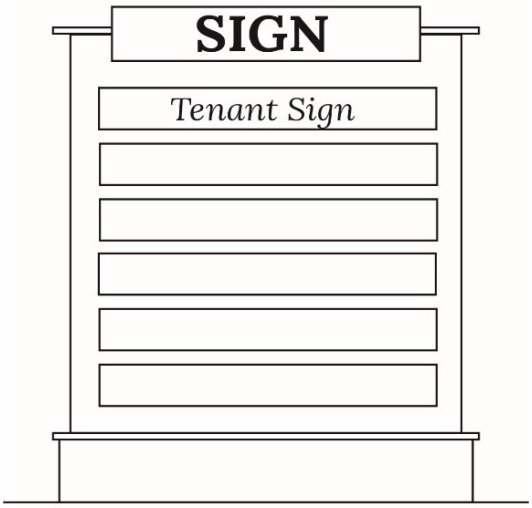


Figure 8-5: Example of multi-tenant development sign

8.07.D. Signs for Drive-Through and Pick-Up Window Uses

Table 8.07-5: Drive-Through and Pick-Up Window Sign Regulations		
Regulation	**Drive-Through Uses**	**Pick-Up Window Uses**
Quantity	2 per drive-through lane	1 per pick-up lane
Maximum Area	48 square feet	
Maximum Height	8 feet	
Minimum Setbacks	10' from all rights-of-way 15' from side property lines	
Allowable Illumination	External and Internal Illumination	

8.07.D.1. Additional freestanding signs as established by Table 8.07-5 are permitted for principal uses that have drive-through or pick-up windows associated with them. The additional signs are to be used only for the purpose of menu / order boards. Such signage shall be located adjacent to the drive-through / pick-up window lanes.

8.07.D.2. Signs for pick-up windows shall not have any associated noise-making devices beyond standard bi-directional communication equipment.



Figure 8-6: Example of drive-through sign

8.07.E. Development Entrance Signs

Development Entrance Signs are permitted at the primary entrance(s) of residential or multi-family residential developments subject to the following regulations:

Table 8.07-6: Development Entrance Sign Regulations	
Regulation	**Requirement**
NON-RESIDENTIAL DISTRICTS	
Quantity	1 per primary entrance
Maximum Sign Area	32 square feet
Maximum Height	6 feet
Setback from right-of-way	10 feet
Illumination	External only
RESIDENTIAL DISTRICTS	
*Same as Non-Residential Districts	
PLANNED DEVELOPMENT & SPECIAL DISTRICTS	
*As specified in Article 9: Planned Development & Special Districts	



Figure 8-7: Example of development entrance sign

8.07.F. Incidental Signs

Incidental signs are signs that may be strategically located on retail, office, or industrial properties for the intent of directing on-site traffic and are subject to the requirements in Table 8.07-7 (below).

Table 8.07-7: Incidental Sign Regulations	
Regulation	**Requirement**
Quantity	N/A
Maximum Area	6 square feet
Maximum Height	4 feet
Minimum Setback	10' from all property lines
Allowable Illumination	External



Figure 8-8: Example of incidental sign

8.07.G. Projecting Signs

Table 8.07-8: Projection Sign Regulations	
Regulation	**Requirement**
Quantity	1 per use
Maximum Area	6 square feet
Minimum Clearance	8 feet above the sidewalk; 15 feet above any access drive
Maximum Projection	6 feet
Minimum Setback	10' from all property lines
Allowable Illumination	External

8.07.G.1. Projecting signs, when used, may be attached to the building wall or canopy and project at an angle of approximately 90 degrees from the building wall or canopy.



Figure 8-9: Example of projecting sign

8.07.G.2. Sign supports shall be made of cut steel, iron, metal, finished wood, and/or synthetic material that has the appearance of steel, iron, metal, and/or finished wood.

8.07.G.3. All projecting signs shall be rigidly fastened to prevent structural movement.

8.07.H. Window Signs

Table 8.07-9: Window Sign Regulations	
Regulation	**Requirement**
Quantity	N/A
Maximum Area	20% of the area of the window or 100 sq. ft., whichever is less
Allowable Illumination	N/A

8.07.H.1. Window signs may be affixed or attached to the interior or exterior surface of windows. If a window sign is affixed to the interior of the window, it shall only be

regulated by this section if the sign is oriented for visibility from the exterior of the structure.

8.07.H.2. Window signs shall not be suspended and/or placed against the interior or exterior of the windows. If signs are suspended and/or placed against the interior or exterior of windows, they shall be classified as temporary signage.

8.07.H.3. Signs attached to a door shall not be considered window signage.

8.07.H.4. Window signs shall be static and may not display animations, scrolling, moving, or flashing messages or video.



Figure 8-10: Example of window sign

8.07.I. Canopy / Awning Signs

8.07.I.1. A maximum of 32 square feet of signage is permitted on a canopy or awning.

8.07.I.2. The 32 square feet may be located on the top, front, or side(s) of the awning or canopy in full or split up into multiple signs on the awning or canopy's exterior surfaces, which in total may not exceed a cumulative of 32 square feet.



Figure 8-11: Example of awning sign



Figure 8-12: Example of canopy sign

8.07.J. Electronic Message Boards

Electronic message boards are permitted for any public or institutional, commercial, or industrial use, subject to the following regulations:

8.07.J.1. Electronic message boards shall be located a minimum of 250 feet from any agricultural or residential use.

8.07.J.2. No more than one (1) electronic message board is permitted per parcel or development.

8.07.J.3. Electronic message boards shall only be permitted on ground mounted signs and shall not exceed 50 percent of the size of the total sign to ensure that the electronic component is subordinate to the principal sign face in size.

8.07.J.4. Electronic message board signs shall be encased in brick, stone, cultured stone, brick composite, or similar material. This does not apply to electronic menu boards or electronic gas station prices that are located on a canopy fascia.

8.07.J.5. Scrolling, flashing, and moving animations or images are prohibited.

8.07.J.6. Each message on an electronic message board shall be displayed for no less than five (5) seconds before transitioning.

8.07.J.7. Electronic message boards shall display static images only, and shall not stream full-motion video, strobe, flash on or off, change in intensity of illumination, or illustrate movement.

8.07.J.8. Electronic message boards shall be equipped with automatic dimmer controls to produce a distinct illumination change from a higher illumination level to a lower illumination level between one-half hour before sunset (dusk) and one-half hour after sunrise (dawn).

8.07.J.9. Electronic message boards shall not exceed a maximum illumination of 5,000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from sign face at maximum brightness. The applicant shall provide a certificate of maximum illumination prior to approval of any sign permit.



Figure 8-13: Example of Electronic Message Board Sign

8.07.K. Murals

Murals are permitted as a conditional use. Murals are subject to a public hearing and approval by the Board of Zoning Appeals as set forth in Section 10.06.B Conditional Use.

8.07.L. Temporary Signs

8.07.L.1. Generally

Temporary signs include banners, A-frame type signs, yard signs, and other signs that are not installed or intended to be installed on a permanent basis.

8.07.L.2. Standards Applicable to All Temporary Signs

8.07.L.2.a. Permits

A zoning certificate is not required for temporary signs.

8.07.L.2.b. Residential Districts

Temporary signs in residential districts are limited to 16 square feet in area and six (6) feet in height.

8.07.L.2.c. Agricultural and Non-Residential Districts

Two (2) temporary signs are permitted per lot at one (1) time, and such temporary signs shall conform to the applicable regulations in this article. Such signs shall not exceed 32 square feet in area and 10 feet in height.

8.07.L.2.d. Properties Under Construction

For properties under construction, with an active Zoning Certificate and Building Permit, a maximum of two (2) temporary signs are permitted at any one (1) time that each have a maximum sign area of 36 square feet in area and six (6) feet in height. Alternatively, such premises may have a single temporary sign with a maximum area of 72 square feet and six (6) feet in height. Such signs shall be removed upon completion of construction.

8.07.L.2.e. Duration

For properties not under construction, temporary signs in non-residential zoning district shall be displayed no more than twice per year, per lot, for 90 days a time. There is no maximum duration for temporary signs in residential zoning districts.

8.07.L.2.f. Installation Requirements

- **i.** Temporary signs shall not lean or rest against a structure.
- **ii.** Temporary signs shall not be mounted, attached, affixed, installed, or otherwise secured by any means to any permanent sign, accessory structure, light pole, utility pole, utility wire, tree / landscaping material, or by any means to protrude above the roof of a structure.
- **iii.** Temporary signs shall be durable, weather-resistant, and be able to withstand wind without the aid of additional weighted materials (blocks, stones, sandbags, etc.) that are not part of the original sign structure.
- **iv.** Temporary signs shall not be illuminated by any method.
- **v.** If a freestanding temporary sign is used (such as an A-frame sign) on any sidewalk, a minimum of four (4) foot pedestrian clearance shall be maintained around the sign. Such signs shall also only be displayed during hours of operation.

8.07.L.2.g. Setbacks

Temporary signs must be a minimum of 10 feet from the right-of-way and all property lines. Temporary signs shall also be located outside of all corner visibility triangles.

TATE TOWNSHIP
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ARTICLE 9
PLANNED DEVELOPMENTS & SPECIAL DISTRICTS

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ARTICLE 9. PLANNED DEVELOPMENTS & SPECIAL DISTRICTS

9.01. "PD" PLANNED DEVELOPMENTS

9.01.A. Purpose

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

9.01.A.1. Promote the mixture of land uses in a creative, economical, and aesthetically pleasing manner.

9.01.A.2. Encourage flexibility in the design of developments specifically in the preservation of open space, in the protection of natural features, in the utilization of site amenities, and in the creation of designs that are compatible with surrounding uses.

9.01.A.3. Provide harmonious transitions between uses by utilizing land uses, landscaping buffers, or other similar techniques.

9.01.A.4. Allow for the development of infill sites and the redevelopment of existing sites in creative manners that respect existing circumstances, adjacent land uses, topography, lot size, and other similar elements.

9.01.A.5. Allow for safe and efficient transportation networks that accommodate automobiles, non-motorized vehicles, and pedestrians.

9.01.B. Applicability

9.01.B.1. Existing Planned Development Districts

9.01.B.1.a. Existing Planned Development Districts approved by Tate Township will remain in existence and their development plans continue to be enforced.

9.01.B.1.b. Revisions to existing Planned Development Districts shall comply with the regulations contained in Section 9.01.G. Modifications to Approved Planned Developments.

9.01.B.2. New Planned Development Districts

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

9.01.C. Establishment of a Planned Development

The following planned development districts may be established:

9.01.C.1. "R-PD," Residential Planned Development

9.01.C.2. "C-PD," Commercial Planned Development

9.01.C.3. "E-PD," Enterprise Planned Development

9.01.C.4. "M-PD," Mixed-Use Planned Development

9.01.D. Application Requirements

9.01.D.1. Preliminary Development Plan

The Preliminary Development Plan shall include the following information.

9.01.D.1.a. A survey and/or engineering drawings of the property to be included in the Planned Development.

9.01.D.1.b. The plan shall include a vicinity map, north arrow, scale bar, applicant contact information, and proposed development title.

9.01.D.1.c. Evidence that the applicant has the consent of the property owner to submit the Preliminary Plan.

9.01.D.1.d. A narrative description of the proposed development.

9.01.D.1.e. A plan that identifies the proposed parcels contained within the development.

9.01.D.1.f. Existing property lines of adjacent properties noting the owners of record and existing zoning designations and uses.

9.01.D.1.g. The location of proposed buildings and land uses within the development. The amount of land area/proposed square footage dedicated for each land use shall be specified.

9.01.D.1.h. Preliminary interior open space system and landscaping and perimeter buffering concepts.

9.01.D.1.i. Location of existing and proposed streets, drives, access locations, parking areas, and pedestrian network.

9.01.D.1.j. Minimum peripheral setbacks around the perimeter of the development.

9.01.D.1.k. Traffic impact study, if deemed required by the Zoning Inspector, the Clermont County Engineer's Office and/or the Ohio Department of Transportation.

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

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

9.01.D.2. Final Development Plan

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

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

9.01.D.2.b. Evidence that the applicant has the consent of the property owner to submit the Final Development Plan.

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

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

9.01.D.2.e. The proposed size, location, use, and arrangement of buildings, parking areas (with proposed arrangement of stalls and number of spaces), entrance and

exit driveways and their relation to existing and proposed streets, proposed landscaping, signage, and all other significant features of the proposed development.

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

9.01.D.2.g. Building elevations of all sides that indicate proposed architectural character. Exterior finishes and colors shall be identified. Material boards may be required upon request by the Zoning Inspector.

9.01.D.2.h. Design and location of existing landscaping to be preserved and all proposed landscaping areas, open space, buffering plans, retention/detention areas, and yards. The common and scientific names of all proposed plant species shall be provided along with the quantity and sizes of each.

9.01.D.2.i. The location of all existing trees with a caliper of four inches or more.

9.01.D.2.j. Existing and proposed sanitary and storm sewers, water mains, culverts, and other underground structures.

9.01.D.2.k. Lighting, including fixture types, sizes, and a photometric plan indicating the minimum and maximum illumination and the footcandle reading of outdoor lighting at all property lines.

9.01.D.2.l. Service structures and trash facilities, including dumpster pads and enclosure details.

9.01.D.2.m. Notation of any right-of-way dedication that may be necessary for the widening or extension of any major streets.

9.01.D.2.n. Sign plan indicating locations, sizes, and designs for all proposed signs.

9.01.D.2.o. Development schedule and project timetable along with a phasing plan for the development, if any.

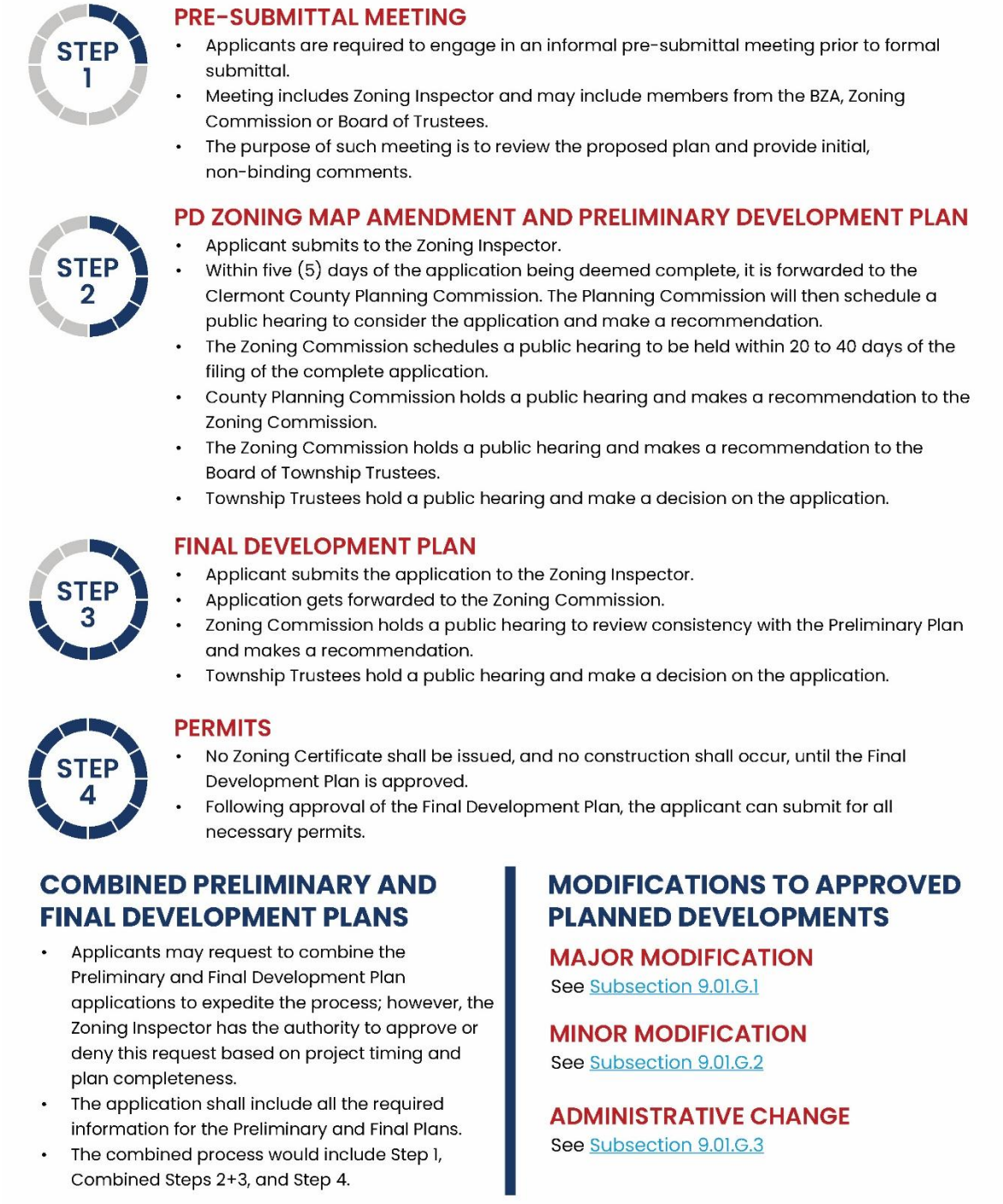
9.01.D.2.p. Additional information as requested by the Zoning Inspector, the Zoning Commission, or the Township Trustees.

9.01.E. Waiver of Regulations

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

9.01.F. Approval Process

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



9.01.F.1. Step 1: Pre-Submittal Meeting

9.01.F.1.a. Applicants are required to engage in an informal pre-submittal meeting prior to the formal submittal. In addition to the Zoning Inspector, as determined appropriate, a pre-submittal meeting shall include any combination of the following:

i. One (1) member of the Board of Zoning Appeals;

ii. One (1) member of the Zoning Commission; and

iii. One (1) member of the Board of Trustees.

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

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

9.01.F.2. Step 2: PD Zoning Map Amendment & Preliminary Development Plan

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

9.01.F.2.b. The Zoning Inspector shall determine if the application is complete or if additional information is needed. Upon determination that the application is complete, and within five (5) days it shall be referred to the Clermont County Planning Commission for review and recommendation.

9.01.F.2.c. The Clermont County Planning Commission shall conduct a public hearing on the requested Zoning Map Amendment and furnish to the Tate Township Zoning Commission a recommendation with respect to the zone change and preliminary development plans consistency with Tate Township Comprehensive Plan.

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

9.01.F.2.e. The Zoning Commission shall hold a public hearing on the PD Zoning Map Amendment and Preliminary Development Plan in accordance with Section 10.05. Public Hearing Requirements and shall furnish to the Township Trustees its recommendation with respect to the submitted plan's consistency with the Preliminary Development Plan and the standards established by Section 9.01.I.Review Standards for Planned Developments and Section 9.01.K.Design Criteria for Preliminary Development Plans.

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

9.01.F.2.g. Within 20 days after its public hearing, the Board of Township Trustees shall either adopt or deny the recommendations of the Township Zoning Commission or adopt some modification of them. If the board denies or modifies the Commission's recommendations, a majority vote of the Board shall be required..

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

9.01.F.3. Step 3: Final Development Plan

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

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

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

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

9.01.F.3.e. Combined Preliminary and Final Plan

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

Development Plan including a public hearing and recommendation by the Zoning Commission and a public hearing and action by the Township Trustees.

9.01.F.4. Permits

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

9.01.G. Modifications to Approved Planned Developments

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

9.01.G.1. Major Modifications

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

9.01.G.1.a. Expansion or subtraction of the Planned Development project from the original lot coverage;

9.01.G.1.b. Proposed changes in the mix or combination of land uses; and

9.01.G.1.c. Changes in the plans relative to the size and arrangement of buildings, the layout of streets or circulation patterns, the size, configuration and location of structures, and substantial changes in any approved elements of the Planned Development that may affect adjacent property owners.

9.01.G.2. Minor Modifications

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

9.01.G.2.a. Changes in the plans relative to the arrangement and size of accessory structures, the layout of streets and circulation patterns, the size, configuration and location of common open space, and changes in any approved elements of the planned development that would not affect adjacent property owners;

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

9.01.G.2.c. Administrative Changes as defined in Section 9.01.G.3 Administrative Change in which:

i. the Zoning Inspector determines that the Zoning Commission review is

necessary in order to determine consistency with the approved Final Development Plan.

ii. it is alleged by the applicant that there is an error in any requirement, decision, or determination made by the Zoning Inspector as part of an Administrative Change determination.

9.01.G.3. Administrative Change

Administrative changes are those proposed by the developer/owner which do not disturb or affect the basic design and approved Final Development Plan and which are essentially technical in nature, as determined by the Zoning Inspector and do not have an adverse impact on adjacent property owners. Examples of administrative changes include, but are not limited to, change in accessory structure material and/or design, parking area locations, landscaping material or species, and sign locations. The Zoning Inspector shall notify the Zoning Commission and Township Trustees of all such approved administrative changes within 30 days of such approval.

9.01.H. Development Plan Expirations

9.01.H.1. Within one (1) year after the approval of the Preliminary Development Plan, the applicant shall file with the Zoning Inspector a Final Development Plan for the entire development, or when submission in stages was authorized by the Township Trustees during the Preliminary Development Plan review, for the first phase of the development.

9.01.H.2. If more than one (1) year passes from the date of approval of the Preliminary Development Plan, and the Final Development Plan has not been submitted for approval or a request for an extension not to exceed 12 months has not been filed with the Zoning Commission, the Preliminary Development Plan shall be deemed expired.

9.01.H.3. Upon expiration of the approved Preliminary Development Plan, the PD zoning designation for the subject property shall automatically revert to the zoning district classification that applied to the property immediately prior to the adoption of the Planned Development district designation, unless otherwise specified herein. The township shall provide written notice to the applicant and property owner at least 30 days prior to such automatic reversion.

9.01.H.4. A one-year extension of the time limit may be granted by the Zoning Commission, provided that such extension is not in conflict with the most current Comprehensive Plan and that such extension is in the best interest of the entire community. The developer/owner shall apply for an extension and shall state the reason for the extension. The Township Trustees shall be notified of all extensions granted. In no case shall a Preliminary Development Plan be valid for more than two (2) years.

9.01.H.5. If an approved Planned Development shall lapse as provided in Subsection 9.01.H.1 or 9.01.H.4 hereof, or if work has not begun within one (1) year of the approval of the Final Development Plan, the approval of the Planned Development shall be deemed void and the subject property shall automatically revert to its original zoning designation. Notice of such lapse shall be filed by the Zoning Inspector and forwarded to the Township Trustees.

9.01.I. Review Standards for Planned Developments

The Zoning Commission and the Township Trustees, when reviewing a Preliminary Development Plan, shall consider the following factors:

9.01.I.1. The proposed development is consistent with the Comprehensive Plan, other adopted Township plans, and the stated purpose of this Resolution.

9.01.I.2. The development can be substantially completed within the period of time specified in the schedule of development submitted by the applicant.

9.01.I.3. The site will be accessible from public roads that are adequate to carry out the traffic that will be imposed upon them by the proposed development. The streets and driveways within the development shall be adequate to serve the expected intensity of the proposed development.

9.01.I.4. The development will not impose an undue burden on public service and facilities such as fire and police protection and school district capacity.

9.01.I.5. The Planned Development contains proposed covenants, easements, and other provisions relating to the proposed development standards, as reasonably required for the public health, safety, and welfare.

9.01.I.6. The location and arrangement of buildings, structures, parking areas, walks, lighting, and appurtenant facilities shall be compatible with land uses within a 250-foot radius of the perimeter of the proposed development.

9.01.I.7. Unless alternative standards are approved as part of the Planned Development approval process, all PDs shall comply with the applicable development standards within this Resolution, including, but not limited to, sidewalks, street design, sign regulations, accessory uses and structures, landscaping, lighting, and noise regulations.

9.01.J. Planned Development Regulations

9.01.J.1. Permitted Buildings and Uses

9.01.J.1.a. The uses allowed in each type of Planned Development as established by Section 9.01.C Establishment of a Planned Development are identified in Table 3.03-1: Use Table, subject to the approval of the Township Trustees on an approved Concept Development Plan.

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

9.01.J.2. Minimum Development Area

The minimum development area required to establish a PD is as follows in Table 9.01-1: Minimum PD Development Area based on the PD designation type.

Table 9.01-1: Minimum PD Development Area

PD Designation Type	Min. Development Area
R-PD	10 acres
C-PD	5 acres
E-PD	5 acres
M-PD	10 acres

9.01.J.3. Multiple Buildings on a Lot

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

9.01.J.4. Setbacks

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

9.01.J.5. Maximum Height

The Zoning Commission and the Board of Trustees shall establish the maximum building height for all structures. If adjacent to a residential district or recorded residential subdivision, the building height shall not exceed 35 feet, unless otherwise approved or required by the Zoning Commission or Township Trustees.

9.01.J.6. Transitions

9.01.J.6.a. Developments shall be considerate of adjacent developments and shall be designed in a way to mitigate undesirable audible and visual land impacts to the adjacent land uses. Installation of facilities / features required to protect and preserve the character and value of surrounding properties shall be shown on the approved PD plan and installed prior to any occupancy permits being issued.

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

9.01.J.7. Circulation

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

9.01.J.8. Open Space

9.01.J.8.a. Common open space shall be provided in each Planned Development that shall occupy the following minimum percentage of the gross acreage of the development based on the PD designation type:

Table 9.01-2: Minimum Required Open Space

PD Designation Type	Percentage of Open Space Required (min.)
R-PD	30%
C-PD	15%
E-PD	15%
M-PD	20%

9.01.J.8.b. For the purposes of this Article, common open space is defined as an area of land or water that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities.

9.01.J.8.c. Open space shall not include off-street parking areas, private yards, streets, or any part of road rights-of-way.

9.01.J.9. Landscaping

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

9.01.J.10. Signage

Signage shall be regulated per Article 8. Signage unless otherwise approved in the Final Development Plan.

9.01.J.11. Lighting

Outdoor lighting shall be regulated per Article 5. Outdoor Lighting unless otherwise approved in the Final Development Plan.

9.01.J.12. Parking

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

9.01.K. Design Criteria for Preliminary Development Plan

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

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

9.01.K.1. Criterion 1: Land Use Compatibility and Efficiency

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

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

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

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

9.01.K.1.d. When a property physically abuts a municipality, a limited amount of single-family residential and multi-family residential may meet the established setback requirements, lot dimensions, and height regulations of the abutting municipality's zoning regulations.

9.01.K.2. Criterion 2: Pedestrian Access, Safety, and Comfort

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

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

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

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

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

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

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

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

9.01.K.3. Criterion 3: Street Connections

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

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

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

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

9.01.K.4. Criterion 4: Creating and Protecting Public Spaces

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

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

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

9.01.K.4.c. Preservation of existing significant or sensitive natural features – including cultural and historic resources – should be given the highest priority as dedicated open space in the layout, wherever possible.

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

9.01.K.5. Criterion 5: Human Scaled Building Design

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

9.01.K.5.a. Existing architectural character of the surrounding neighborhood(s) / district(s);

9.01.K.5.b. The continuity of the building size, massing, and scale;

9.01.K.5.c. The street-level and upper-level, four-sided architectural detailing;

9.01.K.5.d. Roof forms;

9.01.K.5.e. Rhythm of windows and doors; and

9.01.K.5.f. General relationship of buildings to public spaces such as streets, plazas, and other open space, parking.

9.01.L. Design Standards for Final Development Plan

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

9.01.L.1. Building Entry and Orientation Requirements

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

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

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

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

9.01.L.2. Architectural Design Requirements

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

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

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

9.01.L.2.d. Architectural diversity shall be provided through a variety of means, including,

but not limited to the massing and articulation of the front façade, entry design, exterior cladding materials and arrangement, front door types and entrance locations, window types and rhythm of window placement, and roof forms and roofing materials.

9.01.L.2.e. Commercial buildings shall be organized to group utilitarian functions such as delivery and loading operations; HVAC equipment; trash compacting and collection; and other utility and service functions away from the public view when such elements are located outside of a building. The visual and acoustic aspects of all such equipment and activities shall be minimized by placing equipment behind parapets, within architectural screening or by using other aesthetically pleasing methods of screening and deadening the sound of such equipment.

9.01.L.2.f. The ground floor windows of all building facades facing a public right-of-way or facing onto a park, plaza or other public outdoor space shall contain ground floor windows. Required windows shall allow views into lobbies or similar areas of activity, pedestrian entrances, or display windows. Required windows shall provide a lower sill no more than three (3) feet above grade. Where interior floor levels are higher than the exterior grade, the sill may be located not less than two (2) feet above the finished floor level to a maximum sill height of five (6) feet above exterior grade.

9.01.L.2.g. Where ground floor windows are required by this section, exterior walls facing a public right-of-way, public open space, pedestrian walkway and/or public transportation amenities shall have windows, display areas or doorways for at least 50 percent of the length and 50 percent of the ground level wall area, which is defined as the area up to the finished ceiling height of the fronting space or 15 feet above finished grade, whichever is less.

9.01.L.2.h. Building frontages along main public accesses and rights-of-way shall break apart the massing of the facade. Any flat, monolithic façade of 30 feet or more through incorporation of articulated architectural elements such as building projections / recesses, bay windows, recessed entrances or other articulation as further defined in this Resolution.

9.01.L.3. Location and Design of Off-Street Parking

9.01.L.3.a. Parking areas shall be located and designed to facilitate parking, complement and encourage easy and safe pedestrian movement to, through and around the development. The scale and location of parking areas shall support the uses on the site through appropriate placement, design, and overall function.

9.01.L.3.b. The parking design standards contained in Article 7. Parking, Loading, and Circulation of this Zoning Resolution shall apply to all "PD" developments. The maximum size of any surface parking area, as defined in this Resolution, shall be 50,000 square feet.

9.01.L.3.c. Surface parking areas, as defined by this Resolution, shall provide perimeter landscaping when adjacent to motorized vehicle access.

9.01.L.3.d. Surface parking areas shall provide landscaping which meets the following standards:

- **i.** Angled or perpendicular parking spaces shall provide, where needed, tire stops or widened curbs to prevent bumper overhang into Landscaped Areas or walkways.
- **ii.** All surface parking facilities shall include landscaping along the perimeter of the lot to a depth of at least 10 feet. All landscaping required under the provisions of this subsection may be applied towards compliance with other applicable landscaping requirements.
- **iii.** All surface parking areas measuring 10,000 square feet to 20,000 square feet shall include an additional 10 trees to be located in the perimeter landscape strip.
- **iv.** All surface parking areas measuring more than 20,000 square feet to fifty thousand 50,000 square feet shall include an additional 16 trees to be located in the perimeter landscape strip.
- **v.** The minimum planting size for all required trees shall be three inch caliper as defined in this Resolution. Trees shall be deciduous shade trees capable of reaching at least 35 feet in height and spread at maturity.
- **vi.** A minimum of 70 percent of all required Landscaped Areas shall be covered with trees, or shrubs. All areas shall also include continuous ground cover consisting of lawn, low growing evergreen shrubs, or evergreen ground cover.
- **vii.** Evergreen shrubs shall be not less than two feet higher than the finished grade at the time of planting. Evergreen shrubs shall be of the type that grow to be at least 36 inches higher than finished grade.
- **viii.** The specific placement of trees and landscaping shall complement the overall site development and associated pedestrian amenities and facilitate safe movement of vehicles into and around the parking area.

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

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

9.01.L.4. Utilities

Except as noted below, all public utility distribution and service connections to new buildings and dwelling shall be located underground. Aerial utility connection may be used in renovation of an existing building where all the following circumstances apply:

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

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

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

9.02. "MHP" MOBILE HOME PARK AND SUBDIVISION DISTRICTS

9.02.A. Uses Permitted

9.02.A.1. Mobile Home Parks; and

9.02.A.2. Mobile Home Subdivisions

9.02.B. Uses Prohibited

All other uses except Mobile Home Parks and Mobile Home Subdivisions are prohibited.

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TATE TOWNSHIP ZONING RESOLUTION ARTICLE 10 ADMINISTRATION & PROCEDURES

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ARTICLE 10. ADMINISTRATION & PROCEDURES

10.01. PURPOSE

The purpose of this article is to identify the roles, responsibilities, and duties of various elected and appointed boards, and the township staff, used in the administration of this Zoning Resolution; and to identify the development review procedures used in the administration of this Zoning Resolution.

10.02. SUMMARY TABLE OF APPROVAL BODIES

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

Table 10.02-1: Summary Table of Approval Bodies

Procedure	Reference	Zoning Inspector	Board of Zoning Appeals	Zoning Commission	Board of Township Trustees	Court of Common Pleas
Zoning Map and Resolution Amendment	10.06.A	R		H | R	H | D	
Conditional Use	10.06.B	R	H | D			A
Variance	10.06.C	R	H | D			A
Administrative Appeal	10.06.D	R	H | D			
Zoning Certificate	10.06.E	R | D	A			
Site Plan Review	10.06.F	R | D	A			
PD Map Amendment & Preliminary PD Plan	9.01.F.2	R		H | R	H | D	
PD Final Development Plan	9.01.F.3	R		H | R	H | D	
PD Major Modification	9.01.G.1	R		H | R	H | D	
PD Minor Modification	9.01.G.2	R		H | D	A	

H = Public Hearing Required
M = Public Meeting Required
R = Review and/or Recommendation
D = Final Decision-Making Body
A = Appeal Body
Shaded Box = No Review / Approval Authority

10.03. REVIEW AND DECISION-MAKING BODIES

10.03.A. Court of Common Pleas

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

10.03.B. Board of Township Trustees

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

10.03.B.1. Initiate proposed amendments to this Zoning Resolution and/or the official Zoning Map;

10.03.B.2. Review and decide on all proposed zoning text and map amendments to this Zoning Resolution;

10.03.B.3. Review and decide on Preliminary PD Plans, Final PD Plans, or combined Preliminary / Final PD Plans as they relate to a proposed PD; and

10.03.B.4. Perform all other duties as specified in Chapter 519 of the Ohio Revised Code as specified in this Zoning Resolution.

10.03.C. Zoning Commission

10.03.C.1. Appointment

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

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

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

10.03.C.1.c. Members of the Zoning Commission shall be removable for non-performance of duty, misconduct in office, or other cause, in accordance with ORC 519.04.

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

10.03.C.2. Alternates

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

10.03.C.2.b. An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.

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

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

10.03.C.3. Assistance

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

10.03.C.4. Bylaws

The Zoning Commission may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

10.03.C.5. Roles and Powers

The Zoning Commission shall have the following roles and powers:

10.03.C.5.a. Initiate proposed amendments to this Zoning resolution and/or the official Zoning Map.

10.03.C.5.b. Serve as the architectural review authority, as granted by ORC Section 519.171 in such cases as may be defined in this Zoning Resolution.

10.03.C.5.c. Review all proposed Zoning Text and Map Amendments to this Zoning Resolution and make recommendations to the Board of Trustees.

10.03.C.5.d. Review and make recommendations to the Board of Township Trustees regarding Preliminary PD Plans and combined Preliminary / Final PD Plans as they relate to a proposed PD.

10.03.C.5.e. Review and make recommendations on Final PD Plans as they relate to a proposed PD where the Final PD Plan is not part of a combined Preliminary / Final PD Plan application.

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

10.03.C.6. Procedures

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

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

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

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

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

10.03.C.7. Hearings

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

10.03.C.8. Meetings

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

10.03.C.9. Quorum

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

10.03.D. Board of Zoning Appeals

10.03.D.1. Appointment

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

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

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

10.03.D.1.c. Members of the BZA shall be removable for non-performance of duty, misconduct in office, or other cause, in accordance with ORC 519.13.

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

10.03.D.2. Alternates

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

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

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

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

10.03.D.3. Assistance

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

10.03.D.4. Bylaws

The BZA may organize and adopt bylaws for its own governance provided they are consistent with law or with any other resolution of the township.

10.03.D.5. Roles and Powers

10.03.D.5.a. Conditional Uses

The BZA shall have the power to authorize upon application, condition use, or special exemption Zoning Certificates for those uses which are specified as such by this Zoning Resolution. The BZA shall have the power to impose requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Zoning Resolution for the particular conditional use, as the BZA may deem necessary for the protection of adjacent properties and the public interest. Conditional uses are subject to the provisions of Section 10.06.B. Conditional Use.

10.03.D.5.b. Variances

The BZA shall have the power to authorize upon application in specific cases, such dimensional variances from the provisions or requirements of this Zoning Resolution as will not be contrary to the public interest, where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Zoning Resolution would cause practical difficulties. The BZA shall also have the power to authorize use variances from the provisions or requirements of this Zoning Resolution where the literal enforcement of said provisions or requirements would result in unnecessary hardship. Variances are subject to the provisions of Section 10.06.C. Variances.

10.03.D.5.c. Administrative Appeals

The BZA shall have the power to hear and decide where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Inspector, or a designated subordinate in the interpretation or enforcement of the provisions of this Zoning Resolution. Appeals are subject to the provisions of Section 10.06.D. Administrative Appeals.

10.03.D.6. Procedures

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

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

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

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

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

10.03.D.7. Meetings

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

10.03.D.8. Quorum

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

10.03.D.9. Decisions

10.03.D.9.a. Any party in interest or person adversely affected by the decision of the Board

may appeal to the Court of Common Pleas of Clermont County as provided in the Ohio Revised Code.

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

10.03.D.10. Stay of Proceedings

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

10.03.E. Zoning Inspector

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

10.03.E.1. It shall be the duty of the Zoning Inspector, or his/her designee, to review applications for Zoning Certificates and to ensure compliance with this Zoning Resolution in accordance with Section 10.06.E. Zoning Certificates.

10.03.E.2. It shall be the duty of the Zoning Inspector to keep adequate records of all applications and decisions on said applications.

10.03.E.3. It shall be the duty of the Zoning Inspector, or his/her designee, to issue citations of zoning violations and keep adequate records of all violations in accordance with Section 10.07. Violations and Penalties. In enforcement of this Zoning Resolution, the Zoning Inspector may:

10.03.E.3.a. Investigate suspected violations;

10.03.E.3.b. Issue compliance or cease-and-desist orders;

10.03.E.3.c. Refer unresolved violations to the township for consideration of legal or civil court action.

10.03.E.4. The Board of Trustees may also appoint additional Zoning Inspector personnel to assist the Zoning Inspector in such roles and powers.

10.04. COMMON REVIEW REQUIREMENTS

10.04.A. Purpose

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

10.04.B. Authority to File Applications

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

10.04.B.1. The owner(s) of the property(ies) that is (are) the subject of the application;

10.04.B.2. The owner's authorized agent; or

10.04.B.3. Tate Township, Clermont County, Ohio.

10.04.C. Fees

10.04.C.1. Fees shall be determined by the Board of Township Trustees from time to time and presented via an adopted "Fee Schedule", copies of which shall be available from the Zoning Inspector.

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

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

10.05. PUBLIC HEARING REQUIREMENTS

10.05.A. Applicability

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

10.05.B. Mailed Notice

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

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

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

10.05.C. Published Notice

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

10.05.D. Notice Content Requirement

The published and mailed notices shall contain information set forth by Section 519.12 of the Ohio Revised Code.

10.05.E. Computation of Time

10.05.E.1. In computing any period of time prescribed or allowed by this Zoning Resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to

be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday as observed by Tate Township where the township offices are closed for the entire day.

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

10.05.F. Representatives at the Hearing.

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

10.06. SPECIFIC PROCEDURES

10.06.A. Zoning Map and Resolution Amendments

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



Figure 10-1: Zoning Map and Resolution Amendment Process Flow Chart

10.06.A.1. Initiation

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

10.06.A.1.a. By motion of the Tate Township Zoning Commission;

10.06.A.1.b. By the passage of a resolution by the Tate Township Board of Trustees; or

10.06.A.1.c. By the filing of an application by one (1) or more owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the Tate Township Zoning Commission.

10.06.A.2. Application Requirements

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

10.06.A.2.a. Description and location of the property;

10.06.A.2.b. Description of proposed use and/or buildings or structures;

10.06.A.2.c. The reason for change;

10.06.A.2.d. A map of the area including all lots within 500 feet of any part of the property involved, and the location and use of the building(s) or structure(s) thereon;

10.06.A.2.e. The names and addresses of owners and lots shown on said map;

10.06.A.2.f. Verification by the applicant attesting to the truth and accuracy of all facts and information presented in the application.

10.06.A.2.g. Filing fee, as established by the Tate Township Trustees and made payable to the Tate Township Trustees; and

10.06.A.2.h. Any other information as requested by the Board of Trustees and/or Zoning Commission.

10.06.A.3. Approval Process

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

10.06.A.3.a. Pre-Application Meeting

i. If initiated by the property owners, the applicant is required to meet with the Tate Township Zoning Inspector to discuss the initial concepts of the proposed amendment and general compliance with the applicable provisions of this Zoning Resolution and the Tate Township Comprehensive Plan, prior to the submittal of any application.

ii. Discussions that occur during a preapplication conference or a preliminary meeting with township staff are not binding on the township and do not constitute official assurances or representations by Tate Township or its officials regarding any aspects of the plan or application discussed.

10.06.A.3.b. Submit Completed Application

i. Uon receipt of an application, the Zoning Inspector shall determine whether the application is complete. If it is not complete, the applicant shall be notified of the additional materials or information that are needed.

ii. When the application is deemed complete, if the proposed amendment intends to rezone or redistrict ten (10) parcels of land or less notification shall be given in accordance with ORC Section 519.12 and Section 10.05. Public Hearing Requirements.

10.06.A.3.c. Referral to Clermont County Planning Commission

i. Within five (5) days upon the receipt of a complete application, adoption of a motion, or certification of a resolution, the township shall transmit a copy of the proposed amendment to the Clermont County Planning Commission;

ii. The County Planning Commission shall recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof and shall submit such recommendation to

the Township Zoning Commission.

iii. Such recommendation shall be considered at the public hearing held by the Township Zoning Commission on such proposed amendment.

10.06.A.3.d. Zoning Commission Public Hearing

i. Notification shall be given in accordance with ORC Section 519.12 and Section 10.05. Public Hearing Requirements.

ii. Following the Zoning Commission public hearing, the Zoning Commission shall provide a recommendation to the Township Trustees for their consideration.

10.06.A.3.e. Zoning Commission Recommendation

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

10.06.A.3.f. Township Trustees Public Hearing

i. The Township Trustees, upon receipt of such recommendation, set a time for a public hearing on such proposed amendment, which date shall not be more than 30 days from the date of the receipt of such recommendation from the Zoning Commission.

ii. Notification shall be given in accordance with ORC Section 519.12 and Section 10.05. Public Hearing Requirements.

10.06.A.3.g. Action of Township Trustees

Within 20 days after such public hearing, the Trustees shall either adopt or deny the recommendation of the Zoning Commission or adopt some modification thereof.

10.06.A.4. Review Criteria for Zoning Amendments

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

10.06.A.4.a. The amendment is in accordance with this Zoning Resolution as adopted by the Board of Township Trustees;

10.06.A.4.b. The amendment has been reviewed to determine the consistency with the Tate Township Comprehensive Plan; and

10.06.A.4.c. Where more than one (1) zoning district is available to implement the land use designation, the applicant must justify the particular zoning being sought and show that it is best suited for the specific site, based upon the policies of the township.

10.06.A.5. Planned Developments

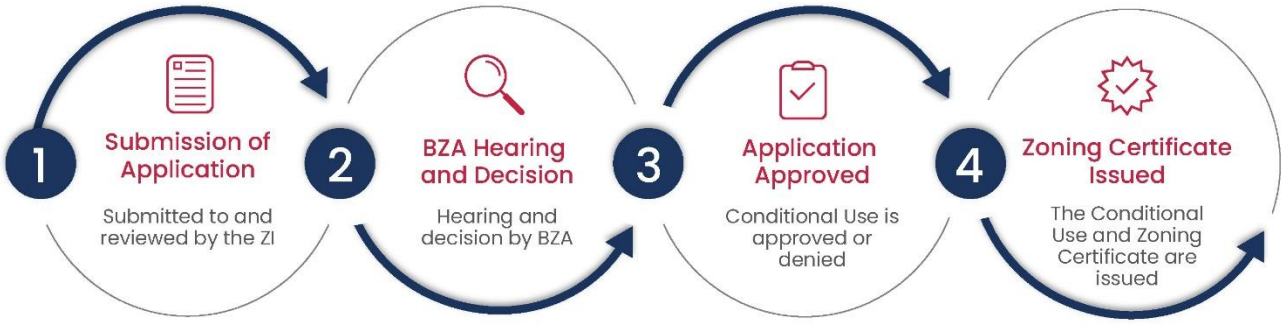
Planned Developments (PDs) shall be subject to the review procedures established in Section 9.01.F. Approval Process.

10.06.A.6. Effective Date

Such amendment adopted by the Trustees shall become effective 30 days after the date of such adoption unless within 30 days after the adoption of the amendment, there is presented to the Trustees, a petition, in accordance with ORC Section 519.12.

10.06.B. Conditional Use

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



ZI = Zoning Inspector | BZA = Board of Zoning Appeals

Figure 10-2: Conditional Use Process Flow Chart

10.06.B.1. Approval Process

10.06.B.1.a. Submit Completed Application

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

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

10.06.B.1.b. Board of Zoning Appeals Public Hearing

- **i.** Once the Zoning Inspector determines that the conditional use application is complete, the application will be forwarded to the Board of Zoning Appeals.
- **ii.** The Zoning Inspector shall cause notice of the public hearing to be

given in accordance with ORC Section 519.15 and Section 10.05. Public Hearing Requirements.

10.06.B.1.c. Action of the Board of Zoning Appeals

i. The Board of Zoning Appeals shall review the application and the evidence presented during the public hearing to determine if the requested use complies with the review criteria, the intent, and any other applicable standards.

ii. Following review of the application, the Board of Zoning Appeals shall approve or disapprove the request for a conditional use. The Board of Zoning Appeals may impose additional conditions, stipulations, and safeguards it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

10.06.B.1.d. Conditional Use Approval

i. The conditional use approval shall be void if the applicant has not received a zoning permit, within 12 months of the date of the conditional use approval.

ii. The breach by the applicant of any condition, safeguard, or requirement expressed or referred to on the conditional use approval shall render the use void and shall constitute a violation of this Resolution.

10.06.B.2. Review Criteria for Conditional Use

10.06.B.2.a. In hearing applications for conditional uses, the Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses. In authorizing a conditional use or special exception, the Board of Zoning Appeals shall impose requirements and conditions with respect to location, construction, maintenance, and operation that are deemed necessary to mitigate the special characteristics of the use in order to make it compatible with adjacent properties, and for the properties of adjacent properties and the public interest.

10.06.B.2.b. In reviewing an application for a conditional use, the Board of Zoning Appeals shall use the following standards in reaching a decision:

i. Will the proposed use adversely affect the health, safety, security, morals or general welfare of the residents, visitors, or workers in the area;

ii. Will the proposed use be consistent with the general plan for the physical development of the zoning district;

iii. Will the proposed use be in harmony with the general character of the neighborhood considering population density, design, scale and bulk of any proposed new structures, intensity and character of activities, traffic and parking conditions and number of similar uses;

iv. Will the proposed use be detrimental to the use, peaceful enjoyment, economic value or development of surrounding properties or the

general neighborhood; and will it cause objectionable noise, vibration, fumes, odors, dust, glare, or physical activity;

v. Will the proposed use have a detrimental impact on vehicular or pedestrian traffic;

vi. Will the proposed use, in conjunction with the existing development in the area and the development permitted under the existing zoning, overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage and other public improvements.

10.06.C. Variances

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



Figure 10-3: Variance Process Flow Chart

10.06.C.1. Approval Process

10.06.C.1.a. Submit Completed Application

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

i. The location of all adjoining properties;

ii. The size of the subject property;

iii. The location and setbacks of existing and proposed structures;

iv. The location and setbacks of all existing and proposed off-street parking and loading areas;

v. The location of all existing and proposed open spaces and landscape treatments;

vi. The location of all existing and proposed refuse and storage areas;

vii. The location of all existing and proposed utility lines; and

viii. The location and size of all existing and proposed signage.

10.06.C.1.b. Board of Zoning Appeals Public Hearing

i. Once the Zoning Inspector determines that the variance application is complete, the application will be forwarded to the Board of Zoning Appeals.

ii. The Zoning Inspector shall cause notice of the public hearing to be given in accordance with ORC Section 519.15 and Section 10.05. Public Hearing Requirements.

10.06.C.1.c. Action of the Board of Zoning Appeals

i. The Board of Zoning Appeals shall review the application and the evidence presented to determine if the request complies with the review criteria, the intent, and the specific standards contained herein.

ii. Following the review of the application, the Board of Zoning Appeals shall approve or disapprove the request for a variance. The Board of Zoning Appeals may impose additional conditions, stipulations, and safeguards it finds necessary for the protection of nearby property and the public health, safety, morals, and general welfare of the community.

10.06.C.1.d. Variance Approval

i. No order of the Board of Zoning Appeals permitting the erection or alteration of a building or the use of a building or premises, shall be valid for a period longer than 12 months, unless a zoning permit for such erection or alteration is obtained and the work is started within such period, or where no erection or alteration is necessary, the permitted use is established within such period.

ii. The breach by the applicant of any condition, safeguard, or requirement of the approval shall render the use void and shall constitute a violation of this Resolution.

10.06.C.2. Review Criteria for Variances

10.06.C.2.a. A dimensional variance may be granted where a literal enforcement of this zoning resolution will result in a practical difficulty. The factors to be considered and weighed in determining whether a property owner seeking a variance has encountered a practical difficulty in the use of the property shall be the burden of the applicant to demonstrate.

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

i. Whether the property will yield a reasonable return without the variance or whether there can be beneficial use of the property;

ii. Whether the variance is substantial;

iii. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;

iv. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, waste collection);

v. Whether the property owner purchased the property with knowledge of the zoning restrictions;

vi. Whether the owner's predicament can feasibly be addressed through some method other than variance;

vii. Whether the variance preserves the spirit and the intent behind the resolution and whether substantial justice would be done by granting the variance.

10.06.C.2.c. To obtain a use variance, the applicant must show by clear and convincing evidence an "unnecessary hardship" – meaning that, without the use variance, the property could not be put any economically viable use under current zoning restrictions.

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

10.06.D. Administrative Appeals

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



ZI = Zoning Inspector | BZA = Board of Zoning Appeals

Figure 10-4: Administrative Appeals Process Flow Chart

10.06.D.1. Applicability

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the township affected by any decision of the Zoning Inspector. The Board may hear and decide appeals, filed as herein provided, where it is alleged that there is an error in any order, requirement, decision, or determination made by the Zoning Inspector or other administrative official in the enforcement of Sections 519.02 to 519.25 of the Ohio Revised Code, or this Zoning Resolution. Such an appeal shall be taken within 20 days after the decision by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon with the action appealed was taken.

10.06.D.2. Appeal Process

10.06.D.2.a. Submit Completed Application

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

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

10.06.D.2.b. Board of Zoning Appeals Public Hearing

- **i.** The Zoning Inspector shall transit to the Board of Zoning Appeals all papers constituting a record upon which the action appealed from was taken.
- **ii.** The Zoning Inspector shall cause notice of the public hearing to be given in accordance with ORC Section 519.15 and Section 10.05. Public Hearing Requirements.
- **iii.** Before making any decision on an appeal, the Board of Zoning Appeals shall hold a public hearing in which the Board shall review the application materials.
- **iv.** The Board of Zoning Appeals may reach a decision on the appeal at the hearing and shall reach a decision on the appeal within a reasonable amount of time. The Zoning inspector shall notify the applicant in writing of the decision of the Board and shall maintain a detailed report of the proceedings and decision of the Board.
- **v.** The decision of the Board of Zoning Appeals may be appealed to the Court of Common Pleas of Clermont County, Ohio, as per the Ohio Revised Code.

10.06.D.2.c. Action of the Board of Zoning Appeals

- **i.** Upon application, the BZA shall fix a reasonable time for the public hearing on any appeal, give at least 10 days of notice in writing to the parties of interest, and give notice of such public hearing in accordance with Section 10.05. Public Hearing Requirements.
- **ii.** Any party may appear in person or by an appointed representative at a hearing for an application.
- **iii.** Upon the day for hearing any appeal, the BZA may, by motion setting the date, time, location, and cause, continue the hearing in order to obtain additional information, or to cause further notice, as it deems proper, to facilitate the discussion and decision on said application. In the case of an continued hearing, persons previously notified and

persons already heard need not be notified of the time of resumption of said hearing unless the BZA so decides.

10.06.D.3. Review Criteria for Appeals

An order, decision, determination, or interpretation shall not be reversed or modified by the BZA unless there is competent, material, and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this Zoning Resolution, state law, or federal law.

10.06.D.4. Expiration

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

10.06.E. Zoning Certificates

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



Figure 10-5: Zoning Certificate Process Flow Chart

10.06.E.1. Applicability

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

10.06.E.1.a. New construction or structural alteration of any building or structure, including accessory buildings;

10.06.E.1.b. Change in use or occupancy of an existing building (including tenant finishes), accessory building, lot, or portion thereof, excluding changing to any agricultural use;

10.06.E.1.c. Change in the use of land to a use of a different classification;

10.06.E.1.d. Occupancy and use of vacant land or building, excluding agricultural land or buildings;

10.06.E.1.e. Decks and porches;

10.06.E.1.f. Fences, and walls (including development entrance walls);

10.06.E.1.g. Retaining walls that require a building permit from Clermont County;

10.06.E.1.h. All pools with a water depth greater than 18 inches, except for temporary pools that are removed or emptied within 24 hours;

10.06.E.1.i. Home occupations, accessory uses, and temporary uses;

10.06.E.1.j. Any change in the use of a non-conforming use;

10.06.E.1.k. Permanent or temporary signs unless exempted in Section 8.03.C. Exempted Signs;

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

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

10.06.E.2. Certificate of Zoning Compliance – Final Inspection

It shall be unlawful to use or occupy any land, building, or structure, or portion thereof, for which a Zoning Certificate has been issued, until a final Certificate of Zoning Compliance is granted by the Zoning Inspector. To ensure compliance with the approved site plan, the development process shall include the following inspection milestones as determined applicable by the Zoning Inspector:

10.06.E.2.a. Pre-Excavation

Prior to any excavation, grading, or construction, the applicant shall flag or stake the property lines and the footprint of the proposed structure. The Zoning Inspector shall conduct a site inspection to verify setback and site plan compliance before work begins.

10.06.E.2.b. Final Inspection

Upon completion of the work authorized by the Zoning Certificate, the applicant shall notify the Zoning Inspector to request a final inspection.

10.06.E.2.c. Issuance

If the Zoning Inspector finds the completed work complies with the provisions of this Zoning Resolution and the approved site plan, a Certificate of Zoning Compliance shall be issued.

10.06.E.3. Approval Process

10.06.E.3.a. Submit Completed Application

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

i. The actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part, including the width of the lot and the setback lines;

ii. The exact location and size of any building or structure, existing and/or to be erected or altered, and the location and dimensions of all yards, driveways, and off-street parking spaces; and, if required, paring area diagrams, district buffer strips, drainage, landscaping, lighting, and the location and dimensions of refuse areas;

iii. The front, side, and rear elevations of the building or structure as it will appear when completed;

iv. When no buildings or structures are involved, the location of the present use and proposed use to be made of the lot;

v. Any other requirements listed under General Regulations;

vi. The existing and intended use of each building or structure or part thereof, and a statement that proposed use will meet every requirement of this Resolution;

vii. If a residential building, the number of dwelling units the building is designed to accommodate; and

viii. Any other information as requested by Tate Township.

10.06.E.3.b. Review and Approval

i. The Zoning Inspector shall act upon such applications within 30 days after the application is filed in full compliance with all the applicable requirements.

ii. The Zoning Inspector shall either issue the zoning certificate within 30 days or shall notify the applicant of disapproval of such certificate and the reason thereof.

iii. Upon approval, the Zoning Inspector shall issue a signed Zoning Certificate and maintain a copy of the application for township records.

iv. If the Zoning Inspector denies an application, the inspector shall state in writing the reasons for the action taken.

v. If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with this review process, or the applicant may appeal the decision to the Board of Zoning Appeals, in accordance with Section 10.06.D. Administrative Appeals of this Zoning Resolution.

vi. Zoning Certificate applications submitted for a site subject to an approved moratorium shall not be reviewed, and no decision made within the period of time that the moratorium is in place.

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

10.06.E.4. Review Criteria for Zoning Certificates

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

10.06.E.4.a. The comprehensive plan of the township;

10.06.E.4.b. The applicable county thoroughfare plan;

10.06.E.4.c. Any applicable resolutions relative to access and traffic control;

10.06.E.4.d. The Zoning Resolution; and

10.06.E.4.e. Any other applicable resolution(s) of the Township.

10.06.E.5. Temporary Certificates and Permits

Temporary Zoning Certificates and certificates of zoning compliance for a period of 60 days or less with specific expiration dates may be issued by the Zoning Inspector for any permitted use of a temporary nature upon payment of a fee and after data is furnished as required by the Zoning Department. Such certificates and permits for more than 60 days, but not more than 12 months, shall require review and approval by the Board of Zoning Appeals.

10.06.E.6. Nonconforming Use Zoning Certificate

The Zoning Inspector may issue a non-conforming use zoning certificate for any building or premises legally existing prior to the effective date of this Zoning Resolution. Said certificate shall be issued pursuant to the provisions established by Section 10.06.G. Pre-Existing Developments and Nonconformities.

10.06.E.7. Amendments or Modifications

10.06.E.7.a. Insignificant changes from an approved Zoning Certificate are permissible and the Zoning Inspector may grant changes, provided such change has no discernible impact on neighboring properties or the general public. Amendments or modifications to an approved Zoning Certificate may require the payment of a fee as established in the township's fee schedule.

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

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

10.06.E.8. Expiration

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

10.06.E.8.b. Construction shall not be required to comply with the time limits established by Section 10.06.E.8.a (above) if the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the Zoning Certificate application review process. If the Zoning Inspector has authorized an alternative commencement or substantial completion date as part of the

Zoning Certificate application review process, construction shall commence and be substantially completed within those time limits established by the Zoning Inspector.

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

10.06.E.8.d. Failure to commence construction within 12 months and substantially complete construction within 24 months or any alternative time limits established by the Zoning Inspector shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Inspector. Applications shall be required to apply for an extension no later than 30 days prior to the date of expiration of the original Zoning Certificate. Factors to be considered by the Zoning Inspector when determining whether to grant an extension shall include:

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

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

10.06.E.9. Revocation

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

10.06.F. Site Plan Review

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

10.06.F.1. Applicability

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

10.06.F.2. Approval Process

10.06.F.2.a. Pre-Application Meeting

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

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

10.06.F.2.b. Submit Completed Application

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

- **i.** Article 4. Dimensional Standards;
- **ii.** Article 5. Outdoor Lighting;
- **iii.** Article 6. Landscaping & Buffering;
- **iv.** Article 7. Parking, Loading, and Circulation;
- **v.** Article 8. Signage.

10.06.F.2.c. Review

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

10.06.F.2.d. Decision

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

10.06.F.3. Waiver of Site Plan Requirements

Depending on the nature of the site plan review application, one (1) or more of the site plan requirements as established by this Zoning Resolution may be waived by the Zoning Inspector. To obtain a waiver, the applicant must submit a statement to the Zoning Inspector indicating reasons why the requirements should be waived. The Zoning Inspector may grant waivers only when the material supplied by the applicant clearly demonstrates that the required information is unnecessary for a full and adequate review of the existing character of the neighborhood and / or the spirit of the Zoning Resolution. The decision of the Zoning Inspector with respect to the waiver is subject to review upon appeal to the Board of Zoning Appeals.

10.06.F.4. Review Criteria

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

10.06.F.5. Revisions of Site Plan After Approval

No changes, erasures, modification, or revisions shall be made to any site plan after approval has been given unless said changes, erasures, modifications or revisions are first submitted to and approved by the Zoning Inspector. In determining whether to permit revision of the site plan after approval, the Zoning Administrator shall proceed as follows:

10.06.F.5.a. Minor Modifications

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

10.06.F.5.b. Major Modifications

Major modifications shall include all other changes not addressed in subsection 10.06.F.5.a above and shall require the applicant to submit a new site plan for review in accordance with the procedures in Section 10.06.F.2. Approval Process.

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

10.06.F.6. Expiration

If construction has not been initiated within a period of twelve (12) consecutive months from the date of approval of the site plan, said site plan shall be deemed null and void. The Zoning Inspector may extend the construction period if sufficient proof can be demonstrated that the applicant's control and that prevailing conditions have not changed appreciably to render the approved site plan obsolete. Such extension shall be requested in writing by the applicant.

10.06.G. Pre-Existing Developments and Non-Conformities

The use of any non-conforming use, building, or structure may be continued as it existed at the time it became non-conforming. Any such use may be extended through any part of a use, building, or structure which was arranged or designed for such use at the time it became non-conforming, provided however, that the maximum extension in size of any non-conforming use within an existing building or

structure shall be limited to 25 percent of the total area of the building or structure. No extension in size of a non-conforming use within an existing building or structure that is greater than 25 percent of the total area of the building or structure shall be permitted, unless approved as an area variance by the Board of Zoning Appeals.

10.06.G.1. Non-Conforming Uses

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

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

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

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

10.06.G.2. Non-Conforming Structures

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

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

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

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

No non-conforming structure which has been damaged by fire, flood, or other causes to the extent of 50 percent or more of its reproduction cost shall be repaired, reconstructed, or used except in conformity with the provisions of this Resolution. Any structure that has been damaged less than 50 percent may be repaired, reconstructed, or used as before, provided it is done within 24 months, and after issuance of a Zoning Certificate for the repairs.

10.06.G.3. Non-Conforming Lots of Record

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

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

10.06.G.3.b. In any residential district, a single-family dwelling and its customary accessory uses may be erected on a vacant single lot of record provided the buildings comply with the minimum setbacks.

10.06.G.4. Discontinuance of a Non-Conforming Use or Structure

If any non-conforming use, building, or structure has been voluntarily discontinued for two years or more, any future use of the land, building, or structure shall be in compliance with this Zoning Resolution..

10.06.G.5. Burden of Proof

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

10.06.G.6. Repair or Maintenance

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

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

10.06.G.7. Zoning Certificates for Legal Non-Conformities

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

10.06.G.7.b. If, upon reviewing an application for a Zoning Certificate of Non-Conformance, the Zoning Inspector shall determine that the use, structure, or lot in question was lawfully existing at the time of the effective date of the provision creating the non-conformity in question. And remains lawfully existing subject only to such non-conformity at the time of such application, and that any required affidavit is in order, the Zoning Inspector shall issue a Zoning Certificate of Non-Conformance, evidencing such facts and setting forth the nature and extent of the non-conformity. Otherwise, the Zoning Inspector shall refuse to issue such certificate and shall declare such use, structure, or lot to be in violation of this Resolution.

10.07. VIOLATIONS AND PENALTIES

10.07.A. Applicability

No land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, constructed, maintained, used, moved, reconstructed, extended, enlarged, or altered except in conformity with

the regulations herein specified for the district in which it is located and in conformity with all other regulations herein. Any person who violates any provision of this Zoning Resolution or any amendment thereto is subject to enforcement action as provided herein.

10.07.B. Penalties

Pursuant to ORC 519.99, each violation constitutes a separate offense and may be enforced via civil action. A civil penalty of up to $500 per day, per violation, may be assessed in the Court of Common Pleas in the county where the property is located.

10.07.C. Separate Offenses

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

10.07.D. Enforcement

Enforcement may be initiated by the Board of Trustees, the Zoning Inspector, or the County Prosecuting Attorney. In case any building or structure is, or is proposed to be, located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of this Zoning Resolution, the Board of Township Trustees, special counsel, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, may institute an action for injunction, mandamus, abatement, or other appropriate proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use, pursuant to ORC 519.24.

10.07.E. Collection of Fines

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

10.07.F. Legal Counsel

The Board of Township Trustees may retain special counsel to pursue court actions to prevent or abate persistent zoning violations.

TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 11
PERFORMANCE STANDARDS

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ARTICLE 11. PERFORMANCE STANDARDS

11.01. PERFORMANCE STANDARDS

11.01.A. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, objectionable fire, explosive, or other hazards including possible potential hazards, noise or vibration, some, dust, odor, or other form of air pollution, heat, cold, dampness, electrical or other substance, condition or element in such manner or in such amount as to adversely affect the surrounding area or adjoining premises.

11.01.B. The standards of performance under this resolution shall apply uniformly to all uses even though non-industrial uses are unlikely to be in conflict therewith. Standards of performance imposed by any other township regulations or federal or state law, which are not expressly mentioned herein, shall also govern. All standards covered within this section or imposed otherwise which refer to federal or state law or regulations include said standards as exist at the time of adoption of this article, and as may be amended by federal or state action in the future.

11.01.C. The determination of the existence of any dangerous and/or objectionable elements shall be made at the location of the use creating the same and at any points where the existence of such elements may be more apparent.

11.01.D. The following provisions, standards, and specifications shall apply.

11.01.D.1. **Fire and Explosive Hazards**

All activities involving, and all storage of flammable and explosive materials, shall be provided at any point with adequate firefighting and fire suppression equipment and devices in compliance with Federal, State, and local regulations and industry standards. Burning of waste materials and open fire shall be prohibited at any point.

11.01.D.2. **Radio Activity or Electrical Disturbance**

No activity shall be permitted which violates the requirements and standards of Federal and State radiation protection regulations; and no electrical disturbance or any disturbance resulting from radio or television transmission shall be tolerated which adversely affects the operation at any point of any equipment other than that of the creator of such disturbance.

11.01.D.3. **Noise**

Table 11.01-1: Maximum Permitted Sound Levels identifies the maximum permitted sound levels within Tate Township.

Table 11.01-1: Maximum Permitted Sound Levels		
Source Property		Residential District Receiving Property [2][3]
Noise Source Use	Time [1]	
Commercial / Industrial	Day	75 dBA
	Night	55 dBA

Notes:
dBA = decibels
[1] Day = Between the hours of 7:00 A.M. and 10:00 P.M.
Night = Between the hours of 10:00 P.M. and 7:00 A.M.
[2] Landscaping, walls, mounding, or any combination may be used on the source property to reduce the noise levels on the receiving property.
[3] Noise levels will be measured on the property line of the receiving property.

11.01.D.4. Vibration

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

11.01.D.5. Odor

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

11.01.D.6. Smoke

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

11.01.D.7. Toxic Gases

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

11.01.D.8. Emission of Dirt, Dust, Fly Ash, and Other Forms of Particulate Matter

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

11.01.D.9. Glare and Heat

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

11.01.D.10. Chemicals

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

11.01.D.10.a. No discharge shall be permitted at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards

approved by the Ohio Environmental Protection Agency or such other governmental agency as shall have jurisdiction of such activities.

11.01.D.10.b. The storage, use, or manufacture of solid combustible materials or products ranging from free or active burning to intense burning may be permitted, but only if said materials or products are stored, used, or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.

11.01.D.10.c. All activities involving the use and/or storage and/or disposal of flammable liquids or materials which produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion, as well as with adequate firefighting and suppression equipment and devices standard to the industry involved. All above-ground storage, except for agricultural uses, shall be enclosed in fireproof vaults.

11.01.D.10.d. The storage, use, or manufacture of pyrophoric and explosive powders and dusts, and of materials and products which decompose by detonation, and the storage and use of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale, and Transportation of Flammable and Combustible Liquids."

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TATE TOWNSHIP
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ARTICLE 12
RESERVED FOR FUTURE USE

ARTICLE 12. RESERVED FOR FUTURE USE

TATE TOWNSHIP
ZONING RESOLUTION
ARTICLE 13
DEFINITIONS

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ARTICLE 13. DEFINITIONS

13.01. RULES AND INTERPRETATION

Unless the context otherwise requires, the following definitions shall be used in the interpretation and construction of this Zoning Resolution. The following shall apply:

13.01.A. Words used in the present tense include the future.

13.01.B. A singular number shall include the plural number, and the plural the singular.

13.01.C. The word "building" shall include the word "structure."

13.01.D. The word "used" shall include arranged, designed, constructed, altered, converted, rented, leased, or intended to be used.

13.01.E. The masculine shall include the feminine and non-binary, and vice versa.

13.01.F. The word "shall" is mandatory and not directory.

13.02. LISTS AND EXAMPLES

Unless otherwise specifically indicated, lists of items or examples that use terms such as including, such as, or similar language, are intended to provide examples, and not to be an exhaustive list of possibilities.

13.03. TERMS NOT DEFINED

If a term used in this resolution is not defined herein or elsewhere in this Resolution, the Tate Township Zoning Office, as appropriate, shall have the authority to provide a definition based on the definition's use in accepted sources including, but not limited to:

13.03.A. A Planner's Dictionary, A Glossary of Zoning, Development and Planning Terms, and a Survey of Zoning Definitions (all published by the American Planning Association);

13.03.B. General dictionaries, such as Merriam-Webster, American Heritage, webster's New World, and New Oxford American dictionaries.

13.04. DEFINED WORDS

The following definitions shall be used in the interpretation and construction of this Resolution.

A

ABANDONMENT

The relinquishment of property or a discontinuance of the use of the property by the owner or lessee for a continuous period as established by the applicable sections of this resolution.

ABUT / ABUTTING

To have a common border with or being separated from such a common border by a right-of-way, alley, or easement

AGRIBUSINESS

A commercial enterprise that operates in conjunction with or in support of agricultural operations. This may include, but is not limited to, food processing, packaging, equipment sales and repair, agricultural research, farm supply sales, and value-added production such as creameries, wineries, and distilleries.

AGRICULTURE (USE)

"Agriculture" includes farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

AGRITOURISM

An activity conducted on a working farm or agricultural property that is related to agriculture, and allows members of the general public to observe, participate in, or experience aspects of farming, ranching, heritage, or rural culture for recreational, educational, or entertainment purposes. Agritourism includes, but is not limited to, “pick-your-own” operations, corn mazes, hayrides, petting zoos, farm tours, on-farm markets, agricultural festivals, and farm stays in compliance with Short-Term Rentals and Short-Term Lodging, Outdoors.

ALTERATION

Any action to change (visual or material), modify, reconstruct, remove, or demolish any exterior feature of an existing structure or site

ANIMAL KENNEL, DAYCARE, AND TRAINING FACILITY

An establishment, structure or premises providing overnight accommodations of more than four (4) household pets of farm animals, with or without compensation; or a structure or premises used for the schooling, exercising, socializing attending to the care of household pets, with or without compensation, during the day and without overnight stays

ANIMAL HOSPITAL, VETERINARIAN OFFICE AND CLINIC

An establishment where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This use does not include ‘animal board/kennel,’ and overnight boarding of animals shall only be permitted when incidental to such medical treatment and limited to short periods of time. This use shall not include any outdoor animal runs, play areas, or other similar outdoor activities.

APPLICANT

Any action to change (visual or material), modify, reconstruct, remove, or demolish any exterior feature of an existing structure or site

ARCHITECTURAL FEATURE

Ornamentation or decorative feature(s) attached to or protruding from an exterior wall. Such features include cornices, eaves, gutters, belt courses, sills, lintels, bay windows, chimneys, and decorative ornaments

AUTOMATED TELLER MACHINE (ATM)

An electronic devise used by the public for conducting financial transactions such as withdrawing or depositing cash from a bank, savings, credit union, credit care or similar account wherein the customer operates the device independently

AUTOMOTIVE FUELING / CHARGING

An establishment where liquids used as motor fuels or alternative fuel, power or energy is sold at retail to the public and deliverables are made directly into or onto automobiles. The sale of fuel, power, or energy shall be the primary use of the property. Retail grocery or convenience store sales are permitted. Such use does not include facilities designed for the fueling of semi-trailer trucks.

AUTOMOTIVE RENTAL

Any building or land used for the display and rental of motor vehicles, motorcycles, recreational vehicles, and trucks in operable condition. The act of renting an automobile is the use of a motor vehicle for a temporary period of time at an agreed amount of money for the rental

AUTOMOTIVE SALES / LEASING, COMMERCIAL AND RECREATIONAL VEHICLES

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used commercial or recreational vehicles, in operable condition. This use includes the storage, maintenance, and servicing of commercial and recreational vehicles as a principally permitted or accessory use.

AUTOMOTIVE SALES / LEASING, PASSENGER VEHICLES

The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used motor vehicles and motorcycles, not including Vehicle, Commercial or Vehicle, Recreational, in operable condition. This use includes incidental storage, maintenance, and servicing of vehicles limited to those sold or leased on premises.

AUTOMOTIVE SERVICE / REPAIR, MAJOR

An establishment where repair of construction equipment, commercial trucks, automobiles, and similar heavy equipment, including major exterior, engine, and transmission are conducted.

AUTOMOTIVE SERVICE / REPAIR, MINOR

An establishment engaged in the minor repairs to any vehicle including repairs and replacement oil, coolant system, air conditioning system, audio, electrical, fuel and exhaust systems, brake adjustments, relining and repairs, wheel alignments and balancing, and repair and replacement of shock absorbers for vehicles and other motorized equipment owned by the general public

AUTOMOTIVE WASHING / DETAILING

A facility for washing, cleaning, drying, and waxing of passenger vehicles. An automotive washing facility may be self-service or full service. This use does not include vehicular service or repair.

B

BANKS AND FINANCIAL INSTITUTIONS

A facility, building feature, or equipment of which the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, and mortgage companies. Such uses do not include check cashing or Short-Term loan establishments. The use may or may not include a drive-through window. Automated Teller Machines (ATMs) shall not be considered a financial institution. See definition for "Automated Teller Machine."

BAR / TAVERN

An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises. Food may also be available for consumption on the premises

BASEMENT

A portion of a building partly or entirely underground whose ceiling or underpart of the floor above is four feet or less above the average finished ground elevation. The "average finished ground elevation" is the mean elevation of the finished grade around all of the exterior of the building

BED AND BREAKFAST

A private owner-occupied residence with one to three guest rooms contained within that structure and operated so that guests reside at the home for a finite and temporary basis that does not exceed 28 days, and wherein the owner of the property remains on site for the duration of the guests stay. No kitchen facilities may be provided for use by guests.

BERM

Landscaped mounds used to buffer and to shield

BOND

Includes a performance bond, surety bond, irrevocable letter of credit, or other form of financial assurance in an amount that is sufficient to meet owner's financial responsibilities under a permit.

BREWERY, DISTILLERY, WINERY, CIDERY (MACRO)

Brewery, distillery, winery, or cidery that produces more than 15,000 barrels per year and may distribute outside the region. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREWERY, DISTILLERY, WINERY, CIDERY (MICRO)

A limited production brewery, distillery, winery, or cidery that produces less than 15,000 barrels per year and that typically produces specialty beers, spirits, wines, or ciders that

are generally sold locally. Such uses may include accessory uses including tap/tasting rooms, food service, retail sales of merchandise and alcohol, entertainment space for live music, and other similar uses.

BREWPUB

An establishment primarily engaged in the retail sale of prepared food for consumption on site, which includes the brewing of beer as an accessory use, for consumption on site. The brewing processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverage

BUFFER

A designated area between uses or adjacent to the perimeter of natural features designed and intended to provide protection and which shall be permanently maintained.

BUILDING – (SEE ALSO "STRUCTURE")

Any structure having a roof supported by columns or walls, used, or intended to be used for the shelter or enclosure of persons, animals, or property.

BUILDING, AREA

The sum of the horizontal areas of the several floors of the building, measured from the exterior faces of the exterior walls.

BUILDING, FRONTAGE

The length of an outside building wall that fronts a dedicated street right-of-way or access drive. The building frontage for a building unit shall be measured from the centerline of the party walls defining the building unit

BUILDING, HEIGHT

The vertical distance from the average contact ground level at the front wall of the building to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the main height level between eaves and the ridge for gable, hip or gambrel roofs.

BUILDING, SETBACK

The closest point at which a building may be constructed in relation to the property line.

BUILDING MATERIALS SALES AND STORAGE

A building and land used for the storage of building materials and lumber for sale that may be sold to the general public or contractors.

BUILDING TRADE AND EQUIPMENT SALES AND STORAGE

A commercial use consisting primarily of offices for building trades, construction contractors, or similar service providers—such as plumbers, electricians, HVAC contractors, carpenters, or general contractors—whose principal work is performed off-site. The use may include accessory indoor or outdoor storage of vehicles, tools, equipment, and construction materials, and limited on-site sales or distribution of materials, supplies, or equipment customarily incidental to the primary trade or service. This use does not include general retail sales to the public, large-scale warehousing or

distribution, manufacturing, fabrication, or contractor yards primarily devoted to bulk material processing

BZA

Board of Zoning Appeals

C

CAMPGROUNDS AND RECREATIONAL VEHICLE CAMPS

A lot or parcel on which two or more tents, cabins, lean-tos, recreational vehicles, or other similar object is established or maintained as temporary living quarters for recreation, education, or vacation purposes.

CEMETERY

An area of land set apart for the purpose of the burial of remains of deceased persons or animals, and for the erection of customary markets, monuments, columbaria, and mausoleums.

CLUB, LOUNGE, OR MEETING HALL

A building, or portion thereof, or premises owned by a corporation, association, person, or persons having well-define requirements for membership, for a social, educational, or recreational purpose, not primarily for profit nor to render a service which is customarily carried on as a business.

D

DATA CENTERS

A building housing a large group of networked computer servers typically used by organizations for the remote storage, processing, or distribution of large amounts of data.

DAY CARE CENTER

A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a 24-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. This use does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

DAY CARE HOME, TYPE A

The permanent residence of the administrator in which childcare is provided for seven (7) to 12 children at one time or a permanent residence of the administrator in which childcare is provided for four to 12 children at one time if four or more children at one time are under two years of age. In counting children for the purpose of this definition, any children under six years of age who are related to the administrator or any employee on the premise shall be counted.

DAY CARE HOME, TYPE B

The permanent residence of the administrator in which childcare is provided for one (1) to six (6) children at any one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this division, any

children under six years of age who are related to the administrator or any employee on the premises shall be counted.

DENSITY

The number of dwelling units per gross acre.

DISTRIBUTION / FULFILLMENT CENTER AND WAREHOUSING

A third-party warehouse that receives products and goods from suppliers, processes orders from e-commerce retailers, and ships products directly to individual consumers.

DRIVE-IN THEATER

A commercial outdoor entertainment use in which motion pictures or similar visual media are exhibited on one or more outdoor screens and are intended to be viewed by patrons seated in motor vehicles parked on the same lot. Such use may include accessory concession stands, ticket booths, restrooms, projection or control buildings, and on-site circulation lanes customarily incidental to the operation. Sound shall be transmitted primarily through in-vehicle or personal listening devices or otherwise controlled to minimize off-site impacts. A drive-in theater does not include indoor movie theaters, outdoor performance venues without vehicle accommodation, or temporary special events unless expressly permitted

DRIVE-THROUGH FACILITIES

An accessory facility consisting of one or more vehicular service lanes, ordering points, service windows, or similar features designed to allow customers to obtain goods or services from a principal use while remaining within a motor vehicle. A drive-through facility shall be subordinate to and customarily incidental to the principal use on the lot and shall not constitute a separate or standalone use.

DROP OFF RECEPTACLES

A standalone container, structure, or receptacle located on private or public property used for the collection of donated goods, recyclables, or other materials from the general public. Examples of such receptacles include donation bins for clothing, books, second-hand items, or recyclables. These receptacles are typically unattended and not used for the purpose of general refuse.

DUMPSTER, CONSTRUCTION

A container having the capacity of at least one cubic yard used for the temporary storage of rubbish or materials to be disposed, recycled, composted, or donated pending collection.

DWELLING

Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a tent, recreational vehicle or other temporary or transient building or use.

DWELLING, SINGLE-FAMILY

A building designed for or used exclusively for residential purposes by one family or housekeeping unit.

DWELLING, SINGLE-FAMILY, ATTACHED

Dwelling units that are structurally attached to one another, side by side, and erected as a single building, with a limit of three (3) units per building, each dwelling unit being separated from the adjoining unit or units by a party wall without openings extending from the basement floor to the roof with each unit including separate ground floor entrances, services, and attached garages.

DWELLING, SINGLE-FAMILY, DETACHED

A building designed for, or used exclusively for, residence purposes by one family or housekeeping unit, situated on a parcel having a front, side, and rear yard.

DWELLING, TWO-FAMILY (DUPLEX)

A residential structure containing exactly two dwelling units that, when arranged side-by-side, are separated from each other by an unpierced common wall extending from ground to roof. The units may either be attached and consist of one or more stories or stacked vertically with one dwelling unit located on top of the other.

DWELLING, THREE-FAMILY (TRIPLEX)

A building or portion thereof designed for or used exclusively for three (3) families or housekeeping units.

DWELLING, MULTI-FAMILY, SMALL-SCALE

A building or portion thereof designed for or used exclusively for four (4) to fifteen (15) families or housekeeping units.

DWELLING, MULTI-FAMILY, LARGE-SCALE

A building or portion thereof designed for or used exclusively for 16 or more families or housekeeping units.

DWELLING UNIT

One or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family or housekeeping unit with separate toilets and facilities for cooking and sleeping.

DWELLING UNIT, ACCESSORY

A dwelling unit that is accessory, supplementary, and secondary to a principal use.

E

EATING AND DRINKING ESTABLISHMENT

An establishment engaged in the retail sale of prepared food and drinks for consumption on the premises or for carry-out

EDUCATION FACILITY – PUBLIC OR PRIVATE

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in kindergarten through grade 12 by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

EDUCATION FACILITY – TRADE, COLLEGE, OR UNIVERSITY

Any institution organized and operated under the laws of Ohio to provide regular courses of instruction for students in any college or university accredited by the Ohio Department of Education or by an accrediting association recognized by the United States Office of Education.

ELECTRIC VEHICLE CHARGING STATION

A vehicle parking space served by an electrical component assembly or cluster of components assemblies (battery charging station) designated and intended to transfer electric energy by conductive or inductive means from the electric grid or other electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

EQUESTRIAN FACILITIES AND RIDING STABLES

A facility used for the keeping, boarding, training, breeding, riding, or instruction of horses, ponies, or similar equine animals, including associated riding areas, barns, paddocks, and accessory structures. Typical uses include boarding stables, training facilities, riding lessons, and indoor or outdoor arenas.

ENCLOSURE

An area of a structure enclosed by walls on all sides.

F

FAÇADE

The face or front of a structure in any vertical surface adjacent to a public way.

FAMILY

A person living alone, or two (2) or more persons related by blood or marriage or a group of not more than five (5) persons who need not be related, living together as a single housekeeping unit as distinguished from a group occupying a boarding house, lodging house, motel or hotel, fraternity or sorority house

FENCES AND WALLS

A structure, other than a building, comprised of customary exterior finishes, which serves to form a barrier or boundary for means of protection, privacy, confinement, or used for decorative purposes.

FESTIVAL AND SIMILAR-EVENT

A temporary civic, recreational, fund-raising, or promotional activity or event that typically has a specific focus with its own social activities, food, music, or ceremonies. Such use typically takes place in a specified location and on a specific day or days.

FINAL DEVELOPMENT PLAN

A detailed site plan, submitted as part of the Planned Development process of a proposed development prepared by a professional urban planner, engineer, architect, or landscape architect which indicates the proposed use, building plans, engineering plans, and landscaping plans for a specific project.

FITNESS CENTER

A facility where members or non-members use equipment or space for the purpose of physical exercise, improved circulation, or flexibility, and weight control. This use includes but is not limited to exercise facilities, gymnasiums, and health clubs.

FITNESS STUDIO

A facility where members or non-members use equipment or space for the purpose of physical exercise, improved circulation, or flexibility, and weight control. Facilities and activities can include, among other things, running, jogging, aerobics, weight lifting, court sports, whirlpools, saunas, massage rooms, yoga, karate, dance, and swimming, as well as locker rooms, showers, food and beverage services, and personal services.

FLAG

A sign made of flexible material which is mounted on a pole, and which represents or symbolizes an organization, group, cause, event, activity, or unit of Government

FLOOR AREA, RESIDENTIAL

The sum of the gross horizontal area of all floors of a dwelling unit devoted to residential living purposes, measured from the interior faces of the exterior walls. Residential floor area shall include living rooms, bedrooms, closets, kitchens and pantries, dining rooms, bathrooms, dens, libraries, family rooms, stairways, hallways, entry and access ways, and other habitable spaces. Residential Floor Area shall exclude garages (attached or detached), carports, basements that are unfinished or not designed for habitable use, mechanical rooms, storage areas, attics not meeting habitable space requirements, breezeways, porches, decks, terraces, balconies, and other unenclosed or non-habitable areas.

FOUNDATION, PERMANENT

A system of supports that is: capable of transferring, without failure, into soil or bedrock, the maximum design load imposed by or upon the structure; constructed of concrete; and placed at a depth below grade adequate to prevent frost damage.

FREIGHT SERVICES, TRUCK TERMINALS

A premises used for loading or unloading of trucks upon which storage of cargo is incidental to the primary function of motor freight shipment or shipment point and which is designed to accommodate the simultaneous loading or unloading of trucks.

FUNERAL HOME

An establishment primarily engaged in the provision of services involving the care, preparation, or disposition of the deceased. Typical uses include funeral parlors, crematories, or mortuaries, but does not include crematories or cemeteries

G

GALLERY

A facility that includes work, with display or teaching space for one or more artists, artisans, or musicians.

GARDEN CENTER / GREENHOUSE / NURSERY

The selling and growing of plants, flowers, vegetables, shrubs and trees including the selling and warehousing of garden equipment and supplies and the storage of bulk gardening items, bagged and/or on pallets.

GOVERNMENTAL FACILITY

Any buildings, structure, or use, or portion thereof, used by a governmental agency for administrative or service purposes, but not including buildings devoted solely to the storage and maintenance of equipment and materials.

GRADE, FINISHED

The final elevation of the ground surface after man-made alterations such as grading, filling, and excavating have been made on the ground surface.

GREEN SPACE

An area of land which is used exclusively for grass, trees, landscaping, ad other non-noxious living ground cover.

GREENHOUSE

A building with a roof and sides made largely of a transparent or translucent material and in which the temperature and humidity can be regulated for the cultivation of delicate or out-of-season plants for personal use or enjoyment.

H

HOME OCCUPATION

An accessory business, profession, service, or trade conducted within a dwelling unit or accessory structure (where permitted) by a resident of the property, which is clearly incidental to the residential or agricultural use of the property. For the purposes of this definition, Home Occupations shall not include:

- **Remote Work / Telecommuting:** Individuals working remotely or telecommuting from the residence for an outside employer, provided that no on-site customers visit or commercial retail transactions occur on the premises.
- **Commuting Vehicles / Service Vans:** The routine parking of an employee's company vehicle, service truck, or work van at their personal residence for commuting purposes, where the primary business or service activity is performed off-site. Parking of such vehicles is subject to the standards established by Section 7.13. Parking of Commercial Vehicles in this Zoning Resolution.

HOME OCCUPATION, HOME OFFICE

A home-based activity conducted entirely within the dwelling by a resident of the premises, which is clearly incidental and subordinate to the residential use of the property. No employees other than household members are permitted, and there shall be no exterior evidence of the business. Examples include but are not limited to: bookkeeping, remote consulting, graphic design, computer programming, or other office-based work conducted entirely within the home.

HOME OCCUPATION, MAJOR

A home-based business conducted within a dwelling or accessory structure by a resident of the premises, which may include a limited number of non-resident employees, customer or client visits, or deliveries. Major Home Occupations remain clearly subordinate to the residential or rural use but may include modest, regulated exterior indications of business activity, such as a small identification sign, designated parking, or limited screened outdoor storage. Examples include but are not limited to: woodworking, small engine repair, home-based catering, home beauty or barber services, or home-based contractor offices.

HOME OCCUPATION, MINOR

A home-based activity conducted within the dwelling by a resident of the premises, which may involve limited small-scale production or service activities. No non-resident employees are permitted. Minor Home Occupations generate minimal traffic, noise, or other impacts beyond what is customary for a residence and do not involve on-site sales, signage, or outdoor storage. Examples include but are not limited to: tutoring, sewing or alterations, online retail (without on-site pickup), small craft production, or professional services conducted on a small scale.

HOSPITAL

An institution that provides primary health services and psychological, medical, or surgical care to persons suffering from illness, disease, injury, deformity, and other physical or mental conditions, that provides inpatient (overnight) accommodations for persons receiving treatment, and that includes as an integral part of the institution, related facilities such as laboratories, outpatient, or training facilities

HOTEL / MOTEL

A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests. Such uses may include conference and event spaces, business centers, meeting rooms, restaurants, bars, personal service uses, and other similar accessory uses that cater to the patrons of the establishment

HOUSEHOLD

A group of individuals not necessarily related by blood, marriage, adoption or guardianship, living together in a dwelling unit as a single unit.

HOUSEKEEPING UNIT

Any household whose members are an interactive group of persons jointly occupying a dwelling unit, including joint access to and use of all common areas including living, single kitchen, and eating areas within the dwelling unit, and sharing household activities and responsibilities such as meals, chores, expenses, and maintenance, and whose makeup is determined by the members of the unit rather than by the landlord, property manager, or other third party.

HUSBANDRY

The care, raising or breeding of farm animals or poultry, such as cattle, horses, hogs, sheep, chickens, turkeys, ducks, geese et., for the purpose of meat, eggs, milk, or other products.

I

ILLUMINATED, DIRECTLY

Lighted by an unshielded light source (including neon tubing) which is visible as a part of the sign and where light travels directly from the source to the viewer's eye.

ILLUMINATED, INDIRECTLY

Light source project light onto the exterior of the sign surface or onto the building where the sign is located.

ILLUMINATED, INTERNALLY

Light source is within the sign, with a transparent or translucent background or cover which silhouettes letters or designs

IMPERVIOUS, SURFACE / COVERAGE

Any material that substantially reduces or prevents the infiltration of storm water into previously undeveloped land. Impervious surface shall include paved driveways and parking areas, sidewalks, roofs, and other similar structures.

IMPROVEMENT, PUBLIC

Any roadway, sidewalk, pedestrian way, tree lawn, lot improvement, or other facilities for which the local government may ultimately assume the responsibility by the local government is established.

INSTITUTIONAL CARE FACILITY

Any facility for the elderly, infirm, or individuals requiring rehabilitation or treatment for addiction, mental health disorders, or physical infirmities, in which three (3) or more unrelated individuals may stay on a predominantly intermediate or long-term basis, and where inpatient care and living accommodations are provided in exchange for compensation from any source. Institutional care facilities include, but are not limited to, nursing homes, assisted living facilities, hospices, addiction treatment facilities, mental health treatment facilities, inpatient physical rehabilitation facilities, convalescent homes, or similar uses. Institutional care facilities shall not include hospitals, medical offices, medical or dental clinics, urgent care centers, outpatient physical rehabilitation centers, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured without a component of predominantly intermediate or long-term stays

J

JUNK OR UNLICENSED VEHICLE

A vehicle, including but not limited to collector's vehicles, cars, trucks, buses, trailers, and boats, shall be deemed a junk or inoperable vehicle whenever all of the following occur and as may be amended pursuant to ORC 505.173:

- Three model years old, or older;
- Apparently inoperable;
- Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission.

JUNK

Scrap or abandoned metal, paper, building material and equipment, bottles, glass, appliances, furniture, rags, rubber, inoperable Vehicles, and parts thereof, except when processed as part of a recycling operation as defined and regulated by this Resolution.

JUNK / SALVAGE YARD / TOW YARD

Any area, lot, or other parcel of land used for the storage, collection, processing, purchase, sales, salvage, or disposal of junk

K

KEEPING OF FARM ANIMALS

The accessory keeping, raising, housing, or pasturing of domesticated livestock customarily associated with farming, including but not limited to cattle, horses, sheep, goats, swine, llamas, alpacas, and similar animals, on a lot not otherwise devoted to agricultural production. The keeping of farm animals is intended for personal use, hobby, or non-commercial purposes and does not include commercial livestock operations, concentrated animal feeding operations (CAFOs), or activities regulated as agriculture under the Ohio Revised Code.

KEEPING OF FOWL

The accessory keeping, raising, or housing of domesticated birds, including but not limited to chickens, non-crowing chickens (hens), ducks, geese, turkeys, guinea fowl, and similar species, for personal use, egg production, or other non-commercial purposes. The keeping of fowl does not include commercial poultry operations, the keeping of roosters or other crowing birds unless expressly permitted, slaughtering or processing, or on-site retail sales of birds or poultry products, except as otherwise authorized by this Resolution

L

LABORATORY / RESEARCH & DEVELOPMENT

Facilities equipped for experimental study in a science or for testing and analysis; facilities providing opportunity for research, experimentation, observation, or practice in a field of study.

LANDSCAPED AREA

An area that is permanently devoted to and maintained for the growing of trees, shrubs, grass, or other plant material.

LIBRARY

A facility that contains books, periodicals, and other materials for reading, viewing, listening, study, or reference, that consists of a room, set of rooms, or a building where such materials may be accessed or borrowed.

LIVESTOCK

Animals, other than customary domestic pets, commonly associated with agriculture. These include but are not limited to cows, cattle, sheep, goats, hogs, horses, mules, llamas, and poultry.

LOADING SPACE, OFF-STREET

An off-street area, used exclusively for loading and unloading, at least 10 feet wide, 50 feet long, and 15 feet high; within or outside a building, and located outside of the front, side, or rear setback area required of the building it serves; for the temporary parking of commercial vehicles which are loading or unloading merchandise or materials.

LOT

A piece or parcel or tract of land, which is legally recorded by the Clermont County Recorder's Office, occupied or intended to be occupied by a principal building or structure or utilized for a principal use and uses accessory thereto, together with such open spaces and frontage as required by this Resolution.

LOT, AREA

The computed area contained within the lot lines

LOT, CORNER

A lot at the intersection of and abutting two streets, such streets forming an interior angle of less than 135 degrees.

LOT, COVERAGE

The percentage of the site which is covered by impervious surface.

LOT, CUL-DE-SAC

A lot with frontage along a curved street or cul-de-sac.

LOT, DEPTH

The average horizontal distance between the front and rear lot lines.

LOT, DOUBLE-FRONTAGE (THROUGH-LOT)

An interior lot having frontage on two non-intersecting legally recorded public streets.

LOT, FRONTAGE

The length of any one property line of a premises which property line abuts a legally recorded public street right-of-way.

LOT, INTERIOR

A lot other than a corner lot, with frontage only on one street.

LOT LINE, RESIDENTIAL

A lot line of any property containing a residential use.

LOT, LINES

The property lines which bound the lot.

LOT, OF RECORD

Any lot which individually or as a part of a subdivision has been recorded in the office of the Recorder or Auditor of Clermont County, or on which the recording has been delayed by mutual consent of the subdivider, developer, and Tate Township, Ohio

LOT, PANHANDLE (OR FLAG)

Lots approved under certain conditions that contain less frontage on a street than is normally required. The panhandle is typically an access corridor to lots or parcels located behind parcels with normally required street frontage.

LOT LINE, FRONT

On an interior lot, the lot line abutting a street; on a corner lot, the shorter lot line abutting the street; or on a panhandle lot, the interior lot line most parallel to and nearest the street from which access is obtained.

LOT LINE, REAR

The lot line opposite and most distant from the front lot line.

LOT LINE, SIDE

Any lot line which is not a front or rear lot line.

M

MAINTENANCE

Any normal upkeep or repair which does not require a building permit and does not constitute alteration as defined.

MANUFACTURED HOME, PERMANENTLY SITED

A permanently sited manufactured home is a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards. Such home shall meet the following criteria for a permanently sited manufactured home, as established by ORC 3781.06:

- The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- The structure, excluding any addition, has a width of at least twenty-two feet at one point, a length of at least twenty-two feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred square feet;
- The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- The structure was manufactured after January 1, 1995;
- The structure is not located in a manufactured home park as defined by section 4781.01 of the Revised Code.

MANUFACTURED HOUSING UNIT

Any non-self-propelled vehicle transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site is 320 or more square feet, and which is built on a permanent

chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utility, and includes the plumbing, heating, and electrical system contained therein.

MANUFACTURING, GENERAL

The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product using processes that ordinarily have greater than minimal impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent properties in terms of truck traffic, railroad activities, noise, smoke, fumes, visual impact, odors, glare, or health and safety hazards, or that otherwise do not meet the definition of "Light Manufacturing". This use may include outdoor storage and activities.

MANUFACTURING, LIGHT

The assembling, altering, converting, fabricating, finishing, processing or treatment which combines one or more raw materials or components into a product utilizing a relatively clean and quiet process which does not include or generate objectionable or hazardous elements such as smoke, odor, vibration, water pollution, or dust and which is operating and storing products and materials in a completely enclosed structure.

MARIJUANA BUSINESS

Any business, laboratory, retail establishment, or other enterprise that cultivates, processes, distributes, tests, or sells marijuana or any derivative of marijuana, whether for medical or recreational purposes.

MEDICAL OFFICE, CLINIC, OR URGENT CARE

A health care facility where patients are admitted for examination and treatment on an out-patient basis by one or more physicians, dentists, or other medical personnel, and where patients are not kept overnight. This use includes immediate medical care clinics, surgical centers, birthing centers, and outpatient care facilities.

MAJOR AMENDMENT

A change to an approved Planned Development that materially alters the scope, character, or impacts of the development from that which was originally approved. Major modifications include, but are not limited to, changes affecting the overall land area or lot coverage of the Planned Development; the mix, intensity, or combination of permitted land uses; or the size, placement, configuration, or arrangement of buildings, structures, streets, access points, circulation patterns, or other approved site design elements in a manner that may reasonably affect adjacent properties or the intent of the approved Planned Development.

MINOR AMENDMENT

A change to an approved Planned Development that is limited in scope and intended to address practical difficulties, improve functionality, or refine the design of the development without materially altering its overall character or impacts. Minor modifications include, but are not limited to, adjustments to the size, placement, or arrangement of accessory structures; modifications to internal street layouts, circulation

patterns, or common open space; amendments to approved conditions; or other changes to approved elements of the Planned Development that do not materially affect adjacent properties or the intent of the approved development.

MIXED-USE

A building, lot, or development that contains a mixture of uses including residential, commercial, or industrial uses. Such uses may be mixed within one building (either horizontally or verticals) or within an overall development.

MOBILE FOOD VENDOR

A vehicle or vehicle and trailer propelled by an engine which has been specifically designed or use for mobile food vending, and which serves food and/or beverages in individual portions in a ready-to-consume state. It does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle

MOBILE HOME

Any vehicle or similar portable structure used or so constructed as to permit its being used as a conveyance upon streets and as a dwelling for one or more persons.

MOBILE HOME PARK

A lot which has been planned and improved for the placement of manufactured homes for residential use, with single control or ownership.

MOBILE HOME SUBDIVISION

A Mobile Home Subdivision is a subdivision designed and intended for residential use where residence is in Mobile Homes exclusively.

MONOPOLE

A structure composed of a single spire anchored to a foundation used to support telecommunications equipment.

MUSEUM

A building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having significant scientific, historical, cultural, or artistic value.

N

NATURAL FEATURE

An existing component of the landscape maintained as a part of the natural environment and having ecological value in contributing beneficially to air quality, erosion control, groundwater recharge, noise abatement, visual amenities, the natural diversity of plant and animal species, human recreation, reduction of climatic stress, and energy costs.

NEGLECT

The lack of proper maintenance for a building or structure.

NONCONFORMITY

A lot, use of land, structure, or use of structures and land in combination lawfully existing at the time of enactment of this Zoning Resolution or its amendments which do not

conform to the regulations of the district in which they are situated and are therefore incompatible with the purposes and regulations in this Zoning Resolution.

NOXIOUS WEED

Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interest of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

O

OFFICE

A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations .

OPEN SPACE

An area of land or an area of water, or a combination thereof, that is designed for either environmental, scenic, or recreational purposes. It may include buffer areas, active and passive recreation areas, wooded areas, water courses, and similar amenities. Open space shall not include off-street parking areas, streets, or part of road rights-of-way.

OUTDOOR DINING / FOOD SERVICE AREA

An accessory porch, patio, deck, or other designated area used for consumption of food and/or beverages by the public which is not completely enclosed within the exterior building walls, windows and doors of a principally permitted fast-casual restaurant, full-service restaurant, quick-serve restaurant, or drinking establishment, and which may or may not have a solid roof cover.

OUTDOOR DISPLAY / RETAIL

An accessory and subordinate use that is an unenclosed area exhibiting sample goods or merchandise. The items for sale must be from the principal business in which the outdoor display or retail area is associated with.

OUTDOOR STORAGE

The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, trailers, or equipment in the same place for more than 24 hours.

P

PARCEL

Any quantity of land and water capable of being described with such specificity that its location and boundaries may be established as distinct from other parcels which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit.

PARK OR RECREATION FACILITY, PUBLIC

A park, playground, community center, wildlife preserve, recreation or conservation area owned and operated by a tax-supported agency in the public interest and including buildings and structures customary for its operation.

PARKING, AREA

A permanently surfaced or otherwise delineated open area, other than a street or other public way, which is used for the parking of vehicles and trailers.

PARKING, COMMERCIAL AND FLEET VEHICLES

A principal use consisting of a lot or facility used primarily for the parking, staging, or storage of commercial vehicles or fleet vehicles, including delivery vans, service trucks, box trucks, or similar vehicles, that are not located on the same lot as the principal use, business, or facility the vehicles serve. Such use may include paved or improved parking areas, internal circulation aisles, security fencing, lighting, and limited accessory structures customarily incidental to vehicle storage. This use does not include accessory parking located on the same lot as a principal use, vehicle maintenance or repair facilities, freight terminals, warehousing, or dispatch centers, unless expressly permitted.

PARKING / STORAGE OF RECREATIONAL VEHICLES AND EQUIPMENT

The parking, storage, or temporary placement of recreational vehicles, boats, trailers, campers, personal watercraft, or similar equipment on the same lot as a principal use. Such parking or storage is intended solely for the use of the occupants of the principal use and shall not operate as a commercial rental, sales, or storage facility for vehicles or equipment owned by others

PEDESTRIAN FACILITIES

Elements of a development for the intended use and enjoyment of pedestrians including amenities such as walkways, benches and other outdoor seating, bus waiting areas, sidewalk displays, trash containers, fountains, statutes, paths and plazas.

PERFORMANCE STANDARDS

Quantitative tests given to a prospective use of the land to determine whether the use is in harmony with the purpose of the zone which may include definite measurements for: noise, smoke, odor, dust and dirt, noxious gases, glare and heat, fire hazards, industrial wastes, transportation and traffic, aesthetics and psychological effects.

PERSONAL SERVICES

An establishment that provides informational, instructional, personal improvement, and similar services. Typical uses include, but are not limited to, barber shops, beauty shops, yoga or dance studios, driving schools, martial arts studios, shoe repair shops, tailor shops, laundromats and dry cleaners. A massage establishment operated by a licensed massage therapist is also included within the “personal improvement service” use category.

PETS

Any domesticated animal such as a dog, cat, bird, rodent (including a rabbit), fish, reptiles, or turtle, that is traditionally kept in the home for non-commercial purposes.

PICK-UP WINDOWS

An accessory service window attached to or integrated into a principal building through which pre-ordered goods or services are provided to customers, including those in motor

vehicles, without requiring customer entry into the building. A pick-up window shall be subordinate to and customarily incidental to the principal use and shall not operate independently of that use.

PLANNED DEVELOPMENT

Land under unified control to be planned and developed as a whole in a single development operation or a definitely programmed series of development operations or phases. A planned development includes principal and accessory structures and uses substantially related to the character and purposes of the planned unit development. A planned development is built according to general and detailed plans that include not only street, utilities, lots and building and building locations, and the like, but also site plans for all buildings as are intended to be located, constructed, used, and related to each other, and plans for other uses and improvements on the land as related to the buildings. A planned unit development includes a program for the provisions, operations and maintenance of such areas, facilities, and improvements as will be for common use by some or all of the occupants of the planned unit development or community

PLAT

A map indicating the subdivision or re-subdivision of land and intended to be recorded in the Clermont County Recorder's plat books.

PORTABLE STORAGE UNIT

Portable storage containers typically utilized temporarily for the storage of equipment, furniture, clothing, merchandise or other personal or business belongings as part of the process of moving and/or as part of an intent to store items offsite at a commercial storage location.

PRELIMINARY DEVELOPMENT PLAN

A site plan submitted as part of the Planned Development process during the amendment process for district designation indicates the approximate areas and arrangement of the proposed uses and zone districts.

PREMISES

A lot and all of the use(s) conducted thereon.

R

RECREATION OR ENTERTAINMENT FACILITY, INDOOR

Facilities for entertainment, sports, and recreational activities such as bowling, billiards, arcades, skating, swimming, tennis, escape clubs, escape rooms, and similar indoor activities taking place inside an enclosed building. This definition shall not include gambling devices, adult motion picture theaters, adult entertainment businesses, gun ranges, or any other devices prohibited by law

RECREATION OR ENTERTAINMENT FACILITY, OUTDOOR

A principal use that consists of commercial entertainment, recreation, or games of skill where any portion of the activity takes place outside of a building. Such activities include, but are not limited to, miniature golf, bungee jumping, amusement parks, golf course, golf

driving ranges, drive-in theaters, and other similar uses. This use does not include outdoor gun ranges.

RECREATIONAL VEHICLE AND EQUIPMENT

Recreational equipment and vehicles are defined as, and shall include the following, in addition to other equipment and/or vehicle which meets the same general standard as outlined:

A. **Fifth Wheel Trailers**. A vehicle that is of such a size and weight as to be movable without a special highway permit, that has a gross trailer area of 400 square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.

B. **Folding Tent Trailer**. Any vehicle intended to be used, when stationery, as a temporary shelter with living and sleeping facilities.

C. **Motorized Home (Motor Home)**. A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

D. **Park Trailer**. A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of 400 square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities for the operation of installed features and appliances.

E. **Pick-Up Camper (Truck Camper)**. A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle, it does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

F. **Watercraft**. Any of the following when used or capable of being used for transportation in the water:

1. A vehicle or vessel operated by machinery either permanently or temporarily affixed;
2. A sailboat other than a sailboard;
3. An inflatable, manually propelled boat that is required by Federal law to have a hull identification number meeting the requirements of the United States Cost Guard; or
4. A canoe or rowboat.

RELIGIOUS ASSEMBLY / PLACES OF WORSHIP

An institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

RELOCATION

Any change in the position of a structure or object from one setting to another.

RESIDENTIAL FACILITY

A residential dwelling or facility that falls into one of the following categories:

1. Provides accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances.
2. Provides accommodations, supervisions, and personal care services to any of the following:
    a. One (1) or two (2) unrelated persons with mental illness,
    b. One (1) or two (2) unrelated adults who are receiving payments under the residential state supplement program,
    c. Three (3) to 16 unrelated adults

RESIDENTIAL OUTDOOR SALES

The sale of personal property owned and sold by the occupants of the household at which such personal property is sold.

RESIDENTIAL TREATMENT FACILITY

A residential dwelling or facility where persons are living together, with or without staff, as a single housekeeping unit providing care, supervision, or treatment to reduce dependence or maintain independence of opioid drugs. A "residential treatment facility" is subject to the protections of the federal Fair Housing Act Amendments of 1988, as defined in that Act and interpreted by the courts, as they apply to citizens in drug addiction treatment programs, and by any similar legislation of the State of Ohio.

RETAIL SALES AND SERVICE

A facility or establishment up to 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. Within a multi-tenant or mixed-use building, the overall building may be more than 20,000 as long as each tenant does not exceed the square footage threshold.

RETAIL SALES AND SERVICE, LARGE-SCALE

A facility or establishment greater than 20,000 square feet of gross floor area, which engages in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

RIGHT-OF-WAY

A strip of land taken, dedicated, or otherwise recorded as an irrevocable right-of-passage for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, water and sewer lines, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, Landscaped Areas, viaducts, and bridges.

ROADSIDE STAND

A temporary structure on land adjacent to a street usually for the attraction of motorists for profit-making purposes. Common roadside stands sell local food, produce, firewood, handcrafted items, or imported goods.

S

SEASONAL OUTDOOR SALES

The temporary sale of seasonal goods, which may include, but is not limited to, the sale of Christmas trees, pumpkins, and similar items. This use does not include the outdoor display or sales of goods from the principal business in which the display or sales is associated with.

SELF-SERVICE STORAGE FACILITY

A structure or group of structures used for the storage of personal property where individual owners control individual storage spaces.

SENSITIVE ENVIRONMENTAL AREA

Any areas determined by the Ohio Department of Natural Resources that consist of unique or sensitive ecological, biological, or related ecosystems.

SETBACK

The required distance between a building and a lot line, street right-of-way, pavement, stream or riverbank, wetland or other delineated site feature.

SETBACK, FRONT YARD

A setback that is measured from the front lot line.

SETBACK, REAR YARD

A setback that is measured from the rear lot line.

SETBACK, SIDE YARD

A setback that is measured from the side lot line.

SEXUALLY ORIENTED BUSINESS

Sexually oriented businesses include the following categories:

A. Adult Arcade

A commercial establishment where, for any form of consideration, one (1) or more still or motion picture projectors, slide projectors, or similar machines, or other image-producing machines, for viewing by five (5) or fewer persons each, are regularly used to show films, motion pictures, video cassettes, slides, or photographic reproductions characterized by the depiction or description of specified “sexual activities” or “specified anatomical areas”.

B. Adult Bookstore, Adult Novelty Store, or Adult Video Store

A commercial establishment which has 25% or more of its stock-in-trade, or derives a twenty-five percent or more of its revenues, or devotes twenty-five percent or more of its interior business or advertising to the sale, rental for any form of consideration, of any one or more of the following:

1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations, characterized by the depiction of specified "sexual activities" or "specified anatomical areas";
2. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs, or for sadomasochistic use or abuse.

C. Adult Cabaret

A nightclub, bar, restaurant, private club, bottle club, juice bar or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features:

1. "Private Club" shall mean an establishment where patrons may bring in their own bottle or other container of alcohol (including beer, wine or liquor) and purchase a mixture for the same or use of a glass from the club or business.
2. Persons who appear nude or in a state of nudity or semi-nude state;
3. Live performances which are characterized by the exposure of "specified anatomical areas" or by specified "sexual activities";
4. Films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified "sexual activities" or "specified anatomical areas"; or
5. Physical contact (whether simulated or actual) of live males or females which is characterized by salacious conduct appealing to prurient interest for the observation by patrons provided that one or more of the parties appears in a state of nudity or semi-nude state. Prurient shall have the meaning given to it by the United States Supreme Court in Brockett v. Spokane, 472 U.S.

D. Adult Motel

A motel, hotel, or similar commercial establishment which:

1. Offers public accommodations, for any form of consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other photographic reproductions, which depict specified "sexual activities" or "specified anatomical areas" and which advertises the availability of this sexually oriented type of material by means of a sign visible from the public right-of-way, or by means of any off-premise advertising including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
2. Offers a sleeping room for rent for a period of time less than 10 hours; or

3. Allows a tenant or occupant to sub-rent the sleeping room for a time period of less than 10 hours.

E. Adult Motion Picture Theater
A commercial establishment where films, motion pictures, video cassettes, slides or similar photographic reproductions which depict or describe specified "sexual activities" or "specified anatomical areas" and which are regularly shown for any form of consideration.

F. Adult Theater
A theater, concert hall, auditorium, or similar commercial establishment which, for any form of consideration, regularly features persons who appear in a state of nudity or performances which expose "specified anatomical areas" or specified "sexual activities".

G. Escort Agency
A person or business association that, for any form of consideration, furnishes, or offers to furnish an escort(s), guide(s) or date(s) for another person. For purposes of this resolution "Escort" is a person who, for any form of consideration, agrees or offers to act as a companion, guide or date for another person, or agrees or offers to privately model lingerie or to privately perform a striptease for another.

H. Massage Parlor
Any place where, for any form of consideration or gratuity, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment or manipulation of the human body occurs as a part of, or in connection with specified "sexual activities", or where any person providing such treatment, manipulation or service related thereto, exposes his or her "specified anatomical areas". This definition shall not include the practice of therapeutic massage by a licensed physician, surgeon, technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath, a licensed podiatrist, a licensed nurse or any other licensed health professional nor by trainers for any amateur, semi-professional or professional athlete, or athletic team, or school athletic program. "Licensed" means licensed, certified or registered to practice in the State of Ohio.

I. Nude Model Studio
Any place where a person, who regularly appears in a state of nudity, or displays "specified anatomical areas", is provided, for any form of consideration, to be observed, sketched, drawn, painted, sculpted, photographed, or similarly depicted by other persons.

J. Sexual Encounter Establishment
A business or commercial establishment, that as one of its primary business purposes, offers for any form of consideration, a place where two or more persons may congregate, associate, or consort, for the purpose of specified "sexual activities", or the exposure of "specified anatomical areas", or activities when one

or more of the persons is in a state of nudity or semi-nude. This definition shall not include any establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed in the State of Ohio, engages in medically approved and recognized sexual therapy.

K. Sexual Paraphernalia Center

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing sexual conduct or used in connection with specified sexual conduct.

SHORT-TERM LODGING, OUTDOOR

A accessory use providing temporary overnight accommodations for transient guests, generally for periods of less than 30 consecutive days. This use includes, but is not limited to, tents, yurts, cabins, glamping units, or other non-traditional lodging structures and may be located on agricultural, residential, or other compatible properties. Short-Term lodging does not include permanent residential occupancy, hotels, motels, or boarding houses, and may be subject to applicable health, safety, and zoning standards regarding sanitation, access, and site design.

SHORT-TERM RENTAL

A dwelling which is rented, wholly or in part, to a person or person(s) for a fee for less than 28 consecutive days. A Short-Term Rental owner/ operator may or may not be present when a Short-Term Rental guest is on the premises. Short-Term Rentals do not include Bed and Breakfast facilities, hotels or motels.

SIGN

A name, identification, description, display, or illustration that is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land; or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

SIGN, AREA

The area of a sign shall be considered as including the entire area within a single continuous perimeter enclosing the extreme limits of writing, representations, emblems, or any figure of similar character together with any frame or other material or color forming an integral part of the display are or used to differentiate such sign from the background against which it is placed; excluding supports, trim, uprights, or base which are necessary for structural purposes.

SIGN, AWNING

Applied directly to the surface of an awning; defined as a shelter supported entirely on a wall and made of non-rigid material supported by a frame.

SIGN, BACKLIT

A sign whose light source is located behind fully opaque letters or graphics.

SIGN, BANNER

A sign of lightweight fabric or similar non-rigid material mounted to a pole and/or building with a design, picture, or writing on it.

SIGN, BILLBOARD

An off-site sign structure advertising an establishment, merchandise, service, special message, or entertainment.

SIGN, CANOPY

Any sign attached to or suspended under any rigid or non-rigid portion or support by a building or other structure, including, but not limited to, a breezeway, pedestrian passageway, porch or veranda.

SIGN, CHANGEABLE COPY

A sign designed so that the characters, letter or illustrations can be replaced or rearranged manually or electronically without altering the sign display surface. May also be known as reader boards.

SIGN, CLEARANCE

The vertical distance between the lowest point of any sign and the grade at the base of the sign.

SIGN, DRIVE-THROUGH

Any signage pertaining to items, goods, or services offered by a drive-through business

SIGN, ELECTRONIC MESSAGE BOARD

Any sign that uses plasma display panels (PDPs), liquid crystal displays (LCDs), light emitting diode signs (LEDs), and/or television (CRTs), or other electronic medium.

SIGN, FACE

The largest portion, in square feet, of a sign's area that is visible; measured at the location where the largest amount of the sign's area can be viewed by the eye at one point in time

SIGN, FEATHER / FLUTTER FLAG

A sign of lightweight fabric or similar non-rigid material generally shaped like a feather commonly attached to a pole, which is intended to flutter in the wind.

SIGN, FREESTANDING

A sign supported permanently upon the ground by poles or braces and not attached to any building or structure.

SIGN, HEIGHT

The vertical distance from the uppermost point of a sign structure to the average finished ground elevation under the sign.

SIGN, INCIDENTAL

A sign which provides assistance to an establishment conveniently and safely.

SIGN, INFLATABLE

Any device which is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

SIGN, MENU BOARD

Freestanding signs placed at properties where there is a permitted drive-thru lane, or pick-up window.

SIGN, MOBILE

Affixed to a frame having wheels or capable of being moved. Mobile signs do not have a permanent foundation and cannot withstand the wind-load stress requirements of the adopted building code as they are designed to stand free from a building. The removal of the wheels from such a sign or temporarily securing of a sign of this type shall not prevent it from being classified as a mobile sign within this definition. This includes signage placed in a truck bed or on a trailer designed to be pulled behind a vehicle.

SIGN, MULTI-TENANT

A freestanding sign for a development that contains multiple users with a combined area of at least 20,000 square feet.

SIGN, MURAL

Any mosaic, painting, or graphic art or combination thereof which is professionally applied to a building and does not contain brand names, product names, letters of the alphabet spelling or abbreviating the name of any product, company, profession or business, or any logo, trademark, trade name, or other commercial message.

SIGN, NONCONFORMING

A sign existing and lawful at the time of the enactment of this Resolution or any amendment thereto, which does not conform to the regulations of the district in which it is located.

SIGN, PERMANENT

A sign permitted by this resolution to be located on a premises for an unlimited period of time.

SIGN, PROJECTING

A sign that is wholly or partly dependent upon a building for support or suspended from a pole or canopy that is attached to a building.

SIGN, READER BOARD

Any sign that displays changeable copy through manual changing of copy that prohibits the utilization of computer-generated messages or some other electronic means of changing copy.

SIGN, ROOF

Any sign which is erected over the roof or parapet above the roof line and/ or receives any or all its support from the roof structure.

SIGN, STRUCTURE

The supports, foundation, uprights, bracing, or framework for a sign.

SIGN, TEMPORARY

A sign that is neither permanently anchored to the ground, nor permanently affixed to a structure, nor mounted on a chassis, and/or is intended for a limited period of display.

SIGN, WALL

A sign attached essentially parallel to and extending not more than 24 inches from the wall of a building with no copy on the sides or edges. This definition includes painted, individual letter, and cabinet signs.

SIGN, WINDOW

Any sign that is printed, painted on, attached, glued, or otherwise affixed to the interior or exterior side of a window, and designed to be viewed from adjoining streets, walkways, or parking lots available for public use.

SLEEPING ROOMS

A single room rented for dwelling purposes but without the amenities for separate and independent housekeeping.

SOLAR COLLECTOR

A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into thermal, chemical, or electrical energy.

SOLAR ENERGY

Radiant energy (direct, diffuse, and reflected) received from the sun.

SOLAR ENERGY SYSTEM

A Solar Collector or other device or structural design feature of a structure that relies upon sunshine as an energy source and can collect, distribute, and store the sun's radiant energy for beneficial use.

SOLAR ENERGY SYSTEM, BUILDING-MOUNTED

A Solar Energy System designed to be attached to a building's structural wall(s), other than the roof, of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

SOLAR ENERGY SYSTEM, GRID

A Solar Energy System whose primary design and purpose is to generate electricity for use on a parcel or contiguous parcels owned by the same owner and may include necessary sub-components to allow the return of excess produced or stored energy into the utility grid by way of arrangements with the parcel(s)'s utility provider. Grid Solar Energy Systems shall not exceed 10 MW aggregate generative capacity and shall not exceed 30 percent of the footprint of the total parcel size.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED

A Solar Energy System that is not attached to and is separate from any building on the parcel of land on which the Solar Energy Collector System is located.

SOLAR ENERGY SYSTEM, ON-SITE

A Solar Energy System designed to help meet the electrical needs within the limits of the area encompassed by the tract area or parcel of record on which the activity is conducted.

SOLAR ENERGY SYSTEM, POINT OF USE

A self-contained or single-purpose Solar Energy System and components such as signage lighting panels, well or water pump systems, or electric fencing systems.

SOLAR ENERGY SYSTEM, PRIVATE

A Solar Energy System and components with a total generative capacity of less than 5 MW with the purpose of creating electricity solely to be used on site. A Private Solar Energy System shall not have a generation interconnection agreement for net metering with any utility provider.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED

A Solar Energy System, to include solar panel shingles, designed to be attached to a building's roof of the principal and/or accessory structure(s) on the parcel of land on which the Solar Energy System is located.

SOLAR ENERGY SYSTEM, SMALL

A Solar Energy System with Solar Panels and associated facilities with a single interconnection to the electrical grid and designed for, or capable of, operation at an aggregate capacity of less than 50 MW with a primary design and purpose to supply energy into a utility grid.

SOLAR PANEL

A panel consisting of an array of photovoltaic cells used to generate electricity directly from sunlight.

SOLAR PANEL, ACCESSORY

Panels installed on a building or on a lot to allow for the conversion of solar energy to electrical current for on-site consumption.

STACKING SPACE

A space specifically designed and designated as a waiting area for vehicles patronizing a drive-through facility or service bay.

STORAGE, OUTDOOR

The keeping, in an unroofed area, of any goods, material, merchandise, vehicles, trailers, or equipment in the same place for more than 24 hours.

STREET

A right-of-way dedicated or otherwise legally established for public use, which affords the principal means of access to abutting property. A street may be designated as a highway, thoroughfare, parkway, boulevard, road, avenue, lane, drive, or other appropriate name.

STREET, ARTERIAL

High-capacity, high-volume streets that provide access to and through the county. The primary function of these streets is traffic movement, not access to property.

STREET, CENTER LINE
A line halfway between the street right-of-way lines.

STREET, COLLECTOR
Medium-volume roads that collect and distribute traffic from lower-classification streets to arterials and expressways or activity centers. Traffic movement on these roads is a higher priority than access to property.

STREET, COLLECTOR – MAJOR
Intended primarily for non-residential traffic. Direct access to property from these streets is extremely limited.

STREET, COLLECTOR – MINOR
Intended primarily for residential traffic. Direct access to property from these streets is permitted under specified circumstances

STREET, CUL-DE-SAC
A street with only one outlet and having a paved, usually circular, turnaround at one end.

STREET, EXPRESSWAY
Limited-access highways that carry large volumes of traffic and are of more importance regionally than locally. They provide continuous, high-speed traffic flow.

STREET, FRONTAGE
Property line that lies adjacent to street right-of-way.

STREET, PRIVATE
An improved street or roadway which has not been dedicated for public use, or accepted by the Township, and is not maintained by the Township.

STREET, PUBLIC
An improved street or roadway which has been dedicated for public use, and accepted by the Tate Township, Clermont County, the State of Ohio, or a Federal agency.

STRUCTURE
Anything constructed, excluding pavement, the use of which requires the permanent location on the ground, or attachment to something having permanent location on the ground.

STRUCTURE, ALTERATION
Any change in the structural members of a structure, such as load bearing walls, columns, beams, or girders.

STRUCTURE, ACCESSORY
A subordinate structure located on the same lot as the principal use, which is intended, designed, or used for long-term or continuous occupancy, storage, or utility. A structure shall be deemed permanent if it is affixed to the ground, hooked to utilities, or remains

stationary on the lot for more than 90 total days in any calendar year, regardless of whether it possesses a formal foundation or footing.

STRUCTURE, AGRICULTURAL

Any structure or building accessory to the principle agricultural use of the land. Farm dwellings, however, are principal buildings.

STRUCTURE, NONCONFORMING

Any building that does not meet the limitations on building size and location on a lot, for the district in which such building is located, for the use to which such building is being put to use.

STRUCTURE, TEMPORARY

A building or structure without any permanent foundation or footing, intended for a limited duration and expressly tied to a specific, short-term event, construction project, or seasonal activity. Such structures must be removed immediately upon the expiration of a valid temporary use permit or within a maximum of 90 consecutive days or as otherwise specified in the provisions of this Zoning Resolution, whichever is less. The absence of a permanent foundation alone does not qualify a structure as temporary if it remains on a property beyond these prescribed limits.

SUBDIVISION

The division of land, lot, tract, or parcel into two or more parcels, plats, or sites, approved by the Clermont County Planning Commission, for sale, lease, offer, or development.

SWIMMING POOL

Any structure intended for swimming or recreational bathing that is designed to hold or capable of holding water to a depth of more than 24 inches. The water level depth is the level that water could reach before it spills out. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

T

TELECOMMUNICATIONS TOWER

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

TENANT

A person, corporation, partnership, or group: whether or not the legal owner of record, occupying a building or portion thereof as a unit.

TOWNSHIP TRUSTEES

The Tate Township, Clermont County, Ohio Board of Township Trustees. Also referred to as Board of Township Trustees or Trustees.

TRAILER

Any vehicle or structure constructed in such a manner as to permit occupancy thereof as sleeping quarters or the conduct of any business, trade or occupation, or use as a selling or advertising device or use for storage or conveyance for tools, equipment or machinery,

and so designed that it is or may be mounted on wheels and used as a conveyance on highways and streets, propelled or drawn by its own or other motor power.

TRAILER / OFFICE, CONSTRUCTION

A mobile structure that is used to accommodate temporary offices, facilities, and/or storage of materials during an active construction project.

TRAILER, SEMI

Non-motive powered commercial vehicle that is designed and intended to be towed by another vehicle in a manner that part of the weight of the vehicle being towed rests on and is carried by the towing vehicle.

TRAILER, TRAVEL

Non-self-propelled recreational vehicles not exceeding an overall length of 35 feet, exclusive of bumper and tongue or coupling, and including tent-type fold-out camping trailers as defined in Section 4517.01(R) of the Revised Code of the State of Ohio as amended.

TRAILER, UTILITY

Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the unit to be used to transport materials or goods.

TRAILER PARK

A tract of land prepared and approved according to the procedures of this Zoning Resolution to accommodate three or more Mobile Homes.

TRUCK, BOX

A truck with an enclosed cargo space or a small box-shaped van.

TRUCK, CAMPER

Non-self-propelled recreational vehicles, without wheels for road use, and designed to be placed upon and attached to a motor vehicle.

TRUCK, PICK-UP

A small truck with an enclosed cab and open cargo area with sides.

TRUCK, SEMI-

Motor vehicle designed and used primarily for towing other vehicles and not so constructed so as to carry a load other than a part of the weight of the vehicle and load so towed.

U

USE

Use broadly refers to the activities which take place on any land or premises and also refers to the structures located thereon and designed for those activities.

USE, ACCESSORY

A use subordinate to the principal use of a building or to the principal use of land, located on the same lot as such principal use and serving a purpose customarily incidental to the use of the principal building or land use.

USE, AGRICULTURAL

Any use listed in Table 3.03-1: Use Table listed under the “Agricultural Uses" heading.

USE, CONDITIONAL

A use permitted in a district other than a principally permitted use or a permitted use with standards, and which requires the approval of a conditional use permit, in accordance with this Resolution. Such use may be subject to special requirements to ensure the use and operation is not detrimental to public health, safety, morals, comfort, and general welfare.

USE, NONCONFORMING

The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Resolution or any amendment thereto, which does not conform with the regulations of the district in which it is located.

USE, PRINCIPAL

The primary use and chief purpose of a lot or structure.

USE, RESIDENTIAL

Any use listed in Table 3.03-1: Use Table listed under the “Residential Uses" heading.

USE, NON-RESIDENTIAL

Any use listed in Table 3.03-1: Use Table listed under the “Public & Institutional Uses,” “Commercial Uses,” and “Industrial Uses” heading.

USE, TEMPORARY

A use permitted for a limited and specified period of time.

UTILITY, PUBLIC OR PRIVATE

A person, firm, or corporation, municipal department, board or commission duly authorized to furnish and furnishing under governmental regulations to the public: gas, steam, electricity, sewage disposal, communication, telegraph, transportation or water. The erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems; collection, communication, supply or disposal systems including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, not including buildings, which are necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health, safety or general welfare

V

VARIANCE

A departure from the strict conformance with the dimension and area regulations which may be approved by the Board of Zoning Appeals.

VEHICLE

Any self-powered unit moving on wheels or runners and used as a means of transport.

VEHICLE, COMMERCIAL

Any motor vehicle designed or used to transport persons or property that meets any of the following qualifications:

1. Any combination of vehicles with a gross vehicle weight or combined gross vehicle weight rating of 26,001 pounds or more; provided the gross vehicle weight or gross vehicle weight rating of the vehicle or vehicles being towed in excess of 10,000 pounds;
2. Any single vehicle with a gross vehicle weight or gross vehicle weight rating of 26,001 pounds or more;
3. Any single vehicle or combination of vehicles that is not a class A or class B vehicle, but is designed to transport 16 or more passengers including the driver;
4. Any school bus with a gross vehicle weight or gross vehicle weight rating of less than 26,001 pounds that is designed to transport fewer than 16 passengers including the driver;
5. Is transporting hazardous materials for which placarding is required under subpart F of 49 CFR part 172, as amended; or
6. Any single vehicle or combination of vehicles that is designed to be operated and to travel on a public street or highway and is considered by the federal Motor Carrier Safety Administration to be a commercial motor vehicle including, but not limited to, a motorized crane, a vehicle whose function is to pump cement, a rig for drilling wells, and a portable crane.

VEHICLE, INOPERABLE

Any transportation device which is not currently licensed for use on roads or is unfit for use due to all of the following conditions: apparently inoperable, and extensively damaged, including, but not limited to missing wheels, tires, engine, or transmission.

VEHICLE, RECREATIONAL

A vehicle or trailer used exclusively for personal use and includes watercrafts, motor homes, pop-up campers, truck campers, travel trailers, and similar vehicles that are not used in whole or in part for occupational, commerce or employment purposes.

VENTILATION

The natural or mechanical process of supplying conditioned or unconditioned air to, or removing air from, any space.

VIOLATION

The failure of a structure, use or other development to be fully compliant with this Resolution.

W

WALL

A boundary enclosure or separating barrier which is usually opaque

WALL, SCREENING

A constructed solid barrier that closes, marks, or borders an area and creates a visual shielding or obscuring of the view from one side of the wall to another and is not associated with a building.

WHOLESALE FACILITY

A facility for the storage and wholesale sales of merchandise and bulk goods and non-retail store sales, which are not sold directly to the consumer, including electronic shopping, mail-order houses, and other direct-selling establishments.

WIRELESS TELECOMMUNICATION FACILITY

Any free-standing structure or any structure to be attached to a building or other structure in the unincorporated area of Tate Township, Clermont County, Ohio, that is proposed to be owned or principally used by a public or private utility engaged in the provisions of telecommunications services and proposed to have radio frequency transmission or reception equipment attached to it.

Y

YARD

The open space surrounding the principle building on any lot, unoccupied and unobstructed by any portion of that building from the ground to the sky except where specifically permitted by this Zoning Resolution. Yards are further defined as follows:

YARD, FRONT

That portion of the yard extending the full width of the lot and measured between the front lot line and a parallel line tangent to the nearest part of the principal building, which lines shall be designated as the front yard line. On corner lots, the front yard shall be considered the area between the façade of the structure and the rights-of-way that the lot fronts. Front Yard for fences shall be defined by Section 3.10.K.2. Fences in Front Yards based on lot type.

YARD, REAR

That portion of the yard extending the full width of the lot and measured between the rear lot line and a parallel line tangent to the nearest part of the principal building.

YARD, SIDE

Those portions of the yard extending from the front yard to the rear yard and measured between the side lot lines and parallel lines tangent to the nearest parts of the principal building

YARD, WIDTH / DEPTH

The horizontal distance from a lot line to the principal building measured perpendicular to the building. Yard Depth and Width fall into two categories:

- **Rear Yard Depth**. The minimum horizontal distance between the rear lot line and the main building or any projection thereof other than the projections of uncovered steps or uncovered porches.
- **Side Yard Width.** The minimum horizontal distance between a side lot line and the main building or any projection thereof other than projections of uncovered steps or uncovered porches.

YARD REQUIREMENT

The open space between a lot line and a setback line that is the minimum area required to comply with the regulations of the district in which the lot is located, and within which no structure shall be located except as expressly permitted in this Zoning Code.

YARD SALES

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

Z

ZONING CERTIFICATE

A document issued by the Zoning Inspector which certifies that a building, structure, or use has been reviewed by the department and found to be consistent with the terms of this Resolution.

ZONING DISTRICT

A portion of the unincorporated areas of the Township for which certain uniform regulations governing the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot area that may be occupied, set back building lines, sizes of yards, courts and other open spaces, the density of population, the uses of buildings and structures and the use of land for trade, industry, residence, recreation or other purposes have been established.

ZONING DISTRICTS, AGRICULTURAL

The following zoning districts are considered agricultural districts: Agricultural (AG).

ZONING DISTRICTS, RESIDENTIAL

The following zoning districts are considered residential districts: Residential Rural (RR), Residential Low Density (RL), Residential Medium Density (RM).

ZONING DISTRICTS, NON-RESIDENTIAL

The following zoning districts are considered non-residential districts: Commercial, Rural(CR), Commercial Community (CC), Commercial General (CG), Enterprise Professional (EP), Enterprise Operational (EO).

ZONING INSPECTOR

The Zoning Inspector is the person or persons designated by the Township Trustees to administer and enforce this Zoning Resolution

ZONING MAP

The Zoning Map of Tate Township, Clermont County, Ohio.