

First Reading: July 5, 2023
Second Reading: Dispensed

RESOLUTION NO. 2023 - 051

**A RESOLUTION APPROVING TEXT AMENDMENTS TO THE
SYCAMORE TOWNSHIP ZONING RESOLUTION
AND DISPENSING WITH THE SECOND READING**

WHEREAS, on May 16, 2023, the Sycamore Township Board of Trustees, via Resolution 2023-035, initiated the process to propose amendments to the Zoning Resolution of Sycamore Township for amendments to Chapters 13, 16, and 24; and

WHEREAS, on June 12, 2023, after proper notice having been given, the Sycamore Township Zoning Commission held a public hearing to consider proposed amendments to the Zoning Resolution of Sycamore Township for amendments to Chapters 13, 16, and 24; and

WHEREAS, the proposed amendments, being text amendments, affect all of Sycamore Township; and

WHEREAS, upon conclusion of the June 12, 2023, public hearing, the Sycamore Township Zoning Commission recommended approval of the amendments to the Zoning Resolution; and

WHEREAS, on July, 5, 2023, the Board of Trustees, after proper notice having been given, held a public hearing to consider the recommendation of the Sycamore Township Zoning Commission and the proposed zoning text amendments; and

NOW THEREFORE, BE IT RESOLVED, by the Board of Township Trustees of Sycamore Township, State of Ohio:

SECTION 1. The following text shall be amended as specified in Exhibit A to the Sycamore Township Zoning Resolution with the following condition:

*In Section 24-4.2, a change in language. "the Hamilton County Prosecuting Attorney",
changed to "the Hamilton County Prosecuting Attorney, at his/her discretion,"*

SECTION 2. The Zoning Administrator is hereby directed to cause the additions and deletions of the zoning text to be adopted into and reflected in the Sycamore Township Zoning Resolution.

SECTION 3. The Trustees of Sycamore Township, upon at least a majority vote, dispense with any requirement that this resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

SECTION 4. This Resolution shall take effect on the earliest date allowed by law.

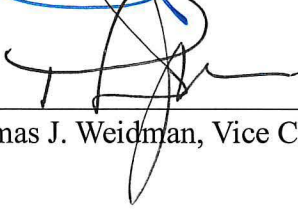
VOTE RECORD:

Mr. James Absent Ms. Schwegmann Aye Mr. Weidman Aye

PASSED at the meeting of the Board of Township Trustees this 5th day of July 2023.



Tracy Schwegmann, Chairman



Thomas J. Weidman, Vice Chairman

Absent

Thomas C. James, Jr., Trustee

AUTHENTICATION

This is to certify that this resolution was duly passed and filed with the Sycamore Township Fiscal Officer on this 5th day of July, 2023.



Jonathan T. Deters
Sycamore Township Fiscal Officer

APPROVED AS TO FORM:



Lawrence E. Barbieri, Law Director

EXHIBIT A

1. The Sycamore Township Zoning Resolution shall be amended as follows:

(a) Section 13-17.3 "Revocation of Zoning Certificate/Sign" shall be amended as to include the italicized and underlined language and removal of the stricken language:

"13-17.3 Revocation of Zoning Certificate/Sign

(a) Procedure. All rights and privileges acquired under the provisions of this Chapter 13 are mere licenses, revocable by the Board of Zoning Appeals in accordance with the *provisions of Chapter 24*, following procedure:

~~(a) Time Limit and Options.~~ A person or entity assessed of a penalty pursuant to Chapter 24 must select one of the following options within thirty (30) days after receipt of citation:

~~(1) Abatement of the violation and tender to the Administrative Official full payment of the civil penalty for each day that any violation continues after receipt of citation;~~
~~or~~

~~(2) Submit in writing to the Administrative Official a request for an administrative hearing before the Board of Zoning Appeals specifying the factual or legal issues to be contested. Timely submission of such request shall abate the imposition of any penalty.~~

~~(b) Effect of Administrative Hearing.~~ If the alleged violator requests an administrative hearing, no further demand for payment will be made by the Administrative Official unless a final decision is made by the Board of Zoning Appeals which upholds the assessment of a penalty. An administrative hearing before the Board of Zoning Appeals shall be conducted pursuant to the Rules of Procedure for the Board.

~~(c) Appeal.~~ Any person or entity who is aggrieved by a final decision of the Board of Zoning Appeals may appeal to the Court of Common Pleas of Hamilton County.

~~(d) (b) Fee.~~ A fee equal to double that required by Section 20-1.3 shall be charged for Zoning Certificates issued pursuant to Section 13-4 following the location, construction, re-construction, enlargement, structural alteration or changing the sign without obtaining a zoning certificate."

(b) Section 16-5.3 "Schedule of the Sycamore Township Zoning Commission Meeting and Zoning Commission Hearing" shall be amended as to include the italicized and underlined language and removal of the stricken language:

"16-5.3 Schedule of the Sycamore Township Zoning Commission Meeting and Zoning Commission Hearing

Within five (5) days after the adoption of a motion by the Sycamore Township Zoning Commission, certification of resolution by the Board of Township Trustees or the acceptance of an application to be complete pursuant to Chapter 20, the Sycamore Township Zoning Commission; shall:

(a) may transmit a copy, together with the related text map and changes, to the Hamilton County Regional Planning Commission; and

(b) shall set a date for a public hearing not less than twenty (20) days from the date of initiation of the amendment by motion, certification, or the filing of an application and provide notice of such hearing pursuant to Section 16-7.

(c) Section 24-3.3 "Citation" shall be amended as to include the italicized and underlined language and removal of the stricken language:

"24-3.3 Citation

If no action is taken within the time period allowed for correction, cessation, or appeal to the Board of Zoning Appeals, a misdemeanor citation shall be issued. ~~The violator shall within twenty (20) days pay the citation to the Clerk of Courts or the matter will be scheduled for court hearing. If no action is taken~~ after a misdemeanor citation is issued, within these twenty (20) days, additional citations may be issued each day the violation remains in noncompliance. Each day the violation occurs after the citation is issued is a separate offense."

(d) Section 24-3 "Procedures Upon Discovery of Violations" shall be amended to add a new Section 24-3.5 as follows:

"24-3.5 Right of Entry

When making an inspection to enforce the provisions of this Resolution, the Zoning Inspector or Administration Official shall carry proper identification.

The owner, occupant, tenant, or person in charge of the property or rental unit has the right to deny entry to any property or unit by the Zoning Inspector or Administration Official for the purpose of compliance with this Resolution. Nothing in this Resolution shall prohibit the Zoning Inspector or Administration Official from asking permission from an owner, occupant, tenant, or person in charge of the property or rental unit for permission to inspect such property or rental unit for compliance with this Resolution and all other applicable laws, regulations, and codes.

If permission is refused, or permission cannot be obtained after a reasonable effort is made to locate the owner, occupant, tenant, or person in charge of the property or unit, nothing in this Resolution shall prohibit the Zoning Inspector from seeking a search warrant from a court of competent jurisdiction based upon probable cause. All inspections made pursuant to a search warrant shall be executed at a reasonable time and in a reasonable manner.

(e) Section 24-4 "Penalties and Remedies for Violations" shall be amended as to include the italicized and underlined language and removal of the stricken language:

"24-4.1 Civil-Penalty and Appeals

(a) No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Resolution or any amendment or supplement thereto.

(b) Any act constituting a violation of the provisions of this Resolution or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the grants of variances or Conditional Use Zoning Certificates or Zoning Compliance Plan approval, shall subject the offender to a civil ~~misdemeanor citation and~~ penalty. A ~~civil~~ misdemeanor citation and penalty may not be appealed to the Board of Zoning Appeals if the offender was sent a final notice of violation in accordance with Section 24-3 and did not appeal to the Board of Zoning Appeals within the prescribed time.

(c) Any owner, occupant, person, or entity violating any regulation, provision, amendment, or supplement to this Zoning Resolution, or failing to obey any lawful order of the Sycamore Township Zoning Administrator issued pursuant thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

(f) Section 24-4.2 "Other Enforcement Actions" shall be amended as to include the italicized and underlined language and removal of the stricken language:

"24-4.2 Other Enforcement Actions

~~This Resolution may also be enforced by any appropriate equitable action.~~

In the event that any structure, building, or other construct 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 Sections 519.01 to 519.99, inclusive, of the Ohio Revised Code, or in violation of this Zoning Resolution, the Board of Trustees, the Township Law Director or his/her designee, the Hamilton County Prosecuting Attorney, the Zoning Administrator, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute an injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Board of Trustees may employ special counsel to represent it in any proceedings or to prosecute any actions brought under this section."