COLERAIN TOWNSHIP
ZONING RESOLUTION

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ARTICLE 1: PURPOSE

1.1 Purpose Statement

1.1.1 Except as otherwise provided in this section, in the interest of the public health and safety, the Colerain Township Board of Township Trustees may regulate by resolution, in accordance with a comprehensive plan, the location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, building setback lines, sizes of yards, courts, and other open spaces, the density of population, the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the Board of Trustees by resolution, in accordance with a comprehensive plan, may regulate the location of, set back lines for, and the uses of buildings and other structures, including tents, cabins, and trailer coaches, and the uses of land for trade, industry, residence, recreation, or other purposes in the unincorporated territory of the Township, and may establish reasonable landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the Township. Except as otherwise provided in this section, in the interest of the public convenience, comfort, prosperity, or general welfare, the Board of Trustees may regulate by resolution, in accordance with a comprehensive plan, for nonresidential property only, the height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches, percentages of lot areas that may be occupied, sizes of yards, courts, and other open spaces, and the density of population in the unincorporated territory of the Township. For all these purposes, the Board of Trustees may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Board of Trustees determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.

1.1.2 For any activities permitted and regulated under Chapter 1513 (Coal Surface Mining) or 1514 (Other Surface Mining) of the Ohio Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this section only in the interest of public health or safety.

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Article 2: General Provisions

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ARTICLE 2: GENERAL PROVISIONS

2.1 Title

This Resolution shall be known, and may be cited and referred to as, the "Colerain Township Zoning Resolution" and shall include the Resolution as originally adopted in 1994 and all subsequent amendments thereto.

2.2 Applicability

This Resolution has been passed under the authority granted to the Township under Section 519.01 et seq. of the Ohio Revised Code and embraces the provisions thereof regarding enforcement and penalties for violations.

2.3 Jurisdiction

The provisions of this Zoning Resolution shall apply to all land, land development, use of all structures, and uses of land within the unincorporated areas of Colerain Township, Hamilton County, Ohio.

2.4 Interpretation and Conflicts

2.4.1 For purposes of interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, comfort, prosperity, or general welfare.

2.4.2 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.

2.4.3 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 Ohio Revised Code.

2.5 Relationship with Private-Party Agreements

2.5.1 This Resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this 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 than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Resolution shall govern.

2.5.2 In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

2.6 Zoning Certificate Required

2.6.1 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 Administrator in accordance with Section 4.2 (Zoning Certificate).

2.6.2 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 Resolution.

2.7 Severability

Should any article, section, or provision of this Zoning Resolution be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Zoning Resolution as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

2.8 Transitional Rules

2.8.1 Effective Date

(A) This Resolution became effective on November 22, 1994.

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

2.8.2 Violations Continue

Any violation under previous zoning resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a violation under this Resolution and is subject to penalties and enforcement under Article 5 (Violations and Penalties), unless the use, development, construction, or other activity complies with the provisions of this Resolution.

2.8.3 Nonconformities Continue

(A) Any legal nonconformity under any previous zoning resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a legal nonconformity under this Resolution, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.

(B) If a legal nonconformity under any previous resolutions that applied to the Township prior to the adoption of this Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be subject to the nonconforming use regulations.

2.8.4 Approved Projects

(A) Any building, structure, or development for which a building permit was issued prior to the effective date of this 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 provisions of this Resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a Certificate of Occupancy from the Hamilton County Department of Building Inspections.

(B) If the building or structure 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 Resolution.

(C) Any application for a project where the building permit has expired shall meet the standards in effect at the time of application.

(D) **Approved Preliminary Development Plans**

Any preliminary development plan approved as part of a Community Unit Plan (CUP) or double letter district (D-D, E-E, O-O, F-F, etc.) prior to the effective date of this Resolution shall continue to be valid for two years. If a final development plan is not submitted within two years of the effective date of this Resolution, the preliminary development plan shall be deemed null and void and a new preliminary development plan will need to be reviewed and approved pursuant to Section 4.5 (Planned Development District Review).

2.9 Approved Water Supply and Sewage Disposal Facilities

2.9.1 It shall be unlawful to locate, erect or construct any building or structure to be used for human habitation without provision of an approved water supply and approved sanitary waste disposal facilities.

2.9.2 On-site sanitary waste disposal may be used only when the Hamilton County General Health District approves an Application to Construct or Replace a Household Sewage Treatment System or the Ohio Environmental Protection Agency grants a Wastewater Permit to Install (PTI).

2.9.3 On-site, private water systems (wells and on-site cisterns) may be used only upon approval of the Hamilton County General Health District and the Ohio Department of Health.

2.10 Restoration of Unsafe Buildings

Nothing herein shall be construed as preventing the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by the Hamilton County Department of Building Inspections or from complying with the department's lawful requirements.

2.11 Fees

2.11.1 The Township shall charge appropriate fees for the review or issuance of Zoning Certificates, Conditional Use Certificates, Appeals, Variances, Zoning Amendments, Nonconforming Use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices and other expenses incidental to the enforcement of this Resolution. Such fees shall be paid to the Colerain Township Zoning Department, or its designee, and shall be paid in accordance to the Official Zoning Fee Schedule as established by the Board of Township Trustees and posted at the Colerain Township Administrative Building.

2.11.2 Application or review fees are not refundable except where the Zoning Administrator determines that an application was accepted in error, or the fee paid exceeds the amount due, in which case the amount of the overpayment will be refunded to the applicant.

2.12 Repeal

This Resolution may be repealed in the following manner:

2.12.1 The Board of Township Trustees may adopt a resolution upon its own initiative; or

2.12.2 The Board of Township Trustees shall adopt a resolution if presented with a petition, similar in all relevant aspects to that prescribed in Section 519.12 of the Ohio Revised Code, signed by a number of qualified electors residing in the unincorporated area of the Township equal to not less than 8 percent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting that the question of whether or not the Zoning Resolution in effect in the Town- ship shall be repealed be submitted to the electors residing in the unincorporated area of the Township at a special election to be held on the day of the next primary or general election. The resolution adopted by the Board of Township Trustees to cause such question to be submitted to the electors shall be certified to the Hamilton County Board of Elections no later than 75 days prior to the day of election at which said question is to be voted upon. In the event a majority of the vote cast on such question in the Township is in favor of repeal of zoning, then such regulations shall no longer be of any effect. Not more than one such election shall be held in any 2 consecutive calendar years.

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ARTICLE 3: ADMINISTRATION

3.1 Board of Township Trustees

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

3.1.1 Initiate proposed amendments to this Resolution.

3.1.2 Review and decide on all proposed amendments to this Resolution.

3.1.3 Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

3.2 Zoning Commission

The Board of Trustees, for the purpose and intent of this Resolution, hereby creates and establishes the Colerain Township Zoning Commission, hereafter referred to as the Zoning Commission.

3.2.1 Appointment and Organization

(A) The Zoning Commission shall be composed of 5 members who reside in the unincorporated area of Colerain Township, to be appointed by the Board of Trustees.

(B) Members shall serve 5-year terms with the term of one member expiring each year.

(C) Each member shall serve until his or her successor is appointed and qualified.

(D) Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Trustees, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(E) Vacancies shall be filled by appointment by the Trustees and shall be for the time remaining in the unexpired term.

3.2.2 Roles and Powers

The Zoning Commission shall have the following roles and powers:

(A) Initiate proposed amendments to this Resolution.

(B) Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.

(C) Perform all other duties as specified for township zoning commission in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

3.2.3 Alternates

(A) The Board of Trustees shall appoint 2 alternate members to the Zoning Commission for a term of 2-years each.

(B) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.

(C) An alternate member shall meet the same appointment criteria as a regular member.

(D) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

3.2.4 Rules

The Zoning Commission shall organize and adopt rules for its own governance provided they are consistent with law or with any other Resolution of the Township.

3.2.5 Meetings

(A) Meetings shall be held at the call of the Chair and at such other times as the Zoning Commission may determine.

(B) All meetings shall be open to the public, except as exempted by law.

(C) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Zoning Commission.

3.2.6 Quorum

(A) Any combination of 3 regular members or 2 regular members and 1 alternate member of the Zoning Commission shall constitute a quorum.

(B) The Zoning Commission shall act when 3 members concur and every decision shall be accompanied by written findings specifying the reason for granting or denying the application, or making its recommendation.

3.3 Board of Zoning Appeals

The Board of Trustees, for the purpose and intentions of this Resolution, hereby creates and establishes the Board of Zoning Appeals.

3.3.1 Appointment and Organization

(A) The Board of Zoning Appeals shall consist of 5 members, to be appointed by the Board of Township Trustees.

(B) Members shall be residents of the unincorporated area of Colerain Township, Hamilton County, Ohio.

(C) Members shall serve 5-year terms with the term of one member expiring each year.

(D) Each member shall serve until their successor is appointed and qualified.

(E) Members of the Board of Zoning Appeals shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Trustees, upon written charges having been filed with the Trustees, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

(F) Vacancies shall be filled by appointment by the Trustees and shall be for the time remaining in the unexpired term.

3.3.2 Roles and Powers

The Board of Zoning Appeals shall have the following roles and powers:

(B) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other official in the interpretation or enforcement of the provisions of this Resolution.

(C) To hear and decide, in accordance with the provisions of this Resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the Board of Zoning Appeals is authorized by this Resolution to pass.

(D) In considering an application for conditional use, the Board of Zoning Appeals shall have the power to impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Resolution for the particular conditional use, as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest.

(E) The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.

(E) To permit the substitution of a nonconforming use existing at the time of enactment of this Resolution in compliance with Article 11: Nonconforming Uses.

(F) To allow the extension of a use or building into a more restrictive district immediately adjacent thereto but not more than 25 feet beyond the dividing line of the 2 districts. Under such conditions, the standards of the more restrictive district shall apply.

(G) All other powers conferred upon township boards of zoning appeals in Section 519.14 of the Ohio Revised Code, or as authorized by the Board of Trustees in compliance with state law.

3.3.3 Alternates

(A) The Board of Trustees shall appoint 2 alternate members to the Board of Zoning Appeals for a 2-year term each.

(B) An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals.

(C) An alternate member shall meet the same appointment criteria as a regular member.

(D) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.

3.3.4 Rules

The Board of Zoning Appeals shall organize and adopt rules for its own governance provided they are consistent with law or with any other Resolution of the Township.

3.3.5 Meetings

(A) Meetings of the Board of Zoning Appeals shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.

(B) The Chair, or in their absence, the Acting Chair, may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses per Section 519.15 of the ORC.

(C) All meetings of the Board of Zoning Appeals shall be open to the public, except as exempted by law.

(D) The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be immediately filed in the office of the Township Fiscal Officer and shall be a public record, unless exempted by law.

3.3.6 Quorum

(A) Any combination of 3 regular members or 2 regular members and 1 alternate member of the Board of Zoning Appeals shall constitute a quorum.

(B) The Board shall act by resolution or *motion* when 3 members concur. Every decision shall be accompanied by findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application. *(Amended May 26, 2015)*

3.4 Zoning Inspector/Zoning Administrator

3.4.1 Roles and Powers

The Board of Township Trustees shall appoint a Zoning Inspector/Zoning Administrator who shall have the following roles and powers and shall be referred to as the Zoning Administrator for the purposes of this Resolution:

(A) Serve as the Zoning Administrator within the Colerain Township Planning and Zoning Department.

(B) It shall be the duty of the Zoning Administrator to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Administrator by reporting to him/ her upon new construction, reconstruction, land uses, or upon seeing violations.

(C) It shall be the duty of the Zoning Administrator to review applications for Zoning Certificates and to ensure compliance with this Resolution in accordance with Section 4.2 (Zoning Certificate).

(D) Upon written request from the owner or authorized agent, the Zoning Administrator shall issue a Zoning Certificate for any building or premises existing at the time of effective date of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

(E) It shall be the duty of the Zoning Administrator to keep adequate records of all applications and decisions on said applications.

(F) It shall be the duty of the Zoning Administrator to issue citations of zoning violations and keep adequate records of all violations.

(G) The Board of Township Trustees may also appoint additional zoning inspector personnel to assist the Zoning Administrator in such roles and powers.

3.4.2 Decisions

(A) A decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals.

(B) The Zoning Administrator shall have appropriate forms available at the time of denial.

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Article 4: Development Review and Procedures

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ARTICLE 4: DEVELOPMENT REVIEW AND PROCEDURES

4.1 General Provisions

4.1.1 Authority to File Applications

(A) The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this Resolution. The person having authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.

(B) The Zoning Commission and Board of Township Trustees may initiate resolution and map amendments under this Resolution with or without an application from the property owner who may be affected.

4.1.2 Computation of Time

(A) In computing any period of time prescribed or allowed by this 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.

(B) When the period of time prescribed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).

(C) When the Township offices are closed to the public for the entire day which constitutes the last day of the period of time or when the offices close before its usual closing time on such day, then such application, act, decision, or event may be performed on the next succeeding days which is not a Saturday, a Sunday, or a legal holiday.

4.1.3 Permits for On-Site Water or Sewer Systems

(A) A certificate of approval for individual on-site water or sewer systems shall be obtained from authorities having jurisdiction and supplied to the Township prior to the Township the final occupancy inspection by the Township for a nonresidential Zoning Certificate.

(B) Where an on-site sewer or wastewater system is to be used, the applicant shall be required to submit a letter or permit from the Health Department or the Ohio Environmental Protection Agency stating that a soil suitability test demonstrates that the soils are suitable for the proposed system or that a soil suitability test is not required for the subject site.

4.2 Zoning Certificate

4.2.1 Applicability

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

(A) New construction or structural alteration of any building or structure, including accessory buildings;

(B) Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, excluding changing to any agricultural use;

(C) Occupancy and use of vacant land excluding agricultural land;

(D) Change in the use of land to a use of a different classification; or

(E) Any change in the use of a nonconforming use.

4.2.2 Exemptions from Zoning Certificates

(A) **Essential Services**

Essential services shall be permitted as authorized and regulated by law and other resolutions of the Township and County, it being the intention to exempt such essential services from the application of this Zoning Resolution.

(B) **Agricultural Uses**

(1) Agricultural structures and uses on lots with a lot area of 5 acres or more shall be exempt from the requirements of this Resolution and property owners shall not be required to obtain a Zoning Certificate for such uses per Section 519.21 of the ORC.

(2) 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 (711.13.1) 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:

a.) Agriculture uses on lots of one acre or less;

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.

c.) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than 5 acres when at least 35 percent 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 Section 4503.06 of the ORC. After 35 percent of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and buildings or structures pursuant to Section 519.19 of the ORC.

(3) 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 Hamilton County.

4.2.3 Review Procedure

(A) **Step 1 – Application**

The applicant shall submit 2 copies of the following to the Township Zoning Administrator prior to submitting for a Hamilton County Building Permit:

(1) Zoning Certificate application and applicable forms available from the Township offices;

(2) All such forms, maps, and information as may be prescribed for that purpose by the Colerain Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements may be adopted by the Zoning Commission; and

(3) All required fees as established in the Colerain Township fee schedule.

(B) **Step 2 – Review**

The Township Zoning Administrator shall review the application for conformance with the provisions of this Zoning Resolution.

(C) **Step 3 – Decision**

(1) Within 5 business days after the application (Step 1), the Township Zoning Administrator shall either approve and issue the Zoning Certificate or deny the application and in so doing state in writing the reasons for the action taken.

(2) Upon approval, the Zoning Administrator shall return one signed copy of the application and maintain the second copy of the application for Township records.

(3) If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with the review procedure, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Section 4.4 (Appeals, Variances, and Conditional Uses) of this Resolution.

4.2.4 Review Criteria

All applications for a Zoning Certificate shall demonstrate conformity with the provisions of this Zoning Resolution.

4.2.5 Expiration

(A) Construction shall begin within 12 months of issuance of a Zoning Certificate, and the Certificate shall expire 24 months if construction is not completed and a Certificate of Occupancy is issued by the Hamilton County Department of Building Inspections unless an extension is granted by the Township.

(B) Failure to begin construction within 12 months shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Administrator.

(C) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction.

4.3 Text and Map Amendments

4.3.1 Amendment Initiation

Amendments or supplements to the Zoning Resolution may be initiated by:

(A) Motion of the Zoning Commission;

(B) Passage of a resolution by the Board of Township Trustees; or

(C) By the filing of an application by one or more of the owners of property within the area proposed to be changed or affected by the proposed amendment.

If the Board of Township Trustees initiates the amendment, the Board of Trustees shall, upon the passage of such resolution, certify it to the Zoning Commission.

4.3.2 Review Procedure

(A) **Step 1 – Preapplication Conference**

(1) The applicant is encouraged to meet with the Colerain Township Zoning Department to discuss the initial concepts of a zoning map amendment and general compliance with applicable provisions of this Resolution prior to the submission of the application.

(2) During this time, an applicant may also request a preliminary, informal meeting with the Zoning Commission to discuss the initial concepts.

(3) Discussions that occur during a preapplication conference or a preliminary meeting with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Colerain Township or its officials regarding any aspects of the plan or application discussed.

(B) **Step 2 – Application**

(1) Applications for any change of district boundaries, classifications of property as shown on the Zoning Map, or changes to the Resolution Text shall be submitted to the Zoning Commission at the Colerain Township Zoning Department.

(2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.

(3) Each application shall be signed by at least one of the owners, or the owners authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

(4) Applications for amendments initiated by the Zoning Commission shall be accompanied by the Zoning Commission's motion pertaining to such proposed amendment.

(5) Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property the zoning classification of which is proposed to be changed.

(6) All applications shall be submitted with the required fees as established in the Colerain Township fee schedule.

(C) **Step 3 – Referral to the Hamilton County Regional Planning Commission**

(1) Within 5 days after the adoption of a motion, certification of a resolution or the filing of an application (Step 2), the Zoning Commission may transmit a copy thereof to the Hamilton County Regional Planning Commission.

(2) The Hamilton County Regional Planning Commission may recommend the approval, approval with modifications, or denial of the proposed amendment and shall submit such recommendation to the Zoning Commission.

(3) Such recommendation may be considered at the public hearing held by the Zoning Commission on such proposed amendment.

(D) **Step 4 – Public Hearing with the Zoning Commission**

(1) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step 2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.

(2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

(3) Notification shall be given in accordance with Section 519.12 of the ORC. In addition to the notification required by the ORC, the Township shall mail notice to all property owners within 200 feet of a property subject to a map amendment at least 10 days prior to the public hearing.

(E) **Step 5 – Recommendation by the Zoning Commission**

Within 30 days after the Zoning Commission's public hearing (Step 4), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and submit such recommendation together with such application or resolution, the text and map pertaining thereto, and the recommendation of the Hamilton County Regional Planning Commission (if applicable) to the Board of Township Trustees.

(F) **Step 6 – Public Hearing with the Board of Township Trustees**

(1) Upon receipt of the recommendation from the Zoning Commission (Step 5), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment.

(2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(3) Notification shall be given in accordance with Section 519.12 of the ORC. See Step 4.

(G) **Step 7 – Decision**

Within 20 days after its public hearing (Step 6), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

(Amended 10/28/08)

4.3.3 Effective Date and Referendum

Any amendment adopted by the Board of Township Trustees shall become effective in 30 days after the date of such adoption, unless, within 30 days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that unincorporated area included in the zoning plan equal to not less than 8 percent of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of

such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Sections 519.12 and 3501.38 of the ORC.

4.3.4 Review Criteria

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

(A) The amendment is in accordance with the Colerain Township Comprehensive Plan, the Colerain Township Land Use Plan, other adopted plans or policies of the Township, and this Resolution, as adopted by the Board of Township Trustees;

(B) Where more than one zoning district is available to implement the Comprehensive Plan or 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 Colerain Township Comprehensive Plan.

4.4 Appeals, Variances, and Conditional Uses

4.4.1 Review Procedure

The review procedure for appeals, variances and conditional uses shall be as follows:

(A) **Step 1 – Application**

(1) An application for variances, conditional uses, or other review over which the Board of Zoning Appeals has original jurisdiction under Section 3.3 (Board of Zoning Appeals) may be made by any property owner, including an authorized agent, or by a governmental officer, department, board or bureau.

(2) Application for Appeals

a.) An appeal to the Board of Zoning Appeals may be taken by any person aggrieved by a decision of the Zoning Administrator or by any administrative officer of the Township in interpreting or applying the provisions of this Resolution. Such appeal shall be taken within 20 days of the decision in question, by filing with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.

b.) The Zoning Administrator shall forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

c.) The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in the Certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed other- wise than by a restraining order that may be granted by the Board of Zoning Appeals or by a court of record. Such applications shall be filed with the Zoning Administrator on any applicable forms available at the Township Zoning Office.

(3) The Zoning Administrator shall transmit a copy of the application to the Board of Zoning Appeals.

(4) All applications shall be submitted with the required fees as established in the Colerain Township fee schedule.

(B) **Step 2 – Public Hearing with the Board of Zoning Appeals**

(1) The Board of Zoning Appeals shall fix a reasonable time for a hearing on any application or appeal, give public notice thereof, and give at least 10 days notice to parties in interest, and decide upon the appeal within a reasonable time after it is submitted (Step 1).

(2) Any party may appear in person or by attorney at a hearing for an appeal or application.

(3) Upon the day for hearing any application or appeal, the Board of Zoning Appeals may adjourn the hearing in order to obtain additional information or to cause further notice, as it deems proper to be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board of Zoning Appeals so decides.

(C) **Step 3 – Decision**

(1) Within 30 days after the hearing concludes (Step 2), the Board of Zoning Appeals shall make a decision on the application or appeal.

(2) A certified copy of the Board of Zoning Appeals' decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Administrator and observed by him and he shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the Board of Zoning Appeals authorizes a Certificate.

(3) A decision of the Board of Zoning Appeals shall not become final until the expiration of 30 days from the date such decision is made, unless the Board of Zoning Appeals finds that it is necessary for the preservation of property or personal rights that the decision be given immediate effect. Such a determination shall be stated in the record of the Board of Zoning Appeals.

(4) For appeals, the Board of Zoning Appeals may, in conformity with the provisions of this section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Administrator from whom the appeal is taken.

(5) Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.

(6) Any party adversely affected by a decision of the Board of Zoning Appeals may appeal the decision to the Hamilton County Court of Common Pleas.

4.4.2 Variance Review Criteria

The following criteria shall be used to review all applications for variances:

(A) The Board shall not be authorized to grant a variance for a use that is otherwise prohibited in the zoning district in which the property is located.

(B) The Board may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed and substantial justice done;

(C) The Board of Zoning Appeals may impose such conditions and restrictions upon the property benefited by a variance as the Board of Zoning Appeals may deem necessary to comply with the standards set forth in this section, to reduce or minimize the impact of such variance upon other property in the neighborhood and to further the purpose and intent of this Resolution.

(D) No grant of a variance shall be authorized unless the Board of Zoning Appeals finds that such variance from the provisions or requirements of this Resolution will not be contrary to the public interest, and owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause unnecessary hardship. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.

(E) No variance shall be considered or granted by the Board of Zoning Appeals, which would allow a change in use of a parcel, building or structure where such change of use could be accomplished by a redistricting of the subject property.

4.4.3 Conditional Use Review Criteria

(A) In reviewing conditional uses, the Board of Zoning Appeals shall grant approval only when the use is consistent with the following standards:

(1) The use is a conditional use, permitted with approval by the Board of Zoning Appeals, in the district where the subject lot is located;

(2) The use is in accordance with the objectives of the Colerain Township Comprehensive Plan and Zoning Resolution;

(3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare; and

(4) The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

(B) The Board of Zoning Appeals may impose such conditions and restrictions upon the conditional use as the Board of Zoning Appeals may deem necessary to comply with the standards set forth in this Article to reduce or minimize the impact of such use upon other property in the neighborhood and to further the purpose and intent of this Resolution.

4.5 Planned Development (PD) District Review

4.5.1 Planned Development (PD) Initiation

(A) Planned developments may be initiated by the property owner or an agent of the property owner.

(B) In cases where there are multiple property owners involved in the planned development, the application shall include a "consent to rezone" letter from all property owners. Additionally, there shall be a single contact or agent for the property owners who will be responsible for contact with the Township.

4.5.2 Review Procedure

(A) **Step 1 – Preapplication Conference**

(1) The applicant is encouraged to meet with the Colerain Township Zoning Department to discuss the initial concepts of the planned development and general compliance with applicable provisions of this Resolution prior to the submission of the application.

(2) During this time, an applicant may also request a preliminary, informal meeting with the Zoning Commission to discuss the initial concepts.

(3) Discussions that occur during a preapplication conference or a preliminary meeting with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Colerain Township or its officials regarding any aspects of the plan(s) or application(s) discussed.

(B) **Step 2 – Application**

(1) After the preapplication conference with the Colerain Township Zoning Department, the applicant may submit an application for a zoning map amendment to the Township Zoning Office.

(2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum requirements may be adopted by the Board of Township Trustees.

(3) Each application shall be signed by at least one of the owners or the owner's authorized agent, of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.

(4) Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property where the zoning classification is proposed to be changed.

(5) All applications shall be submitted with the required fees as established in the Colerain Township fee schedule.

(6) The applicant shall submit the preliminary development plan simultaneously with the application for a zoning map amendment.

(C) **Step 3 – Submission of the Preliminary Development Plan**

(1) The preliminary development plan shall be submitted in a form and in quantities as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.

(2) Preliminary development plans should generally include the following:

a.) Approximate areas and arrangement of the proposed uses and the relationship of abutting land uses and zone districts;

b.) The proposed general location of vehicular circulation;

c.) The proposed treatment of existing topography, drainage ways and tree cover;

d.) The location of schools, parks, community amenities or facilities, if any;

e.) Anticipated time schedule of projected development, if the total landholding is to be developed in stages, or if construction is to extend beyond a 2-year time period;

f.) In the case of a PD-R District, the preliminary development plan shall also include the proposed type of unit, density level, and proposed area setbacks of each residential area, and the type, general location and approximate acreage of the common open space. A description of all other proposed miscellaneous and accessory uses shall also be included;

g.) In the case of a PD-B, PD-I, or PD-M, the preliminary development plan shall identify the principal and accessory types of uses that are to be included in the proposed development, including their approximate location, size, and intensity. The proposed type, general location and approximate acreage of common open space shall also be included; and

h.) Any other information required by the Zoning Commission.

(D) **Step 4 – Referral to the Hamilton County Regional Planning Commission**

(1) Within 5 days after the application (Step 2) and submission of the preliminary development plan (Step 3), the Zoning Commission may transmit a copy thereto to the Hamilton County Regional Planning Commission.

(2) The Hamilton County Regional Planning Commission may recommend the approval, approval with modifications, or denial of the proposed map amendment and preliminary development plan, and shall submit such recommendation to the Zoning Commission.

(3) Such recommendation may be considered at the public hearing held by the Zoning Commission on such proposed amendment and preliminary development plan.

(E) **Step 5 – Public Hearing with the Zoning Commission**

(1) Upon the filing of an application and preliminary development plan for an PD District amendment (Steps 2 and 3), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment and preliminary development plan.

(2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step 2) was submitted.

(3) Notification shall be given in accordance with Section 519.12 of the ORC. In addition to the notification required by the ORC, the Township shall mail notice to all property owners within 200 feet of the subject property at least 10 days prior to the public hearing.

(F) **Step 6 – Recommendation by the Zoning Commission**

Within 30 days after the Zoning Commission's public hearing (Step 5), the Zoning Commission shall recommend the approval, approval with modifications, or denial of the proposed amendment and preliminary development plan, and submit such recommendation together with such application, preliminary development plan, and recommendation of the Hamilton County Regional Planning Commission (if applicable) to the Board of Township Trustees.

(G) **Step 7 – Public Hearing with the Board of Township Trustees**

(1) Upon receipt of the recommendation from the Zoning Commission (Step 6), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment and preliminary development plan.

(2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.

(3) Notification shall be given in accordance with Section 519.12 of the ORC. See Step 5.

(H) **Step 8 – Decision on Map Amendment and Preliminary Development Plan**

(1) Within 20 days after its public hearing (Step 7), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission, or adopt some modification thereof. In the event the Board of Trustees denies or modifies the recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

(2) Approval of the preliminary development plan shall include density, intensities, land uses and their inter-relationship, design standards, and building location. Location of buildings (if applicable) and uses may be altered slightly due to engineering feasibility which is to be determined in the subsequent preparation of the detailed Final Development Plans.

(3) The Board of Trustee's decision on the zoning map amendment and the preliminary development plan is a legislative action of the Board of Township Trustees and is subject to the same effective date and referendum provisions as set forth in Subsection 4.3.3 (Effective Date and Referendum). After approval of the PD District map amendment and preliminary development plan, and after the subsequent referendum period has ended, the Official Zoning Map shall be changed to reflect this amendment.

(4) Once an amendment to a PD is effective, the application requirements for planned developments in Section 9.3, along with the approved preliminary development plan, and any approved conditions, shall apply to the future development of the property.

(I) **Step 9 – Submission of a Final Development Plan**

(1) Once the PD District and preliminary development plan has been approved by the Board of Township Trustees, the applicant shall proceed with the preparation of the detailed final development plan(s) in whole or in phases.

(2) The final development plan shall be submitted in a form and in quantities as prescribed by the Zoning Commission. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.

(3) The detailed final development plan shall be consistent with the applicable PD requirements in this Resolution and the contents of the approved preliminary development plan. The final development plan shall be prepared by a professional urban planner, engineer, architect or landscape architect.

(4) A final development plan shall include all necessary legal documentation relating to the incorporation of a Homeowner's Association for the purpose of maintaining the specified common open space within all residential planned developments.

(J) **Step 10 – Public Meeting with the Zoning Commission**

(1) The Colerain Township Zoning Department shall study the final development plan and confer with other agencies having jurisdiction as appropriate in the case, to determine general acceptability of the proposal submitted. Staff shall submit written recommendations to the Zoning Commission and the applicant prior to the public meeting held by the Zoning Commission.

(2) Upon receipt of the detailed final development plan and recommendations of staff, the Zoning Commission shall, at a public meeting of the Zoning Commission, study and review the detailed final development plan to determine whether all requirements have been satisfied, and the conditions specified in Subsection 4.5.3 (Approval Criteria) have been met.

(K) **Step 11 – Decision by the Zoning Commission**

Within 30 days of the Zoning Commission's public meeting (Step 10), the Zoning Commission shall decide to approve, approve with modifications, or deny the final development plan.

(Amended 10/28/08)

4.5.3 Approval Criteria

(A) **Approval Criteria for a Preliminary Development Plan**

The following criteria shall serve as conditions that should be satisfied before the approval of the preliminary development plan:

(1) The PD District and preliminary development plan are consistent with the adopted Colerain Township Land Use Plan and Colerain Township Comprehensive Plan;

(2) The proposed uses will have a beneficial effect on the community;

(3) The internal streets and primary and secondary roads that are proposed properly interconnect with the surrounding existing road network.

(4) The site will be accessible from public roads that are generally adequate to carry the traffic that will be imposed upon them by the proposed development and the streets and driveways on the site will be adequate to serve the residents or occupants of the proposed development;

(5) The minimum common open space areas have been designated and shall be duly transferred to a legally established Homeowners Association, where applicable, or have been dedicated to, and accepted by, Colerain Township or another public or quasi-public agency as provided in Subsection 9.3.7 (Common Open Space).

(6) The preliminary development plan is consistent with the intent and purpose of this Resolution and, in particular, the furtherance of the purpose of the PD District as set forth in Section 9.3.1.

(7) The preliminary development plan has been transmitted to all other agencies and departments charged with responsibility of review.

(B) **Approval Criteria for a Final Development Plan**

The following criteria shall serve as conditions that should generally be satisfied before the approval of the final development plan:

(1) Appropriate arrangements with the applicant have been made to ensure the accomplishment of the public improvements and reservation of common open space as indicated on the preliminary development plan and final development plan. If deemed necessary by the Board of Township Trustees during the preliminary development plan approval process, this assurance may require that the Board of Township Trustees require a bond to ensure the successful and proper completion of such improvements.

(2) The proposed detailed final development plan for an individual section of the overall PD District is consistent in contents (building location--as applicable, land uses, densities and intensities, yard requirements, and area and frontage requirements) with the approved preliminary development plan, the Colerain Township Land Use Plan, and the Colerain Township Comprehensive Plan.

(3) Each individual phase of the development can exist as an independent unit that is capable of creating an environment of sustained desirability and stability, or that adequate assurance will be provided that such objective can be obtained.

(4) That any part of the planned development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved; or if approved by the Zoning Commission, left in its natural state.

(5) That any exception from the design standards provided in the PD District is warranted by the design and amenities incorporated in the detailed final development plan.

(6) That the internal streets and thoroughfares proposed are suitable and adequate to accommodate the anticipated traffic within and through the development.

(7) That the detailed final development plan is consistent with the intent and purpose of Article 1 of this Resolution.

(8) The final development plan has been transmitted to all other agencies and departments charged with responsibility of review.

4.5.4 Time Limits

(A) The final development plan shall be submitted within one year after approval of the preliminary development plan, or the approval of the preliminary development plan will expire and the plan will be deemed null and void.

(B) Upon expiration of the preliminary development plan, the property shall still be zoned as a planned development with a voided preliminary development plan. The property owner or authorized agent may submit an application and new preliminary development plan for consideration pursuant to Subsection 4.5.2 (Review Procedure) or an application for a zoning map amendment to another district.

(C) Upon the expiration of the preliminary development plan, the Board of Trustees or the Zoning Commission may initiate a zoning map amendment to change the PD zoning on the property to another district.

(D) If the applicant has not received building permits within one-year of the approval of the final development plan, the final development plan shall be deemed null and void. Upon expiration of the final development plan, the applicant shall have one-year to reapply for a final development plan in accordance with the section or the preliminary development plan will be deemed null and void in accordance with Paragraph (A) above.

(E) The Zoning Commission may authorize an extension of these time limits if good cause is shown for the delay of the final development plan submission.

(F) For phased developments, the Zoning Commission and Board of Township Trustees may approve a phased final development plan schedule as part of the preliminary development plan approval. In such case, the approved time frames shall establish when the approved preliminary plan shall expire.

4.5.5 Effect of a Final Development Plan

(A) The approved final development plan shall be kept on record in the Colerain Township Zoning Department together with all resolutions, applications, plats, plans, and other information regarding the development.

(B) The Resolutions prepared by the Zoning Commission and Board of Township Trustees serve as the official record for the permitted uses and activities which are approved for the property in the planned development.

(C) The use of the planned development property or the location, erection, construction, reconstruction, enlargement, or change of any building or structure in a manner which is not consistent with the final development plan shall be considered a violation of this Resolution and subject to the procedures and penalties specified in Section Article 5 (Violations and Penalties).

4.5.6 Required Conditions for the Issuance of a Zoning Certificate

No Zoning Certificate shall be issued for any property in a PD District and no construction, except preliminary excavation, shall begin until an approved final development plan is in effect for that phase or property. The final development plan becomes effective upon approval of a resolution by the Zoning Commission.

4.5.7 Modifications to Approved Preliminary or Final Development Plans

(A) The following provisions establish the various methods by which an applicant can modify the features of an approved preliminary or final development plan. These provisions shall apply to all Preliminary Development Plans and Final Development Plans approved for developments in PD-R, PD-B, PD-I, and PD-M Districts. For any modifications that are of a technical or engineering nature as determined by the Zoning Administrator or his/her designee, the applicant must submit a report from the appropriate public agency assuring compliance with agency regulations, in addition to meeting the requirements as listed below.

(1) **Administrative Modifications:** The Zoning Administrator or his/her designee has the authority to consider and approve Administrative Modifications to an approved Preliminary or Final Development Plan provided such modifications are limited to altering the location of structures, circulation elements, enlargement or relocation of open space or grading where such alterations will comply with the intent of all regulations as established by the Colerain Township Zoning Resolution and by the approving Resolution for the development as adopted by the Board of Township Trustees. In no case shall a Administrative Modification consist of an increase in impervious surface area, more than a 5% increase or decrease in square footage of buildings, the grading or location of structures over an existing sanitary sewer, or lighting above what is allowed by the Colerain Township Zoning Resolution or by Resolution of the Board of Colerain Township Trustees. Nor shall a Administrative Modification consist of the reduction of open space, landscaping or buffer, or a change of use(s), or increase in signage as originally approved in the Preliminary Development Plan. No modification shall result in a violation of any standard or requirement of this Resolution nor create or extend any previously approved variance.

(2) **Minor Modification:** Any modification to the approved Final Development Plan that fails to meet the requirements set forth in Section 4.5.7(A)1, but does not infringe upon a specific requirement or standard as set forth in the development's approving Resolution is adopted by the Board of Township Trustees shall be considered a Minor Modification to the Final Development Plan. The Colerain Township Zoning Commission, following notice to all property owners whose properties are located within two hundred (200) feet of the legal property boundaries or the subject development, shall hold a meeting within 14 days of said public notice to consider the Minor Modification application. For approval, there shall be findings that an proposed changes to the Plan will be substantial conformance with the intent of the approving Resolution including related conditions as adopted by the Board of Township Trustees. The applicant will be notified by the Zoning Commission's decision within one week from the date of such decision. If the proposed modification has been approved, a new Zoning Certificate shall be issued.

(3) **Major Modification:** If the Zoning Administrator or his/her designee or the Colerain Township Zoning Commission determines that the proposed modification to the approved Preliminary or Final Development Plan does not meet the above requirements, or that the proposal would be in direct conflict with the specific provisions of the approving Resolution as adopted by the Board of Township Trustees, then the proposal will be considered pursuant to the provisions as set for the in Section 519.12 and related sections of the Ohio Revised Code and Section 4.3 of the Colerain Township Zoning Resolution. Any application for a final development plan that occurs more than one year after the effective date of the approving resolution for the site shall be subject to a public hearing and governed by the provisions of law

and this Resolution applicable thereto.

(B) **Review of Minor Modifications**

(1) The Zoning Commission shall be responsible for reviewing and making a decision on major modifications to an approved preliminary development plan or final development plan.

(2) Such review and decision shall take place at a public hearing of the Zoning Commission and shall require a public hearing with the Zoning Commission and Board of Trustees pursuant to the review procedure established for planned development.

(3) The decision of the Zoning Commission on major modifications shall be deemed administrative.

(C) **Review of Major Modifications**

Major modifications to an approved preliminary development plan or final development plans shall require a public hearing with the Zoning Commission and Board of Trustees pursuant to the review procedure established for planned developments.

(D) If a preliminary development plan is amended, any future final development plan shall comply with the amended preliminary development plan.

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Article 5: Violations and Penalties

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ARTICLE 5: VIOLATIONS AND PENALTIES

5.1 Violations

No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Zoning Resolution. Each day's continuation of a violation of this section may be deemed a separate offense.

5.2 Failure to Acquire a Zoning Certificate

An amount equal to double the normal scheduled fees shall be assessed to a property owner for failure to acquire a Zoning Certificate as required by Section 4.2 (Zoning Certificate).

5.3 Penalties

Any person, firm or corporation violating any regulation, provision, amendment or supplement to this Zoning Resolution, or failing to obey any lawful order of the Colerain Township Zoning Administrator issued pursuant thereto, shall be deemed guilty of a minor 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. (*Amended January 13, 2015)*

5.4 Remedies

5.4.1 In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Sections 519.01 to 519.99, inclusive, of the ORC, or in violation of this Zoning Resolution, the Board of Trustees, 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 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.

5.4.2 The Board of Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Section.

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Article 6: Establishment of Zoning Districts

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ARTICLE 6: ESTABLISHMENT OF ZONING DISTRICTS

6.1 Purpose

The purpose of this Article is to establish zoning districts in order to:

6.1.1 Realize the general purpose set forth in Article 1 (Purpose) of this Zoning Resolution;

6.1.2 Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;

6.1.3 Regulate and limit the percentages of lot areas which may be occupied;

6.1.4 Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and

6.1.5 Regulate the density of population within Colerain Township to the fullest extent allowed by law.

6.2 Establishment of Zoning Districts

The zoning districts listed in Table 6-1 are hereby established for Colerain Township, Ohio:

Table 6-1: Zoning Districts

District Designation	District Name
R-1	Rural Residential District
R-2	Estate Residential District
R-3	Suburban - Low Residential District
R-4	Suburban – Medium Residential District
R-5	Suburban - High Residential District
R-6	Urban Residential District
R-7	Multi-Family Residential District
B-1	Neighborhood Business District
B-2	General Business District
B-3	Commerce District
O-1	Office District
I-1	Industrial District
HDO	Hillside Development Overlay District
RF	Riverfront District
PD	Planned Development District
SWD	Solid Waste Disposal District
ME	Mineral Extraction District

6.3 Official Zoning District Map

6.3.1 The boundaries of the established zoning districts are indicated upon the Official Zoning Map for Colerain Township.

6.3.2 This Official Zoning Map is hereby made a part of this Resolution.

6.3.3 The Official Zoning Map of Colerain Township, Hamilton County, Ohio, and all the quotations, references, and other matters shown thereon, shall be as much a part of this Resolution as if the notations, references and other matters set forth by said map were all fully described herein.

6.3.4 The Official Zoning Map is properly attested and is on file in the offices of the Colerain Township Zoning Department.

6.3.5 Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Zoning Resolution to provide the flexibility in its administration to allow for future expansion and amendments.

6.4 Interpretation of District Boundaries

6.4.1 The district boundary lines of the Official Zoning Map are intended to follow either streets or alleys lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley such boundary is otherwise indicated on the map.

6.4.2 The district boundary lines for the RF District are intended to follow the special flood hazard area boundaries as designated by the Federal Emergency Management Agency, and where the districts on the map are bounded approximately by such area boundaries, the boundaries are otherwise indicated on the map.

6.4.3 Where a zoning line does not follow a street, alley, or lot line, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

6.5 Vacation of Public Ways

Whenever any street, alley, or other public way is vacated by official action of the Hamilton County Board of County Commissioners, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation and all area included shall be required to conform with the regulations of the extended districts.

6.6 Relationship to Overlay Districts

Where the property is classified in an overlay district (e.g., Hillside Development Overlay District) as well as a general use district then the regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying district. In the event of an express conflict between the standards set forth in the underlying district and the standards set forth in overlay district, the standards set forth in the overlay district shall control.

6.7 References to Previous Zoning Districts

The district classification and names established within this Resolution differ from previous versions of this Resolution. In instances where there may be references to the previous zoning district nomenclature, Appendix A identifies how each of the previous district classifications was renamed for this Resolution. This section shall be used for comparison purposes only.

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Article 7: Residential Zoning Districts

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ARTICLE 7: RESIDENTIAL ZONING DISTRICTS

7.1 Districts and Purpose Statements

7.1.1 General Purpose and Intent

The districts contained in this section are created to:

(A) Provide appropriately located areas for residential development that are consistent with the Colerain Township Comprehensive Plan, the Colerain Township Land Use Plan and with standards of public health and safety established by this Resolution and any other appropriate governmental body;

(B) Ensure adequate light, air, privacy and open space for each dwelling;

(C) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;

(D) Develop new housing where adequate public services can be provided economically; and

(E) Provide high-quality residential neighborhood environments.

7.1.2 Residential Districts and Specific Purpose Statements

(A) **R-1 Rural Residential District**

The R-1 Rural Residential District is intended to provide for development that will protect the steep hillsides and rural residential character prevalent in the western areas of Colerain Township. Development in this district lacks sanitary sewer service and may not have access to central water service. The district is intended for large residential lots or open space subdivisions to ensure the protection of open spaces and steep hillsides.

(B) **R-2 Estate Residential District**

The R-2 Estate Residential District is intended to provide for large lot residential development consistent with the rural character of the western side of Colerain Township. Development in this district may or may not have access to sanitary sewer service or central water service. The district is intended for large residential lots or open space subdivisions to ensure the protection of open spaces and steep hillsides.

(C) **R-3 Suburban –Low Residential District**

The R-3 Suburban-Low Residential District is intended to provide for single-family detached residential development on small to moderate sized lots when the uses are served by water and sanitary sewer services.

(D) **R-4 Suburban – Medium Residential District**

The R-4 Suburban – Medium Residential District is intended to provide for the protection of older, existing neighborhoods in Colerain Township where development is more compact. The primary use in the R-4 District is single-family detached homes at moderate densities on lots served by water and sewer services.

(E) **R-5 Suburban – High Residential District**

The R-5 Suburban – High District is intended to provide for the protection of older, existing neighborhoods in Colerain Township where development is more compact. The primary use in the R-5 District is single-family detached homes at higher densities on lots served by water and sewer services.

(F) **R-6 Urban Residential District**

The R-6 Urban Residential District is intended to provide for a mixture of residential housing types at a moderate density. Housing units in this district may include detached housing or housing where units are attached through common walls, but not floors, and are served by water and sewer services.

(G) **R-7 Multi-Family Residential District**

The R-7 Multi-Family Residential District is intended to provide for multi-family dwelling residential housing types at a moderate density. Housing units in this district may include all types of attached housing including apartment buildings or complexes. All uses are served by water and sewer services.

7.2 Permitted Uses

Table 7-1 below sets for the uses allowed within the zoning district. The abbreviation used in the table are de- scribed as follows:

7.2.1 Permitted Uses

A "P" in a cell indicates that a use category is allowed by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this Resolution, including, but not limited to provisions in Articles 7, 10, 12, 13, 14, and 15.

7.2.2 Permitted Uses with Conditions

(A) A "P*" in a cell indicates that a use category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the numerically reference sections. Permitted uses with conditions are subject to all other applicable regulations of this Resolution, including, but not limited to provisions in Articles 7, 10, 12, 13, 14, and 15.

(B) Uses permitted with conditions under this category are approved administratively by the Zoning Administrator.

7.2.3 Conditional Uses

A "C" in a cell indicates that a use category is allowed only if reviewed and approved as a Conditional Use by the Board of Zoning Appeals in accordance with Section 4.4 (Appeals, Variances, and Conditional Uses). Conditional uses are subject to all other applicable regulations of this Resolution, including, but not limited to provisions in Articles 10 through 15.

7.2.4 Prohibited Uses

A shaded cell indicates that a use is prohibited in the respective zoning district.

7.2.5 Numerical References

The numbers contained in the "Additional Regulations" column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the Additional Regulations column apply in all zoning districts unless otherwise expressly stated.

Table 7-1: Residential Use Table

Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts							Additional Regulations
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-7**	**Refer to Section:**
Agricultural Uses								
Agricultural Uses	P*	P*	P*	P*	P*	P*	P*	Section 7.4.2
Riding Stables	P*	C						Section 7.4.11
Residential Uses								
Adult Family Homes or Small Residential Facilities	P	P	P	P	P	P	P	
Adult Group Homes or Large Residential Facilities							P	
Group Homes for Children	P*	P*	P*	P*	P*	P*	P*	Section 7.4.13
Adult/Child Day Care Centers							P	
Institutional Housing						P*	P*	Section 7.4.6
Multi-Family Dwellings						P*	P	Section 7.4.7
Medical Marijuana								
Open Space Residential Developments	P*	P*	P*					Section 7.4.8
Permanently Sited Manufactured Homes								Section 7.4.9
Single-Family Dwellings	P	P	P	P	P	P		
Small Cellular Tele. Facilities	P*	P*	P*	P*	P*	P*	P*	Section 12.13
Two-Family Dwellings						P	P	
Commercial and Office Uses								
Bed and Breakfast Establishments	C	C	C	C	C	C		Section 7.4.3
Telecommunications Towers	P*	P*	P*	P*	P*	P*	P*	Section 7.4.12

Table 7-1: Residential Use Table								
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts							Additional Regulations
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	Refer to Section:
Type-B Family Day Care Home	P	P	P	P	P	P	P	
Institutional/Public Uses								
Active Park/Recreational Facilities	C	C	C	C	C	C	C	Section 7.4.1
Cemeteries	P*							Section 7.4.4
Educational Facilities	C	C	C	C	C	C	C	Section 7.4.5
Essential Services and Utilities	P	P	P	P	P	P	P	
Government and Public Uses	P	P	P	P	P	P	P	
Passive Park/Recreational Facilities and Conservation Areas	P	P	P	P	P	P	P	
Private Recreational Facilities	C	C	C	C	C	C	C	
Religious Places of Worship	C	C	C	C	C	C	C	Section 7.4.10
Miscellaneous Uses								
Accessory Uses	P*	P*	P*	P*	P*	P*	P*	Section 10.2
Home Occupations	P*	P*	P*	P*	P*	P*	P*	Section 10.3
Signs	P*	P*	P*	P*	P*	P*	P*	Article 15
Temporary Uses	P*	P*	P*	P*	P*	P*	P*	Section 10.4

(Amended 3/10/09)

7.3 Site Development Standards

7.3.1 All buildings and lots shall meet the minimum site development standards set forth in Table 7-2 (on the following page) unless otherwise specified in use-specific regulations of Section 7.4 (Agricultural and Residential Use-Specific Regulations) as referenced in Table 7-1 above.

7.3.2 In order to rezone a property to an R-3, R-4, R-5, R-6, R-7, or PD District, a public or approved private water system and centralized sewer system shall be available for the development.

7.3.3 The Hamilton County General Health District may establish larger minimum lot area requirements than established in Table 7-2 for structures that require on-site wastewater treatment.

7.3.4 All permitted uses shall be located on an individual and separate lot with the following exceptions:

(A) Two dwelling units may be located on a single lot within the R-5, R-6, and R-7 District.

(B) Multiple dwelling units may be located on a single lot for permitted uses within the R-7 District.

7.4 Agricultural and Residential Use-Specific Regulations

7.4.1 Active Parks and Recreational Areas

All structures or buildings, except fences, shall be located a minimum of 100 feet from all lot lines.

7.4.2 Agricultural Uses

The following regulations shall apply to those agricultural uses that are not exempt from review pursuant to Subsection 4.2.2 (Exemptions from Zoning Certificates) of this Resolution and meet the definition of an agricultural use.

(A) All buildings, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines.
(B) A maximum of one animal unit shall be permitted per acre with a maximum of 5 total animal units permitted.
(C) All uses shall meet the minimum site development standards of the applicable district.

7.4.3 Bed and Breakfast Establishments

(A) Bed and breakfast establishments shall be within an owner-occupied unit or the owner may live in an adjacent home.

(B) There shall be a maximum of 5 guest rooms.

(B) There shall be a minimum of 2 parking spaces for the owners of the property and an additional parking space for each guest room. On-street parking spaces may count toward the required parking.

One ground-mounted sign may be permitted with a maximum sign area of 4 square feet and a maximum height of 4 feet. Signs may be illuminated from an external light source.

7.4.4 Cemeteries

(A) Cemeteries shall have a minimum lot area of 20 acres.

(B) All chapels, mausoleums, accessory structures, or other structures shall be located a minimum of 100 feet from all lot lines in a residential zoning district. Such uses shall meet the minimum setback requirements of the applicable zoning district in a business zoning district.

(C) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.

7.4.5 Educational Facilities

(A) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district. (See also 12.2.2(B))

(B) Educational facilities shall meet the buffer requirements of uses within the B-2 Zoning District (see Table 14-1).

(C) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback shall be landscaped with grass and planting areas and shall be well maintained.

7.4.6 Institutional Housing

(A) The maximum density of institutional housing shall be 7 units or 7 beds per acre, whichever is less.

(B) In a residential district, there shall be a maximum of 21 units or beds per site.

(C) All buildings shall be set back 50 feet from all lot lines.

(D) All units shall be rented or sold to the elderly, the handicapped, or the disabled in order to qualify as institutional housing. Mixed development, such as a retirement village with some independent living, shall be built under the multi-family dwelling regulations or as part of a planned development.

(E) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

Table 7-2: Residential Site Development Standards

Standards	Zoning Districts						
	R-1	**R-2**	**R-3**	**R-4**	**R-5**	**R-6**	**R-7**
Lot Size – NOTE: LOT AREA AND WIDTH ROWS COMBINED AS "LOT SIZE" TO SAVE SPACE							
Minimum Lot Area	1 unit per 3 acres	1 unit per acre without sewer 20,000 square feet with sewer	20,000 square feet per unit	14,000 square feet per unit	10,500 square feet per unit	7,500 square feet per unit	6,000 square feet per unit
Minimum Lot Width	150	150 without sewer 110 with sewer	100	80	70	65	80
Minimum Yard Setbacks (feet)							
Front Yard	50	50	40	35	35	30	30
Side Yard (per side)	25	25 without sewer 15 with sewer	15	10	18 combined, one side yard shall be 10	15 combined, one side yard shall be 10	25
Rear Yard	60	60 without sewer 35 with sewer	35	35	35	35	40
Building Size – NOTE: TITLE CHANGED TO BUILDING SIZE AND TWO ROWS ADDED							
Maximum <u>Building Height</u>	3 Stories	3 Stories	3 Stories	3 Stories	3 stories	3 Stories	4 Stories
Minimum House Size (exclusive of porches, <u>carports</u>, or other attach-	900 square feet	900 square feet	900 square feet	900 square feet	900 square feet	900 square feet single family, 1500 duplex, + 600 for each additional unit	900 square feet single family, 1500 duplex, + 600 for each additional unit
Minimum Length & Width	22 feet	22 feet	22 feet	22 feet	22 feet	22 feet	22 feet

(Amended 9/13/11)

7.4.7 Multi-Family Dwellings

Multi-family dwellings shall be permitted in the R-6 District provided the use meets the following requirements:

(A) The dwelling units are attached by a common wall.

(B) Each unit shall have a separate exterior entrance.

(C) There shall be a maximum of 4 units per structure.

(D) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

7.4.8 Open Space Residential Developments

(A) **Purpose**

Open space residential developments provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural and built environment. The development of open space residential developments is encouraged within the Colerain Township Comprehensive Plan, to conserve and protect the natural environment and rural character of the Township.

(B) **Property Requirements**

(1) Open space residential developments are permitted where the subject parcel(s) contains a minimum of 20 contiguous acres, not separated by a road or other right-of-way prior to development.

(2) The developer (applicant) must own in fee simple or have an option to purchase all lands within the open space residential development.

(3) Any lawful ownership arrangement including, but not limited to fee simple lots, is permitted in an open space residential development.

(4) The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this section.

(C) **Permitted Density**

The maximum number of housing units permitted in an open space residential development is determined using the minimum lot area required in a zoning district and the following formula:

Table 7-3: Permitted Density Formula	
(TSA/MLA) X 90%	
Where	TSA = Total site area in acres, excluding any area within existing public right-of-way or land that is subject to an existing conservation easement. Total site area also does not include any area occupied by lakes or ponds that are greater than one acre in size.
	MLA = Minimum lot area in acres required in a given zoning district. For areas subject to the Hillside Development Overlay regulations, the density calculations of Subsection 9.1.3 (Density/Intensity Standards) shall apply.
	90% is the factor to account for public or private right-of-way required in a development. When the above formula produces a fractional value, the number shall be rounded to the nearest whole number.

(D) **Allowable Uses**

(1) The uses allowed in an open space residential development are those permitted uses listed in the applicable zoning district.

(2) Multi-family dwelling uses are prohibited in open space residential developments.

(3) Private roads connecting one residence to another and/or for means of ingress and egress for the open space residential development are permitted, subject to the following conditions:

a.) The private roads must be designed and constructed to meet Hamilton County Engineer requirements for design, materials, and construction.

b.) The length, location, distance and other relevant siting factors must comply with all of the Hamilton County requirements for subdivision roads.

(E) **Modifications to Area and Height Regulations**

Minimum lot area requirements contained in the applicable zoning districts are modified in an open space residential development to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.

(1) <u>Lot Area Requirements</u>

Dwelling units are not required to be on individual lots and there are no minimum lot sizes. However, when lots are included in a development plan, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.

(2) <u>Minimum Yard Depths and Setbacks</u>

a.) Individual buildings in a proposed development shall be setback a minimum of 15 feet from a proposed internal public or private roadway and 35 feet from an existing township or county road.

b.) Individual buildings shall be setback a minimum of 50 feet from any lot line that represents the boundary of the proposed open space residential development.

c.) There shall be a minimum separation of 60 feet between the rear of two principal buildings or between the rear and front of two principal buildings.

d.) The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall be 20 feet.

e.) Accessory uses shall be setback 10 feet from all lot lines.

(F) **Sewage Disposal**

Open space residential developments shall be served by individual or public sewage disposal structures consistent with applicable State or County regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Hamilton County General Health District and may be located within required open space.

(G) **Wetland in Open Space Residential Developments**

(1) Wetlands found within a site proposed to be developed as an Open Space Residential Development must remain in a natural state and no off-site mitigation of wetlands shall be permitted.

(H) **Mandatory Open Space Requirements**

(1) All open space residential developments shall include a minimum of 50 percent of the total site acreage as required open space. The following areas shall be completely preserved in their natural state as part of the open space requirements:

a.) Wetlands; and

b.) Areas with a natural slope of 20 percent or more.

(2) In the case of phased developments, open space shall be provided in a. proportional manner with a developed area (i.e., if a 100 acre site is to be developed in two phases of 50 acre each, 25 acres of open space, or 50 percent of the first phase, shall have to be provided with the first phase).

(3) The following areas shall not count toward the minimum open space requirements:

a.) Private and public roads, and associated rights-of.-way.

b.) Public or private parking areas, access ways, and driveways.

c.) Required setbacks between buildings, parking areas, and project boundaries.

d.) Required setbacks between buildings and streets,

e.) Required minimum spacing between buildings and parking areas.

f.) Private yards, including front, back and sides.

g.) Land that is subject to preexisting conservation easements or similar limitations on development.

h.) Above-ground buildings, pipes, apparatus, and other equipment for community or individuals, septic or sewage disposal systems.

(I) **Use of Required Open Space**

(1) Open space shall be designed and intended for the use and/or enjoyment of residents of the proposed development or the general public.

(2) Areas designated for required open spaces shall be preserved in its natural state unless otherwise permitted as follows:

a.) They are designated to be utilized for farming when authorized in a conservation easement or in a homeowners association's covenants and restrictions; or

b.) They are designated to be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities; or

c.) They are designated to be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; or

d.) They are designated to be used as active recreation areas designed and intended for the use and/or enjoyment of residents of the development, or the general public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 20 percent of the total acreage devoted to required open space. Such uses shall not include structures under a roof.

(J) **Reclamation of Disturbed Open Space**

Any area to be designated as required open space that are disturbed during construction or otherwise not preserved in its natural states, shall be landscaped with vegetation which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states..

(K) **Future Subdivision and Development of Open Space**

(1) All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Colerain Township and duly recorded in the office of the Hamilton County Recorder.

(2) Subject to permanent restrictions as set forth above, required open space in an open space residential development shall be owned by an Homeowners Association, Colerain Township (with its consent), a land trust or other conservation organization recognized by Colerain Township, or by a similar entity.

(3) Required open space may be held by the individual members of a Homeowners Association as tenants-in-common or may be held in common ownership by a Homeowners Association, Community Association, or other similar legal entity.

(4) To obtain Township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations require the following:

a.) Membership in the Association shall be mandatory for all purchasers of lots in the development.

b.) The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

(L) **Conservation Easements**

With the permission of Colerain Township, the owner(s) of required open space may, in accordance with provisions of Section 5301.67 - .70 of the ORC, grant or transfer a conservation easement to any entity described in Section 5301.68 of the ORC, provided that the entity and the provisions of the conservation easements are acceptable to Colerain Township. When a deed restriction is proposed as the method of restricting further subdivision of land designated as open space, Colerain Township shall be named as a party to such deed restrictions with approval authority over any changes thereto. The conveyance must contain appropriate provision for assignment of the conservation easement to another entity authorized to hold conservation easements under Section 5301.68 of the ORC, in the event that the original grantee becomes unwilling or unable to ensure compliance with the provisions of the conservation easement.

(M) **Development Plan Submission Requirements**

(1) Development plans are not subject to the review procedure established for planned development districts as defined in Section 4.5 (Planned Development District Review).

(2) All proposed open space residential developments shall provide a site analysis and a development plan to document compliance with all requirements of this section.

(3) A site analysis and development plan together with any required application forms shall be transmitted in a form and number as prescribed by the Zoning Commission.

(4) The site analysis and development plan shall be submitted to and reviewed by the Zoning Administrator in the manner described herein.

(N) **Review of Open Space Residential Developments**

Within 10 days after receiving an application, site analysis and development plan, the Zoning Administrator shall review submitted material to determine that the application includes all the items required in this section. If the application is deemed complete and the application fee is paid, the Zoning Administrator shall officially accept the application on that date. Review of the proposed open space residential development shall be accomplished in coordination with

review procedures and requirements of all government agencies with jurisdiction over the development, and in the following manner:

(1) Distribution of Submitted Material

Once the application is determined to be complete, the Zoning Administrator shall distribute copies of submitted materials to Colerain Township's legal counsel and appropriate Colerain Township administrative departments, and to such other regulatory agencies that have statutory authority to subsequently review and comment on any aspect of the development, including but not limited to, the Hamilton County Regional Planning Commission, the Hamilton County General Health District, the Hamilton County Engineer, the Hamilton County Public Works Department, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the Township, and Board of Township Trustees.

2) Review and Approval by Colerain Township Zoning Administrator

Within 45 days after the date that a complete application is made, the Zoning Administrator shall review materials submitted and take one of the following actions:

a.) Approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this Resolution; or

b.) Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the Board of Zoning Appeals in accordance with the requirements in Section 4.4 (Appeals, Variances, and Conditional Uses).

(O) **Approval Criteria**

In reviewing a proposed application for an open space residential development, the Zoning Administrator shall make a determination that the proposed development complies with the provisions of this section and is permitted within the applicable zoning district.

(P) **Time Limits**

The development plan shall be valid for 2 years. If the applicant has not begun construction within the 2 years, the development shall be voided and any new development shall require a new application for approval.

(Q) **Amendments**

(1) After an open space residential development has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested.

(2) Changes, as defined herein, are allowed and may be approved by the Zoning Administrator, provided such requests conform to applicable standards defined in this section.

(3) Amendments shall require the submittal of a revised development plan to the Zoning Administrator. The Township may establish a minor re-submittal fee as part of their adopted fee schedule.

(Amended 12/11/07)

7.4.9 Permanently Sited Manufactured Homes

Permanently sited manufactured homes shall be permitted where they meet the following provisions:

(A) They meet the definition of a permanently sited manufactured home; and

(B) They comply with all zoning requirements of a single-family dwelling in the applicable zoning district.

(C) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, and that do not qualify as a permanently sited manufactured home shall be prohibited

7.4.10 Religious Places of Worship

(A) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.

(B) Religious places of worship shall meet the buffer requirements of uses within the B-2 Zoning District (see Table 14-1).

(C) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

7.4.11 Riding Stables

The following regulations shall apply to those riding stables that are not exempt from review pursuant to Subsection 4.2.2 (Exemptions from Zoning Certificates) of this Resolution and meet the definition of a riding stable.

(A) The use meets the definition of a riding stable.

(B) All buildings, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines.

(C) A maximum of one animal unit shall be permitted per acre.

7.4.12 Telecommunications Towers

This section is intended to exercise, to the fullest extent permitted by law, the power of the Board of Trustees of Colerain Township to regulate telecommunications towers and related facilities, and accordingly, this section shall also govern the removal of buildings or structures that are used in the provision of such service. Except in accordance with Ohio Revised Code Section 519.211, hereby incorporated by reference, no person shall locate, erect, construct, reconstruct, change, alter, or enlarge any telecommunications tower in any area zoned for residential use.

Goals, Guidelines, and Objectives

Existing telecommunications tower sites should be used to the fullest, even if this necessitates the reconstruction or the expansion of existing telecommunications towers.

Telecommunications towers and other related facilities to be constructed in areas zoned for residential use shall not include lights except where warranted by clear and convincing evidence.

Telecommunications towers and related facilities should be designed and constructed to minimize visual impact. Towers with a greater visual impact (e.g., taller, lighting required, larger ground spaced used, etc.) should be permitted only when the greater visual impact of the tower is mitigated by limiting the need for additional towers.

Creative approaches to design, location, and camouflage are encouraged in order to minimize visual impact.

Telecommunications Towers in Residential Districts

(A) Any person who plans to construct a telecommunications tower in a residential zoning district shall provide both of the following by certified mail:

(1) Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:

a.) The person's intent to construct the tower;

b.) A description of the property sufficient to identify the proposed location; and

c.) The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Township Trustees requesting that the Board of Zoning Appeals review the telecommunications tower pursuant to the authority granted by Sections 519.02 to 519.25 of the Ohio Revised Code as they apply to the proposed location of the tower.

If the notice to a property owner is returned unclaimed or refused, the person shall mail the notice by regular mail. The failure of delivery of the notice does not invalidate the notice.

(2) Written notice to the Board of Township Trustees of the information specified in Paragraph (1) above. The notice to the Board also shall include verification that the person has complied with the notification requirements of this Section.

(B) **Responses to Notification**

(1) If the Board of Township Trustees receives notice from a property owner in response to Paragraph (A) of this section within the time specified in that division or if a Board member makes an objection to the proposed location of the telecommunications tower within 15 days after the date of mailing of the notice sent under Paragraph (A) of this section, the Board shall request that the Township Fiscal Officer send the person proposing to construct the tower written notice that the tower is subject to the power conferred by and in accordance with Ohio Revised Code. The notice shall be sent no later than 5 days after the earlier of the date the board first receives such a notice from a property owner or the date upon which a Board member makes an objection. Upon the date of mailing of the notice to the person, Sections 519.02 to 519.25 of the Revised Code shall apply to the tower.

(2) If the Board of Township Trustees receives no notice under Paragraph (A) of this section within the time prescribed by that division or no Board member has an

objection as provided under Paragraph (A) of this section within the time prescribed by that division, the tower shall be permitted as-of-right pursuant to the applicable sections of this Resolution.

(C) The Board of Zoning Appeals shall review the application for a telecommunications tower as a conditional use where such review is requested by a notified property owner or the Board of Township Trustees pursuant to Section 4.4 (Appeals, Variances, and Conditional Uses). A preapplication conference may be held in accordance with the procedure defined in Section 4.3.2(A), except that the informal concept review meeting defined in Section 4.3.2(A)(2) would be held with the Board of Zoning Appeals.

The application shall include the following:

(1) A map showing the location of all of the applicant's and other providers' existing telecommunications towers and antennas within the Township and contiguous political subdivisions or within a 3-mile radius, whichever is greater;

(2) The general location(s) of the applicant's planned future telecommunications towers in the Township and contiguous political subdivisions;

(3) For each location shown on the plans, there must be a schedule showing:
a.) The type and size of telecommunications tower;
b.) The type of equipment located or proposed on each tower;
c.) The space available on the telecommunications tower for additional equipment;
d.) The ground network, if any, served by the telecommunications tower;
e.) A site plan showing the parcel on which any existing telecommunications tower is located.

(D) The Board of Zoning Appeals shall approve a telecommunications tower as a conditional use if the Board finds that the applicant has satisfied all of the following standards:

(1) The application shall comply with the general standards for a conditional use as established in Subsection 4.4.3 (Conditional Use Review Criteria);

(2) Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.

(3) The applicant shall demonstrate by clear and convincing evidence that its tower antennae cannot be located on any other communication tower or facility in the vicinity, 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 cellular communications companies, telephone, radio, television companies, etc. upon payment of reasonable fees for such use.

(4) An application shall be denied 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.

(5) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures.

(6) Pole, tower and/or structure placement shall be established on a lot meeting the minimum square footage requirements of the applicable zoning district and shall maintain a minimum setback of 100 feet from every lot line.

(7) For reasons of aesthetics and public safety such facilities shall be effectively screened on each side which adjoins premises in any residence district. Screening shall consist of:

a.) A solid masonry wall or solid fence, not less than 4 nor more than 6 feet in height;

b.) A tight screen or hardy evergreen shrubbery; or

c.) Natural or existing screening not less than 4 feet in height.

(8) The use of razor or barbed wire shall be prohibited.

(9) Screening walls and fences shall be located not less than 30 feet from each lot line.

(10) Spaces between any screening device and adjacent lot lines shall be buffered by the use of landscape plant materials including grass, hardy shrubs, evergreen ground cover. All screening devices and landscape materials shall be maintained in good condition and in compliance with the maintenance standards of Article/Section 14.7: Landscaping and Buffering, Maintenance.

(11) The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give written notice of such ceasing of operation to the Zoning Commission. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a Zoning Certificate from the Zoning Commission.

(12) Any conditional use permit issued under this section shall be revocable and may be revoked after notice and hearing if any continuing condition of the certificate has been violated and is not remedied within 30 day of written notice from the Zoning Commission.

(E) Expert Review

If, in the opinion of the Board of Zoning Appeals and/or the Zoning Administrator, expert review of technical data submitted by an applicant for a telecommunications tower in an area zoned for residential use is needed for purposes of evaluation, the applicant shall reimburse Colerain Township for the actual cost of such review. One or more experts may be selected by the Zoning Administrator for such review. Such experts may include, but are not limited to, engineering services and legal services.

(F) Micro antennas are permitted in all Districts. A micro antenna may be located as a matter of right on existing buildings, poles, or other existing support structures or on newly erected structures provided that the new structure has a significant purpose other than support of the micro antenna. Supporting equipment for a micro antenna shall be (a) hidden inside the support structure to which the antenna is attached; (b) hidden underground; or (c) enclosed in a structure that is otherwise permitted in the zone where the micro antenna is erected and is designed to blend in with the neighborhood where the micro antenna is erected.

(Amended 2/22/11)

7.4.13 Group Homes for Children

(A) All buildings in which a Group Home for Children is established shall be residential in character.

(B) Each Dwelling Unit in which a Group Home for Children is established shall be deemed to be a separate Group Home for Children.

(C) A Dwelling Unit in which a Group Home for Children is established shall be not closer than 600 feet to the next closest Dwelling Unit used as a Group Home for Children.

(Amended 3/10/09)

8

Article 8: Business Zoning Districts

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ARTICLE 8: BUSINESS ZONING DISTRICTS

8.1 Districts and Purpose Statements

8.1.1 General Purpose and Intent

The districts contained in this section are created to:

(A) Provide appropriately located areas within Colerain Township for a full range and scale of business, office, and industrial uses in accordance with the Colerain Township Comprehensive Plan and Colerain Township Land Use Plan;

(B) Promote a safe and compatible environment for businesses;

(C) Strengthen the Township's economic base, and provide employment opportunities close to home for residents of the Township and surrounding communities;

(D) Encourage a business-friendly climate which will foster growth in the commercial sector, while protecting the character of the neighborhoods;

(E) Minimize to the maximum extent feasible the impact of business development on abutting residential districts; and

(F) Maintain and enhance the attractiveness and vitality of the Township's neighborhood business areas.

(Amended 12/11/07)

8.1.2 Business Districts and Specific Purpose Statements

(A) **B-1 Neighborhood Business District**

The B-1 Neighborhood Business District is intended primarily for professional office uses, personal service uses and retail service uses, which dispense convenience goods and services directly to consumers on the premises. This district is designed to serve local residential neighborhoods with a highly varied grouping of indoor business services.

(B) **B-2 General Business District**

The B-2 General Business District is intended to provide for a wide range of retail sales and services that would relate to the varied needs of the Township, the business community, and the visitor. The general uses in this district rely heavily on vehicular traffic and thus are located appropriately on arterial roadways and highways.

(C) **B-3 Commerce District**

The B-3 Commerce District is intended to provide for employment centers in the Township that could include a mixture of retail, office, and/or light industrial uses that are located within enclosed structures and with minimal exterior storage. The B-3 District is a mixed use district

with a focus on employment and commerce rather than the provision of goods and services in a retail setting.

(D) **O-1 Office District**

The O-1 Office District is intended to create an employment district for the Township where the focus is on office uses and retail commercial uses are permitted in a very restrictive manner as an accessory to a permitted use. This district is also intended to serve as a transitional district between primarily residential and primarily commercial uses.

(E) **I-1 Industrial District**

The I-1 Industrial District is intended to provide for areas of land where the principal uses are industrial uses that require special buffering and setback regulations to mitigate adverse im- pacts including noise, odors, and related impacts.

8.2 Permitted Uses

Table 8-1 below sets forth the uses permitted within the relevant zoning district. The abbreviation used in the table have the same meaning as the abbreviations in Section 7.2 (Permitted Uses) of this Resolution.

Table 8-1: Business Use Table

Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	Refer to Section:
Agricultural Uses						
Agricultural Uses	P*	P*	P*	P*	P*	Section 7.4.2
Residential Uses						
Institutional Housing		P	P	P		Section 7.4.6
Business Uses						
Alternative Financial Service	P*	P*				Section 8.4.14
Automotive Body Repair		P*	P		P	Section 8.4.1
Automotive Fuel Services	P*	P*			P*	Section 8.4.2
Automotive Sales or Rental		P			P	
Automotive Service		P			P	
Automotive Wrecking, Salvage, or Junk Facilities					C	Shall comply with ORC requirements
Banks or Financial Institutions	P	P	P	P		
Banquet Halls		P	P			
Bars and Taverns	P*	P				Section 8.4.3
Bed and Breakfast Establishments	P	P				Section 7.4.3

Table 8-1: Business Use Table						
Use	Zoning Districts					Additional
P=Permitted Use	B-1	B-2	B-3	O-1	I-1	Refer to
Brewery					P	
Broadcasting Studios			P	P		
Clubs	C	P	P	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
Contractor or Construction Sales		P*	P		P	Section 8.4.5
Day Care Centers	P	P	P	P		
Distillery					P	
Distribution Facilities					P	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					C	Section 8.4.8
Hotels and Motels		P	P	P		
Laboratories			P	P	P	
Light Industrial Uses			P		P	
Medical Marijuana						
Micro Brewery			P			
Micro Distillery			P			
Nurseries		P			P	
Personal Services	P	P				
Professional/Business Offices	P	P	P	P		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Small Cellular Tele. Facilities	P*	P*	P*	P*	P*	Section 12.13
Storage Facilities					P	
Telecommunications Towers	P	P	P	P	P	
Theaters		P				
Type A Family Day Care Home	P	P		P		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	P	Section 8.4.12
Warehouses			P		P	
Wholesale Commercial Uses			P		P	
Institutional/Public Uses						
Active Parks and Recreational Facilities	P*	P*	P*	P*	P*	Section 7.4.1
Cemeteries	P*	P*	P*	P*	P*	Section 7.4.4
Educational Facilities	C	P*	P*	P*		Section 7.4.5
Essential Services and Utilities	P	P	P	P	P	

Table 8-1: Business Use Table						
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	**Zoning Districts**					**Additional Regulations**
	B-1	**B-2**	**B-3**	**O-1**	**I-1**	**Refer to Section:**
Government and Public Uses	P	P	P	P	P	
Higher Education Facilities		P	P	P		
Hospitals		P	P	P		
Indoor Recreational Facilities	C	P	P	C	P	
Passive Parks, Recreational Facilities, and Conservation Areas	P	P	P	P	P	
Religious Places of Worship	C	P	P	P		Section 7.4.10
Miscellaneous Uses						
Accessory Uses	P*	P*	P*	P*	P*	Section 10.2
Signs	P*	P*	P*	P*	P*	Article 15
Temporary Uses	P*	P*	P*	P*	P*	Section 10.4

(Amended 12/11/07)

8.3 Site Development Standards

8.3.1 All buildings and lots shall meet the minimum site development standards set forth in Table 8-2 unless otherwise specified in use-specific regulations of Section 7.4 (Agricultural and Residential Use Specific Regulations) or Section 8.4 (Business Use-Specific Regulations) as referenced in Table 8-1 above.

Table 8-2: Business Site Development Standards					
Standards	**Zoning Districts**				
	B-1	**B-2**	**B-3**	**O-1**	**I-1**
Maximum Building Size (square feet)					
Maximum Building Size	5,000	None	None	None	None
Minimum Lot Area					
Minimum Lot Area	20,000 square feet	1 acre	1 acre	1 acre	2 acres
Lot Width (feet)					
Lot Width	60	75	100	75	150
Minimum Yard Setbacks (feet)					
Front Yard	30	50	50	30	100

Table 8-2: Business Site Development Standards					
Standards	**Zoning Districts**				
	B-1	**B-2**	**B-3**	**O-1**	**I-1**
Side Yard	No side or rear yard setbacks shall be required unless the use abuts a residential zoning district, in which case the minimum side and/or rear setback shall be equal to the setback of rear yard setback of the residential district.				
Rear Yard					
Maximum Building Height (feet)					
Maximum Building Height	35	45	45	60	60
Maximum Lot Coverage					
Maximum Lot Coverage by Structures	35%	25%	40%	40%	25%
Maximum Lot Coverage by all Impervious Surfaces	65%	75%	75%	70%	70%

One or more principal uses may be permitted on a single lot within any business zoning district.

8.3.2 Access to any lot in a business zoning district through a residential zoning district shall be prohibited unless authorized as a conditional use through the Board of Zoning Appeals.

8.3.3 All mechanical equipment for heating, cooling, air conditioning or similar purposes, which may create either noise or fumes, if not within the main building shall be located at least 100 feet from all property lines within or adjacent to a residential zoning district.

8.3.4 All structures on a lot within any business zoning district, excluding fences, shall be located outside of all setbacks and buffers. *(Amended 11/13/07)*

8.4 Business Use-Specific Regulations

8.4.1 Automotive Body Repair

An automotive body repair use may be permitted in the B-2 District when all activities related to the use are located within a completely enclosed structure.

8.4.2 Automotive Fuel Services

(A) All fuel pumps and service islands shall meet the site development standards of the applicable zoning district.

(B) Where a proposed fuel pump or service island abuts a residential use, the minimum setback shall be 50 feet from the lot line adjacent to the residential district.

(C) The outermost edges of all protective canopies shall comply with all yard requirements of the applicable zoning district.

8.4.3 Bars and Taverns

Bars and Taverns may be permitted in the B-1 District when there is a minimum setback of 50 feet from all lot lines that are adjacent to a residential zoning district. Such setback shall apply to all parking areas and structures, except fences.

8.4.4 Commercial Kennels

(A) Private kennels, as defined in Article 16 (Rules of Construction and Definitions) shall be subject to the accessory use regulations of Section 10.2 (Accessory Buildings and Uses) and shall not be required to comply with the provisions of this section. (See also 15.8.1(B))

(B) There shall be a minimum lot area of 5 acres.

(C) All structures except fences, exterior storage, refuse, or supplies shall be setback a minimum of 100 feet from all lot lines.

8.4.5 Contractor or Construction Sales

Contractor or construction sales yard may be permitted in the B-2 District when all activities related to the use are located within a completely enclosed structure.

8.4.6 Drive-Through Facilities

(A) Drive-through facilities may be allowed as an accessory use to restaurants, pharmacies, financial institutions, and other uses as authorized by the Zoning Commission.

(B) All drive-through facilities shall comply with the site development standards of the applicable zoning district.

(C) The outermost edges of all protective canopies shall comply with all yard requirements of the applicable zoning district.

(D) Drive-through facilities shall comply with all related standards as established in Article 13 (Off-Street Parking and Loading).

8.4.7 Funeral Services

(A) Funeral services shall be permitted in the B-2, B-3, and O-1 districts when the use does not include crematory services.

(B) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

8.4.8 Heavy Industrial Uses

The Board of Zoning Appeals may hear and conditionally permit heavy industrial uses in the I-1 District pursuant to Section 4.4(Appeals, Variances, and Conditional Uses). As part of the conditional use, the Board of Zoning Appeals may require the installation, operation and maintenance, in or in connection with the proposed use, of such devices and methods of operation as may, in the

opinion of the Board be reasonably required to prevent or reduce odor, dust, smoke, gas, noise or similar nuisances, and may impose such conditions regarding the extent of open space between it and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to surrounding properties and neighborhood.

8.4.9 Restaurants

Restaurants may be permitted in the O-1 District when they are associated with a hotel/motel or an office structure. The restaurant, and all related uses, shall not occupy more than 15 percent of the principal structure.

8.4.10 Retail Commercial Uses

(A) Retail commercial uses may be permitted within the B-3 and O-1 Districts when the use is related to another permitted use.

(B) Retail commercial uses within the B-3 and O-1 Districts shall not occupy more than 10 percent of a structure.

8.4.11 Service Commercial Uses

(A) Service commercial uses may be permitted within the B-3 and O-1 Districts when the use is related to another permitted use.

(B) Service commercial uses within the B-3 and O-1 Districts shall not occupy more than 10 percent of a structure.

8.4.12 Veterinary Facilities

All structures, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines.

8.4.13 Vendor Markets

Vendor Markets may be permitted in the B1 and B2 Districts provided the standards of this Section are met. A Vendor Market Zoning Certificate, issued to the property owner, is required wherever two or more Transient Vendors are to be located on one parcel or business site.

(A) Vendor Markets may be located indoors or outdoors, or a combination.

(B) All vendors must have a current Transient Vendor Permit from the Colerain Township Police Department. All vendors must also have any and all other licenses required to operate in the State of Ohio and Hamilton County for their specific product(s).

(C) The property owner desiring to host a Vendors Market shall file an application for a Zoning Certificate, to include a site plan and a parking and circulation plan. The plan and use of the site shall conform to the following:

(1) At no time shall any merchandise be displayed within 10 feet of the public right-of-way. The layout of the vendor booths shall be in accordance with Article 12.10.4(C) as regards pedestrian/shopper access and safety.

(2) Parking shall be provided at a rate of 4 spaces per 1,000 square feet of selling and display area, with a minimum of 2 spaces designated for the Market.

(3) All required parking shall be provided on site, or in accordance with 13.4.7(B) Shared Parking.

(4) The location of outdoor vendors shall not reduce the available parking for the principal business(es) on the site to a number below what is required in Table 13-1 except as modified by §13.3.4(B).

(5) All vendor vehicles and trailers shall be parked on the site during market hours. Vendors shall not park on the surrounding streets or in any way restrict access to neighboring properties. No vendor or shopper shall park on any grassy area.

(D) Vendors may sell or take orders for the following:

(1) Locally grown fresh farm produce, including fruits, vegetables, field crops, herbs, nuts, berries, sprouts, and grains;

(2) Honey, maple syrup;

(3) Live, cut, or dried flowers or garden plants;

(4) Food products, including baked and canned goods; egg and meat products, dairy products; prepared food or meals.

(5) Handcrafted items;

(6) Home repair or remodeling work or products. Vendors may take orders for future work or delivery of such products only. Small-scale sample products may be displayed.

(E) The following products shall not be offered for sale at a Vendor Market:

(1) Overripe, spoiled, or unusable products;

(2) Garage sale, rummage sale, antiques, or "flea market" items;

(3) Live animals;

(4) Motor vehicles;

(5) Construction equipment;

(6) Firearms;

(7) Fireworks;

(8) Any illegal product or merchandise.

(F) Vendors shall not bring pets to the market.

(G) All items for sale must be visibly labeled with prices.

(H) Soft drinks may be sold for consumption on site by shoppers and vendors. No alcoholic beverages shall be offered for consumption on site.

(I) Temporary sanitary facilities, if used, shall be located at the rear of the property and a minimum of 20 feet off of all property lines.

(J) The market area shall be kept clean of all litter, debris, and refuse. Receptacles shall be provided for shopper use during market hours and shall be removed from the market area and stored in accordance with Article 12.5. At no time, except for scheduled trash pickup, shall any waste receptacles be placed in the front set- backs.

(K) One main sign advertising the Market may be placed on each street frontage in accordance with the General Sign Standards in §15.5. The signs shall be limited to 6 feet in height and 50 square feet in sign face area. Such sign may be placed no more than 14 days prior to the Market opening day and

shall be removed within 7 days after the Market has closed for the season, if applicable.

(Amended 2/8/11)

8.4.14 Alternative Financial Service Providers may be permitted in the B-1: Neighborhood Business District or in the B-2: General Business District when the applicant can demonstrate compliance with the following conditions:

(A) Any applicant for a zoning certificate which would cause any structure, building, or land to be used as an Alternative Financial Services Provider use shall demonstrate that the issuance of the zoning certificate would not increase the number of such Alternative Financial Services Provider establishments operating within the township at that time to be more than one per each ten thousand (10,000) inhabitants residing in the Township according to the most recent decennial census.

(B) Any lot containing an Alternative Financial Services Provider shall be located at least 1,000 feet from any lot containing another Alternative Financial Services Provider.

(C) Any lot containing an Alternative Financial Services Provider shall be located at least 200 feet from any lot within a residential zoning district.

9

Article 9: Special Zoning Districts

9.1 "HDO" Hillside Development Overlay District 72
9.2 "RF" – Riverfront District 73
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ARTICLE 9: SPECIAL ZONING DISTRICTS

9.1 "HDO" Hillside Development Overlay District

9.1.1 Purpose

The purpose of the Hillside Development Overlay District (HDO) is to ensure that the development of land and construction of structures is compatible with the environment and complies with the recommendations of the Colerain Township Comprehensive Plan.

The HDO regulations are required to protect the infrastructure, general public, and property owners in and around the district:

(A) From blighting influences caused by the application of conventional land use regulations to environmentally sensitive areas of the Township;

(B) From unstable land and potential landslides caused by uncontrolled development;

(C) From significant damage or destruction of prominent hillsides and the Great Miami River valley Slopes caused by improper development thereof;

(D) From significant damage to the economic value of existing properties or new development due to The inter-dependence of their visual and functional relationship;

(E) From soil erosion and stream siltation;

(F) From destruction of natural and/or valuable trees and other vegetation;

(G) By preserving the existing hillsides; and

(H) By promoting innovative approaches to development in the HDO by encouraging open space residential developments and the use of the planned unit development district to the maximum extent feasible.

9.1.2 Scope, Applicability, and Designation

(A) The HDO district is herein defined as those lands that contain the following characteristics:

(1) A natural slope of 20 percent or greater; and/or

(2) The existence of Kope Formations.

This definition is based on the finding that steep slopes alone and in combination with Kope Formations create a susceptibility to landslides and development under conventional regulations may precipitate excessive soil erosion, unstable hillsides, and/or the destruction of natural vegetation and contours thereof.

(B) The location of the HDO shall be shown, to the fullest extent possible, on the Official Colerain Township Zoning Map. However, additional identification of land where the HDO is applicable may be derived from the latest edition of the "Cincinnati Hamilton County Ohio Metropolitan Area" topographic map series as furnished by the Office of the Hamilton County Engineer or other applicable mapping available through the Cincinnati Area Geographic Information System (CAGIS).

(C) Except as otherwise provided herein and in all other parts of this Resolution, all regulations of the underlying zoning districts shall apply to and control the use of property, buildings, and structures in the HDO District; provided, however, that in case of conflict between the provisions of the underlying zoning district and the HDO district, the provisions of the HDO district shall apply.

9.1.3 Density/Intensity Standards

(A) For the purposes of calculating the permitted density and intensity of development, the following density/ intensity standards shall apply to land with a natural slope of 30 percent or more or land within the Kope Formation. These density/intensity standards shall only apply to those areas within the HDO District boundaries and not to the remainder of the lot that lies outside of the HDO District boundary.

(1) Where sanitary sewer and centralized water service are not available for a development site, the maximum permitted density for land in a residential zoning district shall be one unit per 3 acres of total area of land with a slope of 30 percent or more or land within the Kope Formation.

(2) Where sanitary sewer and centralized water service are available for a development site, the maximum permitted density for land in a residential district shall be one unit per acre of total area of land with a slope of 30 percent or more or land within the Kope Formation.

(3) The maximum lot coverage of a development property in a nonresidential zoning district shall be 15 percent of the total area of land with a slope of 30 percent or more or land within the Kope Formation.

(B) If an applicant avoids development and disturbance of all land with a natural slope of 30 percent or more through the development of an open space residential development or planned development, the applicant may increase the number of dwelling units, or square footage, that would have been permitted in areas with the HDO District under paragraphs (1) to (3) above by 20 percent.

9.2 "RF" - Riverfront District

9.2.1 Purpose

The purpose of the RF Riverfront District is to identify special flood hazard areas and ground water resources and to provide for additional uses or special prohibitions based on the existence of these flood hazards and groundwater resources, including but not limited to the Great Miami Aquifer which is a sole source aquifer in Colerain Township.

9.2.2 Use Regulations

The following sections set forth the uses permitted within the RF District based on the location of the property in the special flood hazard areas as defined in the applicable 2004 Flood Insurance Rate Map (FIRM).

(A) **Uses Permitted in the Floodway Areas of Zone AE**

The following uses shall be permitted in Special Flood Hazard Areas designated as the floodway area of Zone AE on the applicable FIRM maps:

(1) Agricultural uses pursuant to Section 7.4.2;

(2) Canoe ramps;

(3) Off-street parking facilities related to the principal use of the subject property;

(4) Active park and recreational facilities shall be subject to conditional use review pursuant to Section 4.4 (Appeals, Variances, and Conditional Uses);

(5) Passive park and recreational facilities and conservation areas provided that no structures are constructed within the floodway;

(6) All uses permitted in the R-2 District may be permitted in the floodway provided the applicant submits a No Rise Form to the Hamilton County Department of Public Works for review, and receives certification that the proposed use will not result in an increase in base flood levels;

(B) **Uses Permitted in the Floodway Fringe**

All uses permitted in the R-2 District may be permitted in floodway fringe as designated on the applicable FIRM maps, provided the applicant submits an Elevation Certificate to the Hamilton County Department of Public Works for review, and receives certification that the proposed use is located above the base flood elevation;

9.2.3 Zone Change Request

(A) If a property owner wants to develop a use not permitted in the RF District, the property owner shall be required to apply for a zoning map amendment pursuant to Section 4.3 (Text and Map Amendments).

(B) As part of the submittal requirements for a zoning map amendment, the applicant shall be required to submit an Elevation Certificate and/or No Rise Form to the Township to certify that the property, or portion of the property, to be rezoned is above the base flood elevation.

9.2.4 Site Development Standards

(A) All uses shall comply with the site development standards of the R-2 District.

(B) All uses subject to use-specific regulations as identified in Table 7-1 shall be subject to the same use-specific regulations in the RF District.

9.2.5 Effect of Zoning Certificate Approval or Zoning Map Amendment

(A) The approval of a Zoning Certificate or a zoning map amendment for areas that are in a special flood hazard area does not exempt the applicant from complying with all of the applicable Flood Damage Protection Regulations enforced by the Hamilton County Department of Public Works and any other authority having jurisdiction.

(B) The approval of a Zoning Certificate or a zoning map amendment for areas that are in a special flood hazard area shall in no way guarantee the approval of a building certificate or approval from the Hamilton County Department of Public Works and any other authority having jurisdiction.

9.3 "PD" - Planned Development District

9.3.1 Purpose

The purpose of the PD Planned Development District is to:

(A) Allow for flexibility in the zoning requirements where the result will be a higher quality development;

(B) Provide for and locate suitable recreational facilities, open space, and other common facilities, while preserving the existing landscape to the greatest extent possible;

(C) Encourage sound planning principles in the arrangement of buildings, the preservation of open space, the utilization of topography and other site features;

(D) Obtain creative and coordinated designs in harmony with surrounding uses and allow procedures supplemental to those applicable in other use districts to establish under which development plans particularly designed to meet the objectives of this section; and

(E) Allow for creative development that conforms to the goals and objectives set forth in the Colerain Township Comprehensive Plan.

9.3.2 CUPs and Planned Districts Approved Prior to the Effective Date of this Resolution

Any community unit plans (CUPs) or double letter districts (D-D, E-E, O-O, or F-F) approved prior to the effective date of this Resolution shall continue in accordance with the approved preliminary development plan and final development plans. Modifications, amendments, and expansion of existing planned developments shall be in accordance with Section 4.5 (Planned Development District Review).

9.3.3 Types of Planned Developments

The following are the 4 types of planned developments permitted within Colerain Township, pending approval by the Zoning Commission and the Board of Township Trustees:

(A) "PD-R" – Residential Planned Development

(B) "PD-B" – Business Planned Development

(C) "PD-I" – Industrial Planned Development

(D) "PD-M" – Mixed Use Planned Development

9.3.4 Compliance with Plans

(A) All planned developments approved after the effective date of this Resolution shall comply with the Colerain Township Comprehensive Plan and Colerain Township Land Use Plan including compliance with the permitted uses, densities, intensities, and other recommendations of the plans.

(B) Any variation from the Comprehensive Plan and Land Use Plan shall require an amendment to the applicable plans through review and approval by the Zoning Commission and Trustees.

9.3.5 Permitted Uses

(A) All uses in a PD District must be approved during the review of the preliminary development plan by the Zoning Commission and the Board of Township Trustees pursuant to Section 4.5 (Planned Development District Review).

(B) Table 9-1 illustrates the permitted uses within each PD District.

Table 9-1 Planned Development Use Table

Use	Planned Development Districts			
	PD-R	PD-B	PD-I	PD-M
Uses Permitted in the R-1, R-2, R-3, R-4, R-5, R-6 or R-7 Districts	P			P
Uses Permitted in the B-1, B-2, B-3, or O-1 Districts		P		P
Uses Permitted in the I-1 District			P	

(C) Uses not specifically listed as permitted by these districts may be permitted approved in the preliminary development plan and if it is determined that the uses to be of the same general character as the above permitted uses.

9.3.6 Design Standards

(A) Design standards for area, lot coverage, density, yard requirements, parking, landscaping, and screening for a proposed PD District shall be established in the PD Preliminary development plan by the Zoning Commission and Board of Township Trustees.

(B) Exceptions and variations from the design standards provided by the base zoning districts of this Resolution (e.g., R-1, R-2, B-1, etc.) may, and should be granted by the Zoning Commission and Board of Township Trustees when it is determined that due to certain design elements, natural features, and public amenities, the exceptions are warranted.

(C) Standards for public infrastructure improvements shall be governed by the applicable regulations of the agency with jurisdiction that is charged with the responsibility for review and approval.

9.3.7 Common Open Space

There shall be reserved, within the tract to be developed as a PD, a minimum percentage of land area of the entire tract for use as common open space. The Zoning Commission and Board of Trustees may require additional common open space as warranted by the individual development plan to meet the objectives of this Section. This minimum percentage of land shall be as illustrated in Table 9-2.

Table 9-2 Planned Development Common Open Space Requirements	
PD District	**Common Open Space Requirement**
PD-R	20% common open space for planned developments with all single-family detached dwelling units. 25% common open space for developments that include other residential uses.
PD-B	15% common open space for all planned developments
PD-I	15% common open space for all planned developments
PD-M	20% common open space for all planned developments

(A) Required common open space shall not consist of isolated or fragmented pieces of land that will serve no useful purpose or which will present maintenance difficulties if maintenance is required.

(B) Required common open space may include pedestrian walkways, parkland, open areas, bridle paths, drainage ways and detention basins, swimming pools, clubhouses, tennis courts, golf courses, parking areas for any of the above, and other lands of essentially open or undisturbed or improved character, but shall not include off-street parking areas and street right-of-ways.

(C) **Ownership of Common Open Space**

(1) Ownership of common open space in a PD-R shall be transferred by the developer to a legally established homeowners association, or if accepted, to the Board of Township Trustees, or other public or quasi-public agency.

(2) Common open space that includes a clubhouse, golf course or other recreational facilities may remain in private ownership if approved by the Zoning Commission and Board of Township Trustees.

(3) Common open space in a PD-B, PD-I, or PD-M may also be dedicated to the Township or other public or quasi-public agency, if accepted, pursuant to the above requirements or remain in private ownership, provided that a public easement, as determined necessary by the Zoning Commission and Board of Trustees, is granted and officially recorded on the plat.

9.3.8 Planned Developments Require a District Change

(A) Section 4.5 (Planned Development District Review) establishes the development review procedure for a planned development district which, if approved, will result in a zoning map amendment. Therefore, in addition to all of the specific review procedures and provisions of Section 4.5 (Planned Development District Review), all proposed PD Districts are also subject to the approval criteria set forth in Section 4.3 (Text and Map Amendments).

(B) The preliminary development plan shall be submitted at the time a zoning map amendment is requested from the original zoning district to the new planned development district.

9.4 "SWD" Solid Waste Disposal District

9.4.1 Purpose

The purpose of the SWD Solid Waste Disposal District is:

(A) To define the full limits of landfill and other solid waste disposal activity to avoid continued expansion of such uses without planning for and the mitigation of any adverse impacts on surrounding properties and neighborhoods;

(B) To define other uses that are compatible with solid waste disposal facilities;

(C) To insure that the location and design of solid waste disposal facilities and landfill uses are compatible with and do not adversely affect other uses in the surrounding neighborhoods;

(D) To protect and preserve the quality of the environment, including ground water, surface water, and air, and to protect and preserve the quality of the neighborhoods surrounding any existing and proposed solid waste disposal uses, to the maximum extent feasible; and

(E) To protect the overall interest of the public for the purposes established in Article 1.

9.4.2 Applicability

Except for certain definitions otherwise defined specific for use in this Resolution, all present and future statutes contained in Ohio Revised Code Chapter 3714 and 3734 and other rules promulgated thereunder and as may be amended are hereby incorporated into and made part of this Resolution and as applicable shall be complied with before a permitted use regulated by this chapter shall be permitted to commence or be allowed to continue thereafter.

9.4.3 Permitted Uses

(A) Sanitary landfill facility as defined in ORC Section 3734;

(B) Construction/demolition debris disposal facility;

(C) Central processing facility for solid waste transfer and/or for materials/resource recovery/recycling;

(D) Agricultural uses;

(E) Wildlife area;

(F) Veterinary facilities;

(G) Riding stables;

(H) Active parks and recreational facilities;

(I) Passive park and recreational facilities and conservation areas;

(J) Warehouses;

(K) Storage facilities;

(L) Methane recovery facility;

(M) Soil removal for capping of a sanitary landfill facility; or

(N) Any other solid waste disposal facility defined in ORC Section 3734.01.

(O) Mining and excavation may be permitted as an accessory use to a sanitary landfill facility or to a construction/demolition debris facility as permitted, and regulated, by federal and state law.

9.4.4 Use Specific Requirements

It is the intent of these regulations to control, to the maximum extent feasible, and as allowed by law, the siting of uses permitted by this district in a manner more restrictive than state and/or federal law unless regulation of such uses has been preempted by state or federal law or regulations, in which case the state or federal law or regulations shall control the siting of such use.

(A) **Sanitary Landfill Facilities and Construction/Demolition Debris Facilities**

All structures and activities related to sanitary landfill facilities and construction/demolition debris facilities shall maintain the minimum setbacks as established in the state statues or the following local requirements, whichever is greater:

(1) All structures and activities, except access drives and fencing shall be set back at least 500 feet from the boundary of the SWD District where such district is adjacent to residential zoning districts and/or a PD-R District. Such setback shall be maintained with grass or other landscaping to buffer the facility;

(2) All structures and activities, except access drives and fencing shall be set back at least 300 feet from the boundary of the SWD District where such district is adjacent to business or nonresidential zoning districts. Such setback shall be maintained with grass or other landscaping to buffer the facility;

(3) All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property lines in existence, outside of the SWD District, on the date the rezoning application was received by the Colerain Township Zoning Department. Residential property lines shall be defined as the lot lines of a lot that is zoned as R-1, R-2, R-3, R-4, R-5, R-6, R-7, RF, or PD-R.

(B) **Solid Waste Transfer Stations and Other Central Processing Facilities**

Solid waste transfer stations, materials resource recovery facilities, and legitimate recycling facilities are all considered types of central processing facilities for the purposes of handling and processing solid wastes that are permitted in the SWD District. All structures and activities related to such uses shall maintain the minimum setbacks as established in the Ohio Administrative Code or the following local requirements, whichever are greater:

(1) All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property line in existence, outside of SWD District, on the date the rezoning application was received by the Colerain Township Zoning Department.

(2) The maximum height for buildings shall be 60 feet.

(C) **Other Permitted Uses**

All other uses permitted within the SWD District not specifically identified in Paragraphs (A) or (B) above shall comply with the following regulations, and other requirements elsewhere in this Resolution, as applicable:

(1) The maximum height for buildings shall be 60 feet. For each foot beyond 45 feet in building height, there shall be an additional one-foot setback for the front, side, and rear yard setbacks.

(2) There shall be a minimum front and rear yard setback of 35 feet.

(3) There shall be a minimum side yard setback of 20 feet on each side.

(4) There shall be a minimum lot area of one acre.

9.4.5 Use Operating Requirements

All permitted uses of the SWD District must also comply with the following requirements pertinent to use operation.

(A) **Noise and Light Control**

(1) All motorized equipment utilized for a permitted sanitary landfill facility, central processing facility, or construction/demolition debris disposal facility use or operation shall be subject to the Colerain Township Resolution for Control of Noise.

(2) On-site lighting shall be located, directed, or designed in such a manner as to contain and direct glare only to the property on which the permitted SWD District use is located. Lighting shall comply with the regulations of Article 12.9 (Outdoor Lighting).

(B) **Vibration and Blasting**

(1) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.

(2) All blasting activities shall be prohibited.

(C) **Litter Control**

Fence screening and/or landscaped mounding of suitable design and installation shall be utilized where required necessary to control against fugitive waste being transported off the site of a permitted use facility by wind or water forces. Any and all wastes that escape the use

facility site by such means shall be recollected and contained by the owner/operator of the facility for proper required disposal and the use site facility shall be kept in a neat and well-kept condition at all times.

(D) **Odor Control**

All uses shall require misting systems, backup systems, or alternative odor control programs to assure there is sufficient control of offensive odors. This requirement may be waived by the Board of Zoning Appeals for uses other than sanitary landfill facilities if the applicant can demonstrate that the proposed use will not require odor control systems.

(E) **Transportation Safety and Sufficiency**

Ingress and egress intersections of use facility roads and driveways at public roads shall be designed and located as approved by the Hamilton County Engineer and/or the Ohio Department of Transportation as appropriate. Approval is contingent on design safety regarding intersection sight-distance and sufficiency of lane provisions and traffic control signals and signage in the effected vicinity of such intersections.

(F) **Landscaping**

All development shall meet the minimum landscaping and buffering requirements established in Article 14 (Landscaping and Buffering).

9.4.6 Zoning Amendment Requirements

The following shall be required during the zoning amendment procedure.

(A) The appropriate application and fee is submitted to the Colerain Township Zoning Department as required according to Article 2.11 (Fees).

(B) A traffic impact study identifying the proposed impact of the permitted SWD District use on the surrounding roadway network shall be prepared by the applicant, prior to the application for a zoning map amendment, or facility operator demonstrating proposed mitigation techniques to mitigate anticipated traffic impacts. Such study and proposed improvements shall be approved by the Hamilton County Engineer or Ohio Department of Transportation.

9.4.7 Zoning Certificate Requirements

(A) The appropriate application and fee is submitted to the Colerain Township Zoning Department as required according to Article 2.11 (Fees).

(B) A site plan shall be prepared in order to demonstrate compliance with the provisions of this section and shall be submitted with any application. The plan shall illustrate compliance with the provisions of this Resolution.

(C) Applications respectively necessary for a permit-to-install from the Ohio Environmental Protection Agency and/or from the Hamilton County Combined Health District required by and in conformance with the Ohio Administrative Code and the Ohio Revised Code or by the Hamilton County Combined Health District, as applicable, for a certain permitted use of or regulated by this section shall be submitted to the Colerain Township Zoning Department and certified approved respectively by those agencies, as applicable, before the pertinent requested use will be permitted to commence operation.

9.4.8 Approved Development Plans, Site Plans, or Court Orders

Any development plan, site plan or use of property that includes uses or activities permitted within this district or otherwise permitted under any valid court order or prior zoning classification, including the prior "EF" zoning classification that was legally permitted or approved prior to the effective date of this Resolution, shall continue to be valid, shall not be deemed a nonconforming use, and shall be subject to the zoning regulations or valid court order in place at the time the development plan, site plan, or the use of property was approved. Any development or activities that occur in compliance with those approved plans or valid court order shall be deemed to be in compliance with this Resolution. If any conflict arises between any existing approved use under any development plan, site plan, or valid court order that conflicts with the requirements of this district and the requirements that were previously in effect, the least restrictive of the requirements shall apply.

9.5 "ME" Mineral Extraction District

9.5.1 Purpose

The purpose of the ME Mineral Extraction District is:

(A) To provide for the extraction of sand and gravel that may exist within the Township while minimizing the impact on surrounding properties and neighborhoods to the maximum extent feasible; and

(B) To protect the overall interest of the public for the purposes established in Article 1.

9.5.2 Permitted Uses

A tract of land shall be used only for the following mineral extraction and processing activities:

(A) Sand extraction and gravel extraction as defined by Section 1514.01 (B) of the ORC.

(B) These regulations apply to any mineral extraction operations for commercial purposes as such, but may not apply to mineral extraction activities incidental to routine site development activity associated with other land use activities which have been subject to prior review and approval.

9.5.3 Zoning Certificate Requirements

(A) The appropriate application and fee is submitted to the Colerain Township Zoning Department as required according to Article 48 (Fees).

(B) A site plan shall be prepared in order to demonstrate compliance with the provisions of this section and shall be submitted with any application. The plan shall illustrate compliance with the provisions of this Resolution.

(C) A copy of the surface mining permit application required by Section 1514.02 (A) of the ORC and any amendments thereto proposed by the State of Ohio or applicant shall be provided as part of a site plan for the surface mining operation.

9.5.4 Use Operating Requirements

In addition to the requirements stipulated in Ohio Revised Code, Sec. 1514.02, the following regulations shall apply to all operations covered under this Section.

(A) **Noise**

(1) All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property line in existence, outside of the ME District, on the date the rezoning application was received by the Colerain Township Zoning Department.

(2) All motorized equipment utilized for a permitted mineral extraction use or operation shall be subject to the Colerain Township Resolution for Control of Noise.

(B) **Water Pollution**

(1) Mining shall be prohibited in the floodway.

(2) All excavations shall be graded or backfilled to assure that the excavated area will not collect and retain stagnant water.

(3) Where floodwater or flooding potential exists, soil banks shall be graded and bermed high enough to prevent the overflow of floodwater into the gravel pits. Such berms shall be sloped, graded, and seeded as prescribed in this Article.

(4) The Great Miami Sole Source Aquifer shall be protected to the maximum extent feasible.

(C) **Air Pollution**

Best management practices shall be implemented on a continuing basis, during times of operation, to control dust on entrance roadways, in equipment operation, and throughout the mining site. The Zoning Commission may require the paving of travel surfaces, the upgrading of dust control devices for processing and on-site manufacturing equipment, and other treatments to control dust as may be needed.

(Amended 12/11/07)

(D) **Transportation**

(1) Points of ingress and egress associated with extraction and/or processing sites shall be located as approved by the Hamilton County Engineer or the Ohio Department of Transportation as appropriate.

(2) The applicant shall include information on the site plan describing the proposed major access roads to be utilized for ingress and egress for the extraction operation.

(E) **Vibration and Blasting**

(1) The operation of stationary and mobile equipment shall not cause vibrations in excess of that permitted by applicable federal and state law.

(2) All blasting activities shall be prohibited.

(F) **Slope Stability**

(1) The sides of excavation sites shall be set back a minimum of 50 feet from the property line with a sufficient slope of excavation to insure the lateral support of surrounding property with the following provisions:

a.) The reclaimed sides of excavation sites shall be set back a minimum of 150 feet from the right-of- way of all public streets or roads.

b.) If the adjoining property is zoned Mineral Extraction "ME", no setback from the common property line is required if both property owners, by signed agreement, are mining their properties as if one operation with an approved site plan, as required by this section, which takes into account the joint operation.

(2) Final slopes shall be graded, contoured or terraced, wherever needed, sufficient to achieve soil stability and control landslides, erosion and sedimentation. High walls will be permitted if they are compatible with the future uses specified in the site plan and measures are taken to insure public safety. Where ponds, impoundments, or other resulting bodies of water are intended for recreational use, banks and slopes shall be established that will assure safe access to such bodies of water. Where such bodies of water are not intended for recreation, measures to insure public safety shall be included, but access need not to be provided.

(G) **Soil Erosion Sedimentation Control**

(1) The area of land affected shall be resoiled, wherever needed, with topsoil or suitable subsoil, fertilizer, lime or soil amendments, as appropriate, in sufficient quantity and depth to raise and maintain a diverse growth of vegetation adequate to bind the soil and control soil erosion and sedimentation.

(2) A diverse vegetative cover of grass and legumes or trees, grasses, and legumes capable of self-regeneration and plant succession wherever required by the site plan shall be established.

(H) **Other Requirements**

(1) All structures and activities, except parking, fencing, and offices, shall be set back 1,000 feet from a residential property lines in existence, outside of the ME District, on the date the rezoning application was received by the Colerain Township Zoning Department. Residential property lines shall be defined as the lot lines of a lot that is zone as R-1, R-2, R-3, R-4, R-5, R-6, R-7, RF, or PD-R.

(2) Government boundary, section corner, monuments that were removed by the operator as a result of the mining shall be replaced where practical.

(3) Mining and reclamation shall be carried out in the sequence and manner set forth in the site plan and reclamation measures shall be performed in a timely manner. All reclamation of an area of land affected shall be completed no later than 3 years following the active mining of such area, unless the applicant can demonstrate to the Zoning Commission that the future use of such area requires a longer period for completing reclamation.

(4) During mining, store topsoil or fill in quantities sufficient to complete the backfilling, grading, contouring, terracing, and resoiling that is specified in the plan. Stabilize the slopes of and plant each spoil bank to control soil erosion and sedimentation wherever damage to adjoining property might occur.

(5) On sites located along the Great Miami River, the excavation area shall be set back a minimum of 150 feet from the ordinary high water mark of the river.

(6) The following reports and permits shall be required:

a.) A copy of the reports required by the Section 1514.03 of the ORC shall be provided on an annual basis, within 30 days of its filing with the Chief of the Ohio Division of Reclamation to the Colerain Township Zoning Department.

b.) A copy of the bond or other acceptable financial guarantee as required by the Section 1514.04 of the ORC shall be provided, within 30 days of its filing with the Chief of the Ohio Division of Reclamation to the Colerain Township Zoning Department.

c.) No surface mining shall be permitted without a surface mining permit covering the area to be mined issued by the Chief of the Ohio Division of Reclamation pursuant to the Section1514.02 of the ORC and a copy of said permit shall be provided to the Colerain Township Zoning Department.

9.5.5 Reclamation Plan

An area which has been surface mined shall be completely reclaimed in accordance with a reclamation plan which shall be a part of the site plan required by this section.

9.6 "SOB" Sexually-Oriented Business Overlay District

9.6.1 Purpose

The purpose of the Sexually-Oriented Business Overlay District (SOB) is to allow for the location of licensed sexually-oriented businesses, as defined in Ohio Revised Code 2907.39. in designated areas and in accordance with the promotion of the health, safety, morals, and general welfare of the citizens of Colerain Township and to regulate such businesses in order to prevent the deleterious secondary effects of adult entertainment establishments within Colerain Township as described in *Resolution #83-08 Regulations Governing Sexually Oriented Businesses and Employees*.

9.6.2 Scope, Applicability, and Designation

(A) The SOB overlay district is designated on the current Official Colerain Township Zoning Map.

(B) Except as otherwise provided herein and in all other parts of this Resolution, all regulations of the underlying zoning districts shall apply to and control the use of property, buildings, and structures in the SOB District; provided, however, that in case of conflict between the provisions of the underlying zoning district and the SOB district, the provisions of the SOB district shall apply.

9.6.3 Density/Intensity Standards

(A) Any use, including buildings and related parking areas, access ways, and gathering areas, regulated under this Section shall be located a minimum of 1300 feet from any residential district, residentially-used property, retirement home, nursing home, hospital, religious place of worship, educational facilities, parks, day care facilities, or public libraries. Such distance shall be measured as a straight line, without regard to intervening structures or objects, from the nearest portion of the building or related area used as part of the premises where a sexually-oriented business is conducted to the nearest property line of the premises of another use listed herein.

(B) Any use, including buildings and related parking areas, access ways, and gathering areas, regulated under this Section shall be located a minimum of 1000 feet from any other business regulated under this section. Such distance shall be measured as a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.

(C) Front setbacks, building height limits, lot size, and lot coverage standards for uses regulated under this Section shall be the same as those for the B-2 District. Rear yard setbacks shall be 40 feet or as necessary to meet the requirements of subsections (A) and (B) above, whichever is greater. Side setbacks shall be 25 feet or as necessary to meet the requirements of subsections (A) and (B) above, whichever is greater.

(D) Only one business regulated under this Section shall be permitted on an individual lot or parcel.

9.6.4 Interior Lighting

(A) The interior portion of the premises of any business regulated under this Section, except adult motion picture theaters as addressed below, to which patrons are permitted access shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place, including viewing rooms, at an illumination of not less than five foot-candles, as measured at the floor level.

(B) Adult motion picture theaters shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access to provide an illumination of not less than one foot-candle, as measured at the floor level.

(C) It shall be the duty of the licensee, manager, and employees present on the premises to ensure that the illumination is maintained at all times that any patron is present on the premises.

9.6.5 Interior Layout

(A) Any business regulated under this Section shall have one or more manager's stations designated on the plans.

(B) A manager's station shall not exceed 32 square feet.

(C) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Such view shall be by direct line of sight from the manager's station. The view area shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times.

(D) Any revision or alteration to the configuration of the manager's station(s) shall require a new Zoning Certificate.

(E) Restrooms may not contain video display equipment.

9.6.6 Exterior Lighting

Exterior Lighting shall be provided in accordance with the requirements for the B-2 District as shown in Table 12-11.

9.6.7 Exterior Display and Storage

(A) Exterior Display of adult-oriented product for sale or adult-oriented promotional displays are prohibited. Holiday or seasonal displays may be permitted provided that they do not include prohibited items nor signage in excess of that defined in §9.6.8 below.

(B) Exterior Storage may be permitted in accordance with §12.10.6 except that no product for sale may be stored outside.

9.6.8 Signage

One sign shall be permitted per business regulated under this Section. The sign may be a wall sign or freestanding sign (pole or monument). The sign face area shall be limited to 32 square feet, measured in accordance with §15.4.1. Temporary signage may be permitted in accordance with §15.10.

9.6.9 Public Restrooms and Employee Dressing Rooms

Public restrooms shall be provided separately from employee dressing or preparation areas, with no doorways, transoms, or other access connecting the two. Such areas shall be located on separate hallways wherever possible.

9.6.10 Parking

Parking shall be provided as for "Bars and taverns" in Table 13-1. No off-site parking shall be used to meet this requirement.

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Article 10: Use Regulations

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ARTICLE 10: USE REGULATIONS

10.1 Similar Use Provision

10.1.1 Where there is a proposed use that is not currently listed in the use tables of this Resolution, the Zoning Commission may review the use to determine the appropriate zoning districts, if any, where the use may be permitted.

10.1.2 The Zoning Commission should consider the nature, operation, and function of the use in its determination of an appropriate district.

10.1.3 The Zoning Commission may find that the use is not compatible with any existing zoning district and not permit the use under the current Resolution or, as an alternative, the Zoning Commission may request that a new district or new provisions be adopted, through the zoning text and map amendment procedure, pursuant to Section 4.3 (Text and Map Amendments).

10.2 Accessory Buildings and Uses

10.2.1 General Provisions

(A) **General Development Standards**

Accessory uses or structures shall be permitted provided:

(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 is located;

(2) It is subordinate to and serves the principal building or use;

(3) It is subordinate in size, area, extent, and purpose to the principal building or use;

(4) It is located on the same lot as the principal use which it serves;

(5) An owner applies for and receives a Zoning Certificate unless exempted by this Section;

(6) Accessory uses shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned development or open space residential development; (see exemptions in §12.2.2)

(7) Accessory uses and buildings established prior to the effective date of this Resolution which do not comply with the setback or coverage requirements of this section shall still be considered in compliance with this Resolution. Any further structure modification of pre-existing accessory uses and buildings shall be in compliance with this Resolution;

(8) No accessory buildings may occupy more of the lot than the footprint of the principal building;

(9) The total of all accessory buildings shall not occupy more than 30 percent of the rear yard; and

(10) Accessory buildings and uses shall also meet any district- and use- specific standards in this and other articles of this Resolution.

(B) **Accessory Buildings and Uses Not Requiring a Zoning Certificate**

(1) Any accessory building or use that is ancillary or incidental to an agricultural use that is exempt from zoning requirements pursuant to Subsection 4.2.2 (Exemptions from Zoning Certificates). Owners intending to build a structure that is accessory to an agricultural use shall apply to the Colerain Township Zoning Department for a zoning waiver.

(2) The following uses are exempt from the Zoning Certificate requirement and may be located in any yard:

a.) Basketball hoops provided they are set back 10 feet from any street right-of-way;

b.) Bird baths;

c.) Flag poles;

d.) Fountains;

e.) Statues; and

f.) Other structures or uses as permitted by the Zoning Commission.

(C) **Location of Accessory Buildings and Uses**

Unless otherwise stated in this Section or exempted below, detached accessory buildings and uses shall be located in the rear yard.

(1) Exemptions

a.) On a corner lot, accessory buildings and uses may be located in the side yard as illustrated in Subsection 12.1.5 (Corner Lots).

b.) On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the house as illustrated in Subsection 12.1.6 (Double Frontage Lots).

c.) Detached garages may be located in the side yard provided they are set back from the front building line of the principal structure.

d.) An accessory building or use may be located in any yard where such building or use is set back 200 feet or more from a street right-of-way exclusive of panhandles.

(Amended 12/11/07)

(D) **Attached Versus Detached Accessory Buildings**

Accessory buildings shall be considered attached and subject to the site development standards of the applicable zoning district rather than the provisions of this section when they meet any of the following:

(1) The structure is an integral part of a principal building and not separated by an open porch, walkway, breezeway, or other similar open structure;

(2) The structure is connected by a permanently enclosed porch, walkway, breezeway, or other similar enclosed structure.

(Amended 12/11/07)

10.2.2 Permitted Accessory Uses in Residential Districts

The following are permitted accessory uses or structures that shall not count toward the maximum 30 percent coverage established in Subparagraph 10.2.1 (A)(9) and shall not require a Zoning Certificate unless otherwise noted.

(A) Gardens;

(B) Woodpiles, provided the wood is neatly stacked and does not exceed 6 feet in height;

(C) Patios that are not enclosed;

(D) Fences, which require a Zoning Certificate;

(E) Swing sets and gym sets;

(F) Wood or solid surface decks, which require a Zoning Certificate;

(G) Compost piles or bins provided they meet the following provisions:

(1) The compost pile or bin is located in the rear yard and setback a minimum of 5 feet from every lot line;

(2) The maximum area of a compost pile shall be 24 square feet;

(3) The compost pile or bin is setback a minimum of 20 feet from a dwelling; and

(4) The compost pile or bin does not exceed 6 feet in height.

(H) Exterior enclosures or private kennels for household pets provided that the enclosure is located in the rear yard and is set back a minimum of 20 feet from every lot line.

(I) A satellite dish antenna, as defined in Article 16, restricted to the sole purpose of receiving and amplifying microwave signals, for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

(1) Applicability

The following Categories of satellite dish antennas shall be exempt from all zoning requirements and shall not require a zoning certificate:

a.) A satellite dish antenna that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.

b.) b. A satellite dish antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.

(2) Site Plan

A plan for a wall or roof mounted satellite dish or a ground mounted satellite dish antenna that is not exempted under 10.2.2 (I) (1) shall be submitted to the Zoning Administrator indicating the proposed height, diameter, location, setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.

(3) Standards

a.) Approval of a wall or roof mounted satellite antenna, larger than one meter in diameter and attached to the main building shall be subject to the following standards.

1.) Location. In all zone districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.

2.) Setbacks. In all zone Districts wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.

b.) Approval of a ground mounted satellite dish antenna shall be subject to the following standards:

1.) Location

- In the R-1, R-2, R-3, R-4, R-5, R-6, and RF Districts satellite dish antennas shall be located in the rear yard of the property.
- In all other zone Districts, ground mounted satellite dish antennas shall also be permitted in the side yard.

2.) Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:

- Rear Yard . In all zone Districts, fifteen feet (15').
- Side Yard . In all zone Districts, fifteen feet (15').

3.) Landscaping. Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Zoning Administrator. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.

4.) Diameter The diameter of such antenna shall not exceed the following:

- In the R-1, R-2, R-3, R-4, R-5, R-6, and RF Districts, two meters (78.74 inches).
- In all other Districts, three meters (118.11 inches).

5.) Height. Ground-mounted antennas shall be limited to a maximum height of twelve feet (12') above grade in the R-1, R-2, R-3, R-4, R-5, R-6, and RF Districts, and a maximum height of fifteen feet (15') above grade in all other Districts.

6.) Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.

7.) Number Permitted Only one satellite dish antenna shall be allowed for each principal building.

8.) Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Building Code.

(Amended 12/11/07)

(J) Noncommercial amateur radio antenna structures for use by a licensed amateur radio operator in all residential districts, provided that:

(1) A Zoning Certificate shall be required prior to construction of the antenna;

(2) The height of the structure shall not exceed the lesser of the width or depth of the property as determined by a line bisecting such antenna and measured from one side of the lot line to the opposite lot line, or from the front lot line to the rear lot line. A property owner shall be permitted to establish an antenna with a maximum height of 60 feet regardless of the established lot width or depth;

(3) Antennas shall not exceed 100 feet in height; and

(4) The setback for the antenna shall be a minimum of 10 feet from all lot lines for antennas up to 45 feet in height and shall increase by one foot for every 3 feet of increased antenna height.

All other radio or other antenna structures, not classified as a noncommercial amateur radio or a telecommunication tower (Subsection 7.4.12) shall be considered a conditional use in all districts subject to review pursuant to Section 4.4 (Appeals, Variances, and Conditional Uses).

(K) Solar panels, which require a Zoning Certificate, are permitted in accordance with the following:

(1) Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional. Solar roof panels which simulate typical roofing materials such as asphalt shingles or clay tiles and are compatible with the design of the structure are preferred.

(2) Rooftop solar panels shall be installed on the plane of the roof material (flush mounted) or made a part of the roof design (e.g., utilizing capping or framing compatible with the color of the roof or structure), but shall not extend above the ridgeline of the roof.

(3) A ground mounted solar panel shall be subordinate in size to the principal structure it serves, shall not exceed fifteen feet in height, and is subject to lot coverage limitations and accessory structure location requirements.

(4) For rooftop or wall mounted solar panels, all exterior electrical lines shall be in conduit and painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the conduit (i.e. conduit on walls should be painted the color of the structure of the walls while conduit on roof should be the color of the roof.)

(5) For rooftop or wall mounted solar panels, all exterior plumbing lines must be painted in a color scheme that matches as closely as reasonably possible the color of the structure and materials adjacent to the plumbing lines.

(6) For ground mounted solar panels, all exterior electrical lines must be in conduit and conduit and plumbing lines must be buried.

(7) Solar energy equipment shall meet setback and height requirements for the zone.

(8) Solar energy equipment shall not block required parking.

(9) Repair and replacement of existing solar energy equipment is exempt from this chapter provided that there is not expansion in the rooftop or ground area covered by solar panels.

(10) Nonfunctioning solar energy equipment shall be removed within three months of becoming nonfunctional.

(L) Small wind energy conversion systems (SWECS) less than 5 megawatts in capacity shall be permitted, with an approved Zoning Certificate, subject to all requirements as provided herein. Wind power systems 5 megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO).

Permissible SWECS shall include both Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs) and Blade Tip Power System Turbines (BTPs). SWECS shall be subject to the conditions listed below.

	HAWT	**VAWT**	**BTPS**
(1) Minimum Lot Size	5 acres	5 acres	10,500 square feet
(2) Maximum Tower Height	150 ft on lots up to 6 acres, height regulated by FAA on lots over 6 acres		48 feet if ground-mounted, or 15 feet above roofline if roof-mounted
(3) Turbine Clearance	No portion of the turbine, including rotor blades, shall extend within 20 feet of the ground, except that the generator of a VAWT may be located on the ground at the base of the system.		20 feet if ground-mounted, none if roof-mounted
	No portion of the turbine may extend over parking areas, driveways, or sidewalks.		
(4) Maximum Rotor Blade Length	Maximum rotor diameter shall be 43 feet.	20 feet less than the maximum height of the tower, as defined above, in order to provide for the 20 foot turbine clearance.	Maximum rotor diameter shall be 6 feet. Maximum turbine diameter shall be 12 feet.
(5) Minimum Setbacks	200 feet or equal to the height of the tower, whichever is greater. No part of the wind energy conversion system structure, including, but not limited to, guy wire anchors and any necessary ground-mounted conversion equipment, may extend closer than 25 feet to the property line.		10 feet or the minimum side setback for the zoning district, whichever is greater. All parts of the system shall be subject to this setback.

(6) Sound – Small wind energy conversion systems shall not exceed 55 dbA, measured five (5) feet above ground level at the closest property line. The sound level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms with sustained winds of 58 miles per hour or 50 knots.

(7) Automatic Over-Speed Controls – All small wind energy conversion systems shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the small wind energy conversion system.

(8) Utility Notification – No small wind energy conversion system shall be installed until evidence has been given that the electrical utility company has been informed of, and approved the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

(9) Tower color – Tower colors shall be white, off-white, gray, or neutral subdued tones, such as earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.

(10) Multiple towers – Multiple small wind energy conversion systems are allowed on any site, provided all minimum standards are met and total wattage is less than 5MW.

(11) Lighting – Small wind energy conversion systems shall not be artificially lighted, except as required by the FAA.

(12) Climb prevention – Small wind energy conversion systems shall not be climbable up to fifteen (15) feet above the ground surface.

(13) Compliance with other regulations – The applicant or owner shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.

(14) Maintenance – Small wind energy conversion systems are subject to the provisions of the Property Maintenance Code and shall be maintained in working order, structurally sound, and with any surface treatments intact.

(15) Abandoned Facilities – Any small wind energy conversion system that is not operated on a functional basis for a period of six (6) consecutive months shall be deemed abandoned. The Zoning Administrator may order the repair or removal of said small wind energy conversion system, in accordance with these provisions. The applicant, owner, or other person responsible for the facility shall repair or remove the same within sixty (60) days of receipt of notification by certified mail. If said facility is not either operational or removed after sixty (60) days, the Township may remove the system at the owner's expense.

(Amended 12/11/07, 2/24/09, 3/9/10)

10.2.3 Permitted Accessory Buildings /Structures in Residential Districts

(A) The following are permitted accessory buildings or structures that shall count toward the maximum 30 percent coverage established in Subparagraph 10.2.1 (A)(10) and shall require Zoning Certificate.

(1) Accessory dwelling units under the following provisions:

a.) They are located fully within the principal structure;

b.) There is no separate entrance;

c.) There is no separate address; and

d.) Only one dwelling unit, in addition to the principal dwelling unit, may be permitted on any lot in the R-1, R-2, R-3, R-4, or R-5 Districts.

(2) Private garages.

(3) Storage garages in the R-6 Multi-Family District when the garages are related to a permitted multi-family dwelling use and are solely for the use of tenants of such multi-family dwelling.

(4) Tool sheds and other similar structures.

(5) Roadside stand under the following provisions:

a.) A roadside stand shall only be permitted where 50 percent or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year;

b.) The structure shall not exceed 800 square feet;

c.) The structure and any related parking areas shall be set back 60 feet from all lot lines;

d.) That one ground mounted sign may be permitted provided it does not exceed 12 square feet in sign area, 6 feet in height, and is externally illuminated.

(6) Tennis courts or other ball courts;

(7) Any outdoor swimming pool, lake, bathhouse, tennis court, or other recreational facility designed for the use of the occupants of the dwelling and their guests. Such facilities shall comply with the following conditions and requirements.

a.) Indoor pools are excluded from these regulations when the pool enclosure is attached to the principal building:

b.) The facility, decks and associated structures shall meet the accessory use and building setbacks;

c.) The swimming pool, lake, or the entire property, on which said pool or lake is located, shall be walled or fenced in accordance with the requirements of the Hamilton County Building Department;

d.) The fencing for an above ground pool under 4 feet tall may be located on the outer pool wall;

e.) Above-ground pools that have a wall height of 4 feet or higher shall not be required to have a wall surrounding the pool or property;

e.) Any pool for the use of the occupants of a multi-family dwelling containing over 3 dwelling units shall meet the structural and sanitary requirements of the Ohio Department of Health;

g.) The facility meets the outdoor lighting requirements of Section 12.9 (Outdoor Lighting); and

h.) The pool or lake will be used solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

(8) Outdoor Wood Furnaces shall be permitted, subject to all requirements as provided herein.

a.) All Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of all applicable agencies, including but not limited to Ohio EPA regulations regarding emissions and equipment labeling.

b.) Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup, except where such list may be in conflict with the list of prohibited fuels below.

c.) The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

i.) *Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives, and/or contains resins or glues as in plywood or other composite wood products.*

ii.) *Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.*

iii.) *Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.*

iv.) *Rubber including tires or other synthetic rubber-like products.*

v.) *Newspaper, cardboard, or any paper with ink or dye products.*

vi.) *Any other items not specifically allowed by the manufacturer or this provision.*

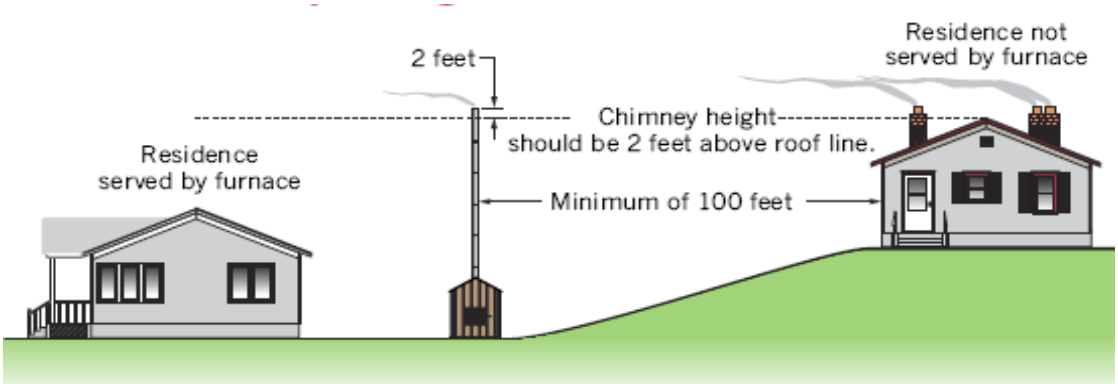
d.) Setbacks for any new Outdoor Wood Furnace:

i.) *The Outdoor Wood Furnace shall be located a minimum of 25 feet from all property lines and a minimum of 100 feet from any residence that is not served by the outdoor wood furnace. See Figure 10.1.*

ii.) *The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.*

e.) Chimney heights for outdoor wood furnaces shall not be subject to the accessory structure height limitations defined in §10.2.3 (B), but shall be determined as follows.

i.) *The Outdoor Wood Furnace chimney shall extend either 20 feet above the ground surface or at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace, whichever is greater. See Figure 10.1.ace or at least 2 feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace, whichever is greater. See Figure 10.1.*



ii). If there is an existing Outdoor Wood Furnace already installed and there is new construction of a residence not served by the Outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall con form to the stack height requirements of this regulation within 30 days of the date such construction is complete and upon written notice from the Zoning Administrator.

f.) All outdoor wood furnaces shall include an integral enclosing structure or shall be enclosed by a structure, subject to the accessory structure standards defined in §10.2.

(B) Accessory buildings/structure in residential districts shall have a maximum height of 15 feet, but in no case shall the accessory building/structure exceed the height of the principal building.

(C) Accessory buildings and uses in residential districts shall be located a minimum of 5 feet from all lot lines

(Amended 11/13/07, 12/11/07, 2/10/09, 3/9/10)

10.2.4 Accessory Buildings and Uses in Business Districts

(A) **Accessory Dwelling Units**

(1) One accessory dwelling unit may be permitted in the B-2, B-3, or I-1 District for the following uses:

a.) Funeral services;

b.) Storage facilities or warehouses that may require 24-hour security;

c.) Other uses as reviewed and authorized by the Board of Zoning Appeals.

(2) All accessory dwelling units must meet the yard setback requirements for the zoning district in which it is located.

(B) Any use which is accessory and customarily found in conjunction with, and required for, the full utilization and economic viability of the principal use that meets the definition of an accessory use, and which complies with the applicable standards of the district in which it is located, shall be permitted in the B-1, B-2, B-3, O-1, or I-1 District.

(C) The total gross floor area of all accessory buildings in a business district shall not exceed 50 percent of the gross floor area of the principal building or structure.

(Amended 11/13/07)

10.3 Home Occupations

10.3.1 General Provisions

A home occupation shall comply with the following provisions:

(A) The person running the home occupation lives at the residence;

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants;

(C) The use shall not utilize more than 20 percent of the gross floor area provided, however, this limitation does not apply to Type-B family day care home;

(D) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.

(E) One wall sign may be permitted provided that it does not exceed 4 square feet in area, shall not be illuminated, and shall be mounted flat against the wall of the principal building;

(F) The home occupation shall not employ any person on the premises other than members of the immediate family or occupants of the dwelling;

(G) It shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit in which it is located;

(H) The use shall not generate pedestrian or vehicular traffic beyond that reasonable or normal to the district in which located;

(I) No expansion of existing off-street parking shall be permitted. Furthermore, no additional parking burden, due to the home occupational use shall be created;

(J) No commodity or stock in trade shall be sold, displayed or stored outside or inside the premises;

(K) It shall not require the use of common carrier vehicles for delivery of materials to or from the premises in excess of what is normal for the district;

(L) No separate entrance from the outside of the principal building shall be maintained for a home occupation;

(M) No accessory building or space outside of the principal building shall be used in conjunction with the home occupation; and

(N) The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residence districts, in terms of use and appearance, to be changed by the occurrence of nonresidential activities.

10.3.2 Prohibited Home Occupations

The following home occupations shall be prohibited in Colerain Township:

(A) Homes that serve as a gathering point for employees engaged in the business that takes place off the premises. This may include, but it is not limited to, landscape business offices, construction offices, or a trucking business where drivers or employees gather at the home before being dispatched from the home for the purposes of the home occupation. Home occupations shall be required to meet the residential parking regulations of Subsection 13.7 (Vehicles Permitted in a Residential District);

(B) Home occupations that require fire safety inspections, precautions or permits or other regulatory inspections or permits;

(C) Home occupations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; or

(D) Home occupations that involve the use of controlled substances.

10.4 Temporary Uses

10.4.1 General Provisions

(A) A Zoning Certificate shall be required for all temporary buildings or structures.

(B) The temporary building or structure shall be reviewed in accordance with this section and all other applicable sections of this Resolution.

10.4.2 Time Limits

Temporary buildings and uses may only be permitted for a specified period of time, not to exceed 30 days, with the following exceptions:

(A) Temporary buildings incidental to construction activities shall be removed within 14 days of completion or abandonment of the construction work.

(B) A Temporary Zoning Certificate for uses such as festivals, circuses, concerts, and similar uses shall be valid for no more than 2 weeks.

(C) Temporary tents for outdoor sales may be permitted for a 14 day period once every 90 days.

(D) Temporary storage containers or refuse containers over 32 gallons provided:

(1) The storage or refuse container shall only be permitted for a period not to exceed 2 weeks unless otherwise authorized by the Board of Zoning Appeals through the variance process.

(2) The containers are not attached to a foundation or are otherwise a permanent structure which would be considered an accessory use or principal use and subject to the standards of the applicable zoning code.

(E) Temporary, seasonal, or permanent outdoor displays, sales, or storage shall be regulated by Section 12.10 (Outdoor Displays, Sales, and Storage).

10.4.3 Standards, Prohibitions and Restrictions Generally

(A) Adequate access and off-street parking facilities shall be provided which shall not interfere with traffic movement on adjacent streets.

(B) Any outdoor lighting shall be subject to the standards established in Subsection 12.9 (Outdoor Lighting).

(C) The lot shall be put in clean conditions devoid of temporary use remnants upon termination of the temporary period.

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Article 11: Nonconforming Uses

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ARTICLE 11: NONCONFORMING USES

11.1 Purpose

Within the districts established by this Resolution, some lots, uses of lands or structures, or combinations thereof may exist which were lawful prior to the effective date or amendment of this Resolution, but that are prohibited, regulated, or restricted under the terms of this Resolution. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for the continuance of such uses, subject to regulations limiting their completion, restoration, reconstruction, extension, and/or substitution. Nevertheless, while it is the intent of this Resolution that such nonconforming uses be allowed to continue until removed, they should not be encouraged to survive. Therefore, nonconformities shall not be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the applicable district without the approval of the Board of Zoning Appeals, except where otherwise specifically provided for in this Resolution.

11.2 Existing Buildings and Uses

11.2.1 Any nonconforming building, structure, or use existing at the time of the enactment of this Resolution may be continued, even though such building, structure or use does not conform to the provisions of this Resolution. However, if any such nonconforming use is voluntarily discontinued for 2 years or more, any future use of said land or structure shall be in conformity with the standards of the applicable zoning district in which the land and/or structure is located. This two-year time limit shall not apply to a use of a structure that complies with the use provisions of the applicable zoning district but where the structure does not meet all the applicable site development standards.

11.2.2 The lot on which there is located a nonconforming use shall not be reduced in area or width to a lot area or lot width smaller than that required within the applicable zoning district, nor shall any existing yard be reduced so as to be smaller than the minimum yard requirements thereof.

11.3 New Construction on Single Nonconforming Lots of Record

11.3.1 In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any vacant single lot of record at the effective date of this Resolution or amendment thereto.

(A) The width of the side yard of any such lot need not exceed 10 percent of the width of the lot, provided, however, that the minimum side yard setback shall not be less than 5 feet.

(B) The rear yard setback of any such lot need not exceed 20 percent of the depth of the lot, provided, however, that the minimum rear yard setback shall not be less than 10 feet.

11.3.2 Such lots shall be in separate ownership and not of continuous frontage with other lots in the same ownership.

11.3.3 This provision shall apply even though the lot fails to meet the requirements for lot areas, lot depth, lot width, or any combination thereof that are generally applicable in the zoning district provided that yard and setback requirements other than those applying to lot area, lot width, or lot depth, shall conform to the to the district where the property is located. Any variance of yard or setback requirements shall be obtained through a variance approved by the Board of Zoning Appeals pursuant to Section 4.4 (Appeals, Variances, and Conditional Uses).

11.4 Nonconforming Lots of Record in Combination

If 2 or more lots, or a combination of lots and portions of lots with continuous frontage in a single ownership are of record at the time this Resolution becomes effective, and if all or part of the lots with no buildings do not meet the requirements established for lot area, lot width, or lot depth, the lands involved shall be considered to be an undivided parcel for the purposes of this Resolution, and no portion of such parcel shall be used or sold in a manner which diminishes compliance with lot area, lot width, or lot depth requirements established by this Resolution, nor shall any division of any parcel be made which creates a lot that does not meet the mini- mum requirements established in this Resolution.

11.5 Nonconforming Uses and Variances

11.5.1 The granting of a variance for a use that otherwise complies with this Resolution, when the variance is granted, shall not create a nonconforming use.

11.5.2 When a property owner or authorized agent is granted a variance for a nonconforming use that addresses the nonconformity, the use shall no longer be considered nonconforming.

11.5.3 If a property owner or authorized agent is granted a variance for a nonconforming use that addresses some nonconformities but additional nonconformities continue, the use shall still be considered a legal nonconforming use.

11.6 Nonconforming Uses of Land

Where, at the time of adoption of this Resolution, lawful uses of land exist that would not be permitted by the regulations of this Resolution, the uses may be continued so long as they remain otherwise lawful and provided:

11.6.1 No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this Zoning Resolution unless it complies with the provision of Section 11.8 (Expansion of Nonconforming Uses).

11.6.2 No such nonconforming use shall be moved, in whole or in part, to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment if this Zoning Resolution.

11.6.3 If any such nonconforming uses of land are discontinued, abandoned, or vacated for more than 2 years, any subsequent use of such land shall conform to the regulations specified by this Zoning Resolution for the district in which such land is located.

11.6.4 No additional structure not conforming to the requirements of this Zoning Resolution shall be erected in connection with such nonconforming use of land.

11.7 Nonconforming Uses of Structures

Where, at the time of adoption of this Zoning Resolution, lawful uses of a structure exist which would not be permitted by the regulations of this Resolution, the uses may be continued so long as they remain otherwise lawful, provided:

11.7.1 No existing structure devoted to a use not permitted by this Resolution in the district in which it is locate shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;

11.7.2 Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Resolution, but no such use shall be extended to occupy any land outside such building.

11.7.3 If no structural alterations are made, any nonconforming use of a structure or the structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such changes, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Resolution.

11.7.4 Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

11.8 Expansion of a Nonconforming Use

11.8.1 Notwithstanding the foregoing provisions to the contrary, the usable area of a nonconforming use, subject to a previously issued nonconforming use permit, may be increased or improved where the owner of such use can demonstrate through application to the Board of Zoning Appeals that the manner in which the useable area of the nonconforming use will be increased or improved will have minimal adverse impact upon adjacent properties and other permitted land uses in the surrounding neighborhood or can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.

11.8.2 The Board of Zoning Appeals shall have the power to grant the extension of a legal nonconforming use or building upon a lot or tract of land occupied by such use or building, where such extension is necessarily incident to the existing use, provided, however, that the floor area of such extension or extensions shall not exceed in all 50 percent of the total floor area of the original existing building or buildings devoted to a legal nonconforming use on the effective date of this Resolution.

11.8.3 The nonconforming use shall be required to meet the setbacks of the zoning district where the use is otherwise permitted.

11.8.4 Such review and approval of the expansion of a nonconforming use shall not be a variance but shall be a separate review of the individual nonconforming use.

(Amended 12/11/07)

11.9 Termination of Nonconforming Uses

11.9.1 Termination of Use through Discontinuance

When any nonconforming use is discontinued or abandoned for more than 2 years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

11.9.2 Termination of Use by Damage or Destruction

(A) Nothing in this Zoning Resolution shall prevent the restoration of a nonconforming use, building, or structure destroyed or damaged, or to prevent the continuance of such nonconforming use, provided:

(B) That the extent of the damage or destruction is less than 60 percent of the reproduction value;

(C) That the owners of the property in question shall file with the Zoning Administrator a notice of intention to continue the nonconforming use within 6 months of such destruction or damage; and

(D) Provided that such restoration or construction is commenced within 1 year of the date that such notice is given to the Zoning Administrator.

(E) In the event that such notice is not filed, then the nonconforming use in question shall be deemed to be abandoned. Such restoration shall not cause any new nonconformity, nor shall it increase the degree of nonconformance or noncompliance prior to such damage or destruction.

(F) The Board of Zoning Appeals may review and decide upon the restoration of a nonconforming use damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60 percent of its reproduction value.

11.10 Repair and Maintenance

11.10.1 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.

11.10.2 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.

11.11 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 nonconformity and not upon the Township.

(Amended April 9, 2013)

11.12 Zoning Certificates for Legal Non-Conformities

11.12.1 The owner of any non-conforming use, structure, or lot may at any time apply to the Department of Building, Planning and Zoning for a Zoning Certificate of Non-conformance to establish the legality of such non-conformity as of a specified date.

11.12.2 If, upon reviewing an application for a Zoning Certificate of Non-conformance, the Zoning Administrator determines 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 Administrator 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 Administrator shall refuse to issue such certificate and shall declare such use, structure or lot to be in violation of this resolution.

(Amended April 9, 2013)

12

Article 12: General Development Standards

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ARTICLE 12: GENERAL DEVELOPMENT STANDARDS

12.1 Lot Measurements and Requirements

12.1.1 Distance Measurements

Unless otherwise expressly stated, all distances specified in this Resolution are to be measured as the length of an imaginary straight line joining those points.

12.1.2 Measurement of Lot Area

(A) The lot area is the total area within the lot lines of a lot, excluding any street right-of-way or other public dedication.

(B) Irregular shapes of land, panhandles, and other narrow appendages to lots with less than 50 feet of width at any point shall not be included in the measurement of a lot area or contribute to the minimum lot area requirement of the applicable zoning district, nor shall they contribute to the measurement of any setback for the location of any buildings or structures. Figure 12-1.

(Amended 12/11/07)

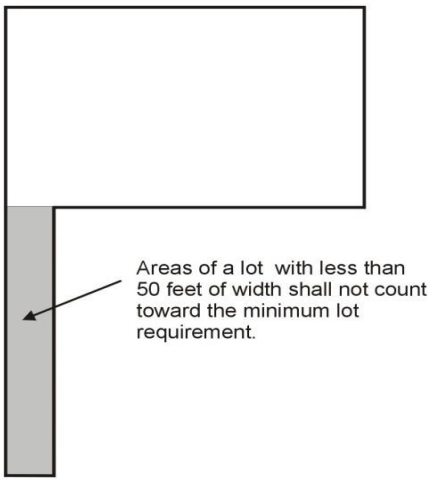


Figure 12-1: Areas Not Contributing to the Minimum Lot Area Requirement

12.1.3 Percentages and Fractions

When a measurement results in a fractional number or percentage, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number. Any percentage of #.5 percent or less shall be rounded down to the next lower whole number and any percentage greater than #.5 percent shall be rounded up to the next higher whole number.

12.1.4 Minimum Lot Frontage Requirement

All portions of every lot, including panhandle lots, shall have a minimum 20 feet of lot width at every point of the lot, including the street frontage, unless otherwise approved through a PD District or if a reduction is permitted in accordance with the Hamilton County Subdivision Regulations. In addition, all lots must meet the minimum site development standards established for each zoning district.

12.1.5 Corner Lots

(A) Where a lot is considered a corner lot, the required minimum front yard setback shall be provided on each street or section thereof. See Figure 12-2

(B) The narrowest lot line opposite the public right-of-way shall be the rear lot line and the minimum rear yard setback shall be applied. See Figure 12-2.

(C) The longest lot line opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied. See Figure 12-2.

(D) All corner lots created after the effective date of this Resolution shall have a minimum lot area that shall not be less than 150 percent of the minimum lot area requirement of the applicable zoning district.

(E) The minimum required lot width of a corner lot in an R-2, R-3, R-4, R-5, R-6, or R-7 District shall be increased by an amount equal to the depth of the required rear yard setback of the applicable zone district.

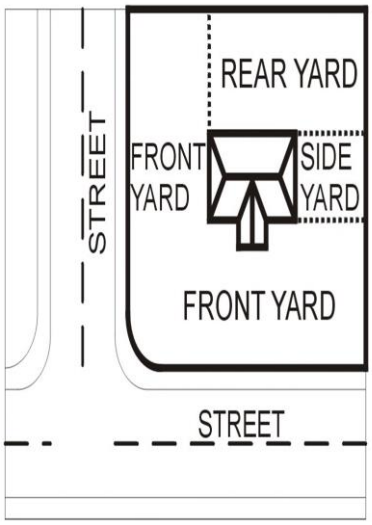


Figure 12-2: Corner Lots

12.1.6 Double Frontage Lots

(A) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets. See Figure 12-3.

(B) The remaining lot lines not abutting a public road right-of-way shall be considered as side yards and shall have the required minimum side yard setback provided for each side lot line. See Figure 12-3.

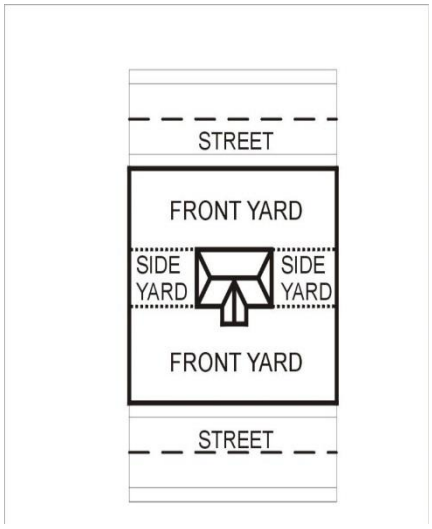


Figure 12-3: Double Frontage Lots

12.1.7 Private Drives

Private drives that provide access to 3 or more lots shall be considered public streets for the purposes of establishing minimum setbacks and yard requirements. Such drives shall be subject to the following provisions:

(A) Corner lots with one private street frontage and one public street frontage shall not be included in the calculation for the purposes of determining the number of lots served by the private drive and shall not be subject to requirements of this Section unless the principal use gains primary access from the private drive.

(B) There shall be a minimum setback, equal to the minimum front yard setback of the applicable zoning district, between the edge of pavement of a private drive and the principal building. See Figure 12-4.

(C) There shall be a minimum setback, equal to the side yard setback of the applicable zoning district, between the principal building and the side lot line. See Figure 12-4.

(D) In all cases, the area between the building and the private drive shall be considered the front yard. See Figure 12-4.

(E) The creation of a private drive or a public street shall be designed to ensure that the minimum setback requirements of any existing dwelling shall be maintained and the new drive or street shall not create a nonconformity because of setbacks.

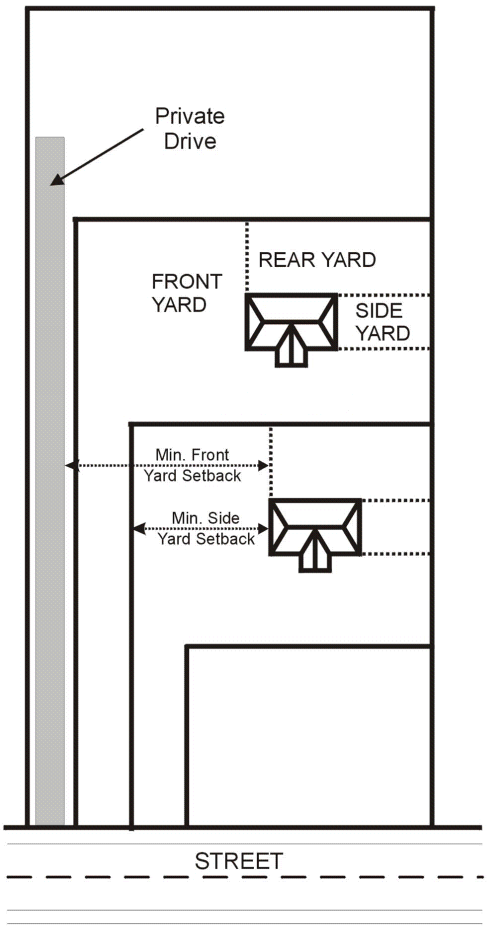


Figure 12-4: Yards and Setbacks from Private Drives

12.1.8 Panhandle Lots

(A) The panhandle portion of the lot shall have a minimum frontage as regulated by the Hamilton County Subdivision Regulations.

(B) Flag or panhandle lots shall not be used to avoid the construction of a street.

(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 12-5.

(D) For panhandle lots that are not subject to the panhandle regulations of Subsection 12.1.7 (Private Drives), there shall be no front yard setback requirement from the driveway or private drive that access less than 3 lots. See Figure 12-5.

(E) Panhandle lots shall have a minimum lot area that shall not be less than 150 percent of the minimum lot area requirement of the applicable zoning district.

(F) The panhandle portion of the lot shall not be used for storage nor shall any structures be permitted in such portion of the lot.

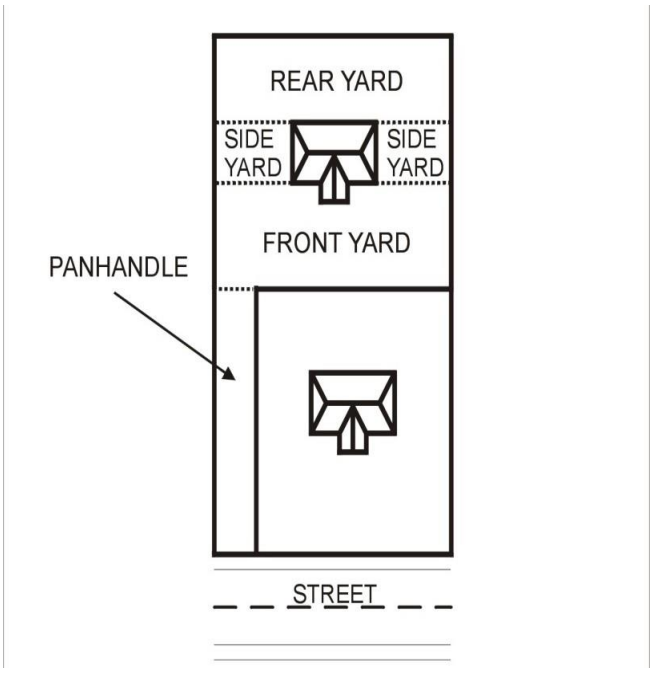


Figure 12-5: Panhandle Lots Not Subject to Private Drive Provisions

12.1.9 Building Setback Lines

Building setback lines indicating the front, rear, and side yards shall be approved by the Zoning Administrator and indicated on all proposed panhandle, pie-shaped, corner, double frontage, or other irregularly shaped lots where the front of the lot is not apparent within the definition of this Resolution. These setbacks shall be a part of, and recorded with a plat designating the division of land.

12.2 Height Measurement and Requirements

12.2.1 Height Measurement

(A) Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.

(B) Where specified in feet, building height shall be measured as the vertical distance from grade at the base of the structure to (See Figure 12-6):

(1) The highest point of a flat roof;

(2) The deck line of a mansard roof; or

(3) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

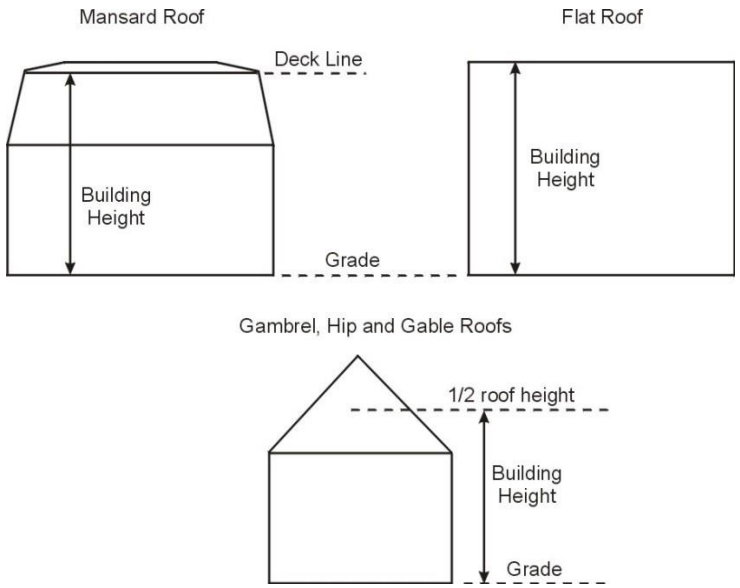


Figure 12-6: Building Height Measurement

12.2.2 Height Exemptions

(A) Church spires, domes, flagpoles, aerials, antennas, wireless telecommunications towers, telephone transmitters and towers, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers or scenery lofts, tanks, water towers, silos, farm buildings, or necessary mechanical appurtenances, may be erected to any lawful and safe height.

(B) Public or public service buildings, hospitals (except as otherwise provided), institutions, or educational facilities, when permitted in any zoning district, may be erected to a height not exceeding 6 stories, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each required yard line at least one foot for each foot of additional building height above the height limit otherwise provided in the applicable zoning district in which the building is built.

(C) The height of cell towers and other wireless telecommunication towers are subject to the use-specific regulations of this Resolution. *(Amended 2/24/09)*

12.3 Yard/Setback Measurement and Requirements

12.3.1 Every part of a required yard shall be open to the sky and unobstructed except:

(A) As otherwise provided in this section;

(B) For accessory buildings in a rear yard;

(C) For the ordinary projections of skylights, sills, belt courses, cornices and ornamental features projecting not to exceed 3 feet in R-1, R-2, R-3, R-4, R-5, and R-6 Districts and not to exceed 12 inches in all other Districts;

(D) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than 5 feet; and

(E) The ordinary projections of chimneys and flues may be permitted by the Hamilton County Building Commissioner when placed so as not to obstruct light and ventilation but not closer than 2 feet to any lot line

12.3.2 Terraces, uncovered porches, platforms and ornamental features which do not extend more than 3 feet above the floor level of the ground (first) story may project into a required front or rear yard, but shall not be closer to any side lot line than the side yard requirement.

12.3.3 An open unenclosed porch, or paved terrace may project into a front yard for a distance not exceeding 10 feet.

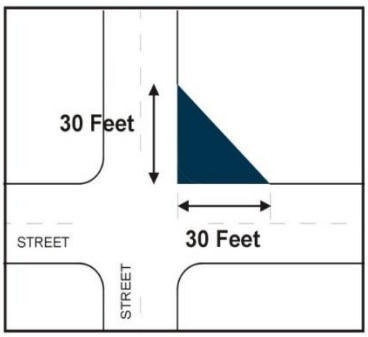
12.3.4 For new construction on a residential lot where the adjacent lots are already developed and where buildings within 100 feet of the subject lot are set back less than the minimum required front yard setback, the minimum front yard setback for the new construction shall not be less than the average depths of the front yards of the 2 buildings on each side and within 100 feet of such lot.

12.4 Vision Clearance Triangle

12.4.1 Corner Lots at Unsignalized Intersections

All corner lots at unsignalized street intersections shall maintain, for safety vision purposes, a vision clearance triangle. The vision clearance triangle shall consist of the area bounded by the right-of-ways of the adjacent intersecting streets extending along those right-of-ways centerlines 30 feet from the point of right-of-way intersection, and a straight line connecting said latter points. Nothing within the vision clearance triangle shall be erected, placed, planted or allowed to grow in such a manner as to materially impede vision between the heights of 2.5 and 10 feet above the centerline of grades of intersecting streets. See Figure 12-7.

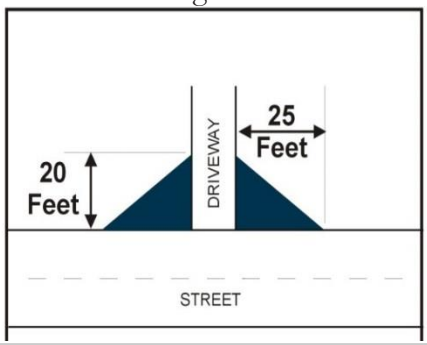
Figure 12-7: Unsignalized Intersection Vision Clearance Triangle



12.4.2 Driveway Curb cuts

A vision clearance triangle shall be maintained at all driveways and curb cuts for vision safety purposes. The vision clearance triangle shall be formed by extending one line 25 feet along the street right of way from the edge of the driveway pavement and another line from that same point 20 feet along the driveway and then connecting the 2 endpoints. No sign or associated landscaping shall be placed within this triangle so as to materially impede vision between the heights of 2.5 and 10 feet above the centerline grade of the streets. See Figure 12-8.

Figure 12-8: Driveway Vision Clearance Triangle



12.5 Waste Receptacles

Trash receptacles, dumpsters, or other containers intended for the temporary holding of trash, refuse, garbage or other discarded materials until it is hauled away, shall be set back from agricultural or residential properties as follows:

12.5.1 Waste receptacles smaller than 32 gallons in size shall not have to meet any setback requirements in any zoning district.

12.5.2 Waste receptacles that are 32 gallons or larger in size shall only be permitted in the side or rear yard or in the front driveway if stored against the house. *(Amended March, 2016)*

12.5.3 Waste receptacles or dumpsters in excess of 2 yards in volume capacity (including a combination of individual receptacles with a total of more than 2 yards of capacity) shall be screened from view. *(Amended 8/12/08)*

12.6 Storage in Vehicles

Mobile homes, trailers, utility trailers, commercial vehicles or other motor vehicles shall not be used for the storage of equipment or materials in any district. *(Amended 12/11/07, 1/8/13)*

12.7 Licensing of Vehicles

All vehicles, trucks, trailers, utility trailers, commercial vehicles, recreational vehicles, and/or trailers for recreational vehicles that require a license from the State of Ohio shall be required to maintain a valid license for said vehicle if it is to be stored or parked outside. *(Amended 1/8/13)*

12.8 Fencing

12.8.1 Fences in all residential and business districts may be erected as a privacy fence to a maximum height of 6 feet in a rear yard only. Such fence may encroach into the side yard up to a maximum distance equal to 25 percent of the side wall length. See Figure 12-9.

12.8.2 Fences that are 50 percent open may be erected to a maximum height of 4 feet in side and front yards. See Figure 12-9.

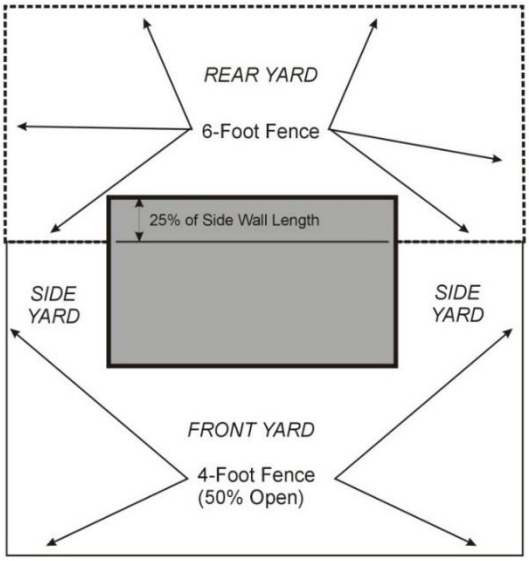


Figure 12-9: Permitted Fencing

12.8.3 Fences in a residential district may be erected as a privacy fence to a maximum height of 4 feet, a maximum length of 10 feet, and a maximum width of 6 feet (shall not screen a size larger than 60 square feet) in the front or side yard in accordance with Section 12.5.2 for the purposes of screening waste receptacles. Such privacy fence intended for screening of waste receptacles should be attached to the house or detached garage.

12.8.4 Fences that are 75 percent open, and used for security purposes in the "B-3", "I-1", "SWD", and "ME" Districts, may be erected in a front, rear, or side yard, to a maximum height of 8 feet.

12.8.5 Fences in all Districts shall be designed and installed with the most finished side out, away from the subject lot so the most finished side faces the adjacent lots and any right of way, or so that both sides are equally finished. Only one fence may be located on any one property adjacent to any given property line. (Adjoining property owners may install separate, adjacent fences.) The property owner shall be responsible for any required maintenance between his or her fence and the property line.

12.8.6 Razor wire fencing shall be prohibited in all Districts.

(Amended 12/11/07, 8/12/08, and 10/12/10)

12.9 Outdoor Lighting

12.9.1 Purpose

The purpose of this outdoor lighting section is to regulate outdoor lighting in order to reduce or prevent light pollution and to minimize lighting impacts on surrounding properties. This means to the extent reasonably possible the reduction or prevention of glare and light trespass, the conservation of energy, and promotion of safety and security.

12.9.2 Applicability

(A) The regulations of this section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other feature of a lot.

(B) Lighting plans shall be submitted for approval with all applications for Zoning Certificates in the R-6, R-7, B-1, B-2, B-3, O-1, I-1, SWD, ME, PD-R, PD-B, PD-I, and PD-M Districts.

12.9.3 Exemptions

(A) Commercial enterprises with outdoor display areas as detailed in Section 12.10.3 and located in a B-2, B-3, I-1, PD-B, or PD-I District shall be permitted to follow the alternate illumination levels in Table 12-12 provided that a lighting plan meeting the standards of Section 12.9.4 is approved.

(B) The following shall not be regulated by this Article:
- (1) Lighting required by State or Federal regulations
- (2) Illuminated poles for governmental or institutional flags
- (3) Seasonal holiday lighting (less than 30 days in any calendar year)
- (4) Athletic field and amphitheater lighting (when extinguished within one hour following games/programs)
- (5) Emergency lighting

12.9.4 Lighting Standards

(A) All outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade for non-cutoff lights and 24 feet above grade for cutoff lights. See Figure 12-10.

(B) Variation of heights greater than as specified above shall be subject to approval by the Zoning Commission based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other sections of this Article.

(C) Exterior lighting shall be designed or located in such a way so as not to shine directly into an adjacent dwelling unit, regardless of the applicable zoning district.

(D) The maximum illumination permitted in each district type, as demonstrated by a photometric drawing, shall be as follows:

Figure 12-10: Cutoff and Non-Cutoff Lighting

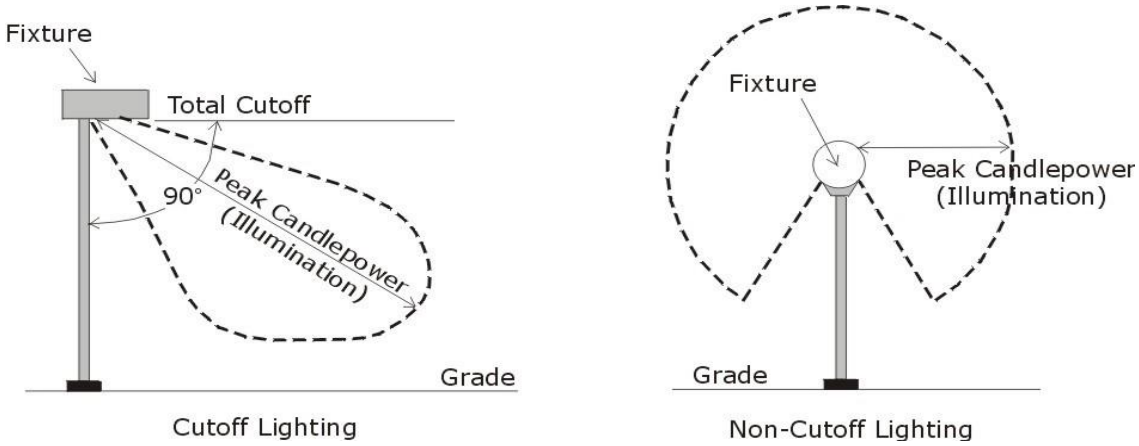


Table 12-11: Illumination Levels			
District	**Maximum Illumination across the Property (footcandles)**	**Maximum Illumination at Property Lines (footcandles)**	
		Non-Cutoff Lighting	**Cutoff Lighting**
R-7, B-1 or O-1 Districts	2.0	0.10	0.10
B-2, B-3, I-1, SWD, ME, PD-B, PD-I, or PD-M Districts	5.0 at building entryways An average of 2.0 over parking lots	0.30	0.50

Where there are 2 abutting lots with different zoning districts and different maximum illumination requirements, the more restrictive maximum illumination standards shall apply to both lots along the shared property line.

(E) When a use is adjacent to any single-family residential district (R-1, R-2, R-3, R-4, R-5, or R-6), the most restrictive standards of Table 12-11 shall apply.

(F) The placement of light poles within raised curb planter areas or landscaped islands is encouraged, but conflicts with parking lot trees that can obscure the lighting shall be avoided through alternative lighting locations.

(G) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.

(H) Uniform lighting shall be provided to prevent various intensities of lighting throughout the parking area. Such uniform lighting shall be illustrated in the required lighting plan.

(I) Light levels shall be measured in footcandles with a direct reading, portable light meter, at grade level.

(J) Non-cutoff lighting affixed to a wall shall be prohibited.

(K) All outdoor lighting fixtures within a development shall be the same, similar, or complementary in design and appearance.

Additional Standards for Outdoor Display Area Lighting

(M) A site plan delineating separate display, customer and employee parking, and storage sectors, as well as building entrances, shall be submitted. Rear sectors abutting residential districts or uses shall be delineated on the site plan. The site plan shall include the location of all exterior light fixtures, controllers, and transformers.

(N) A photometric plan shall show the illumination levels for each sector designated on the site plan, in accordance with Table 12-12.

(O) Lighting shall be dimmed between the hours of 11:30 p.m. and 6:30 a.m., as shown in Table 12-12, to limit light pollution and preserve the opportunity for appreciation of the night sky. Facilities where customers are served on-site 24-hours per day may be granted an exemption by the Zoning Administrator upon compliance with all other sections of this Article.

(P) In no case shall flashing lights be used for exterior display or lot lighting.

Table 12-12: Special Outdoor Display Area Illumination Levels

Sector	Maximum Illumination across the Sector (foot-candles)	Maximum Illumination at Property Lines or at Curb (footcandles)		Uniformity Ratio – Maximum to Minimum
		Non-Cutoff Lighting	Cutoff Lighting	
Display Sectors (front three parking rows maximum)	30.0	10.0	10.0	10:1
Parking Sectors	An average of 2.0 across the sector	0.30	0.50	5:1
Storage Sectors	An average of 2.0 across the sector	0.30	0.50	5:1
Rear Sectors adjacent to R-Districts	An average of 2.0 across the sector	0.10	0.10	5:1
Building Entrances	**5.0 at building entryways**	n/a	n/a	n/a

Overnight Lighting (11:30 p.m. – 6:30 a.m., except for Rear Sectors)	**5.0 at building entryways** **An average of 2.0 across the site**	0.30	0.50	4:1

12.9.5 Nonconforming Outdoor Lighting

The nonconforming use of lighting may continue until the luminaire is replaced.

(Amended 9/13/11)

12.10 Outdoor Display, Sales, and Storage

12.10.1 Purpose

The purpose of these regulations is to ensure the proper use of land for outdoor displays, sales, and storage so as to minimize impacts on surrounding property owners and uses.

12.10.2 Applicability

The provisions of this Section shall apply to all uses except single-family, two-family dwellings, and roadside markets that are accessory to an agricultural use and are permitted pursuant to Section 519.21 of the Ohio Revised Code and Section 10.2 (Accessory Buildings and Uses) of this Resolution.

12.10.3 Exemptions

The following uses where the outdoor displays and sales are the permitted principal use of the lots shall be exempt from these regulations:

(A) Outdoor display, sales, and storage areas approved as part of a site plan or final development plan prior to the effective date of this Resolution;

(B) Automotive sales or rental;

(C) Greenhouses;

(D) Tool rental or sales facilities; and

(E) Similar uses as determined by the Board of Zoning Appeals.

12.10.4 General Standards

(A) All outdoor sales, display, and storage areas shall require a Zoning Certificate and shall be illustrated on the corresponding site plan.

(B) Outdoor sales, display, and storage areas shall not be located in any required setback, parking and circulation area, right-of-way, or required landscape or buffer area.

(C) Such sales, display, and storage areas shall be prohibited if they will create any safety hazard for pedestrians. A minimum pathway in areas used for outdoor displays, sales, and 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 5 feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Hamilton County Building Department, whichever is greater.

(D) 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 with the administrative approval of the Zoning Commission.

(E) Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way.

(F) All outdoor sales, display, and storage areas shall maintained free of garbage and other debris. Outdoor sales, display, and storage areas shall be limited to 5 percent of the gross floor area of the principal structure with a maximum area of 2,500 square feet.

12.10.5 Standards for Outdoor Sales and Displays

Outdoor sales and displays may be permitted where such sales and display areas comply with the following regulations:

(A) Outdoor sales and displays are prohibited on vacant lots unless approved in advance by the Zoning Commission and only retail commercial uses are permitted in the applicable zoning district.

(B) Only those goods and materials associated with the existing on-site use may be sold or displayed;

(C) Outdoor sales and displays may be permitted provided that the merchandise is displayed along the sidewalk, the walkway adjacent to the building, or in the side yard;

(D) Outdoor displays and sales of bulk or large products that exceed 20 pounds, including, but not limited to mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into the store for purchase shall be required to meet the requirements of Subsection 12.10.6 (Standards for Outdoor Storage).

(E) Outdoor cafes and food service areas may be permitted when they comply with the following regulations:

(1) Outdoor cafes or food service areas shall be located along a sidewalk or between a building and parking area.

(2) Outdoor café and food services areas wider than 4 feet shall be surrounded by railings that separate the eating area from sidewalk or vehicular traffic.

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

(4) Enclosing outdoor cafes or food service areas either by a 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 Zoning Certificate.

12.10.6 Standards for Outdoor Storage Areas

Outdoor storage areas may be permitted where such storage areas comply with the following regulations:

(A) Outdoor storage shall be prohibited on vacant lots.

(B) Only those goods and materials associated with the existing on-site use may be stored or sold in outdoor storage areas;

(C) Outdoor storage may be permitted provided that the storage areas are located in the side or rear yard.

(D) Storage of any goods or materials shall not exceed 6 feet in height.

(E) All outdoor storage areas shall be screened from view of the public right-of-way by a 6-foot fence in conformance with Subsection 12.10.4 (General Standards) above. Screening shall not be required if the outdoor storage area is located out of view from any public right-of-way.

12.11 Architectural Design Standards

12.11.1 Architectural Standards

The following design standards shall apply to all development in nonresidential zoning districts.

(A) Façade Massing

(1) Offset Required

Front façades 60 feet wide or wider shall incorporate wall offsets of at least 2 feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet. See Figure 12-12.

Figure 12-12: Façade Offset

(2) Offset Alternatives

The following alternatives can be used in place of the required front façade offsets:

a.) Façade color changes following the same dimensional standards as the offset requirements;

b.) Pilasters having a minimum depth of 1 foot, a minimum width of 1 foot, and a minimum height of 80 percent of the façade's height; and/or

c.) Roofline changes when coupled with correspondingly aligned façade material changes.

(3) Roof Line Changes

a.) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.

b.) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes. See Figure 12-13.

Figure 12-13: Example of Appropriate Use of Wall Offsets, Material Change, and Roof Line Changes

(B) **Roofs**

(1) Flat Roofs

When flat roofs are used, parapet walls with 3-dimensional cornice treatments shall conceal them. The cornice shall include a perpendicular projection a mini- mum of 8 inches from the parapet façade plane. See Figure 12-14.

Figure 12-14: Example of Flat Roof Treatment with Parapet Wall and Cornice Treatment

(2) Roof Penetrations and Equipment

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a 3-dimensional cornice treatment so as to have a minimal visual impact as seen from:

a.) A public street;

b.) Existing single family uses;

c.) Vacant land classified as R-1, R-2, R-3, R-4, R-5, R-6, or R-7; and

d.) Planned residential development districts.

(C) **Customer Entrances**

(1) Required Entrances

Each side of a building facing a public street shall include at least one 1 customer entrance, except that no building shall be required to provide entrances on more than 2 sides of the structure which face public streets.

(2) Entrance Design

Buildings shall have clearly defined, highly visible customer entrances that include no less than 3 of the following design features (See Figure 12-15):

a.) Canopies/porticos above the entrance;

b.) Roof overhangs above the entrance;

c.) Entry recesses/projections;

d.) Arcades that are physically integrated with the entrance;

e.) Raised corniced parapets above the entrance;

f.) Gabled roof forms or arches above the entrance;

g.) Outdoor plaza adjacent to the entrance having seating and a minimum depth of 20 feet;

h.) Display windows that are directly adjacent to the entrance;

i.) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or

j.) Integral planters or wing walls that incorporate landscaped areas or seating areas. A wing wall is a wall secondary in scale projecting from a primary wall and not having a roof.

Figure 12-15: Examples of Articulated Customer Entrances

12.11.2 Enforcement of Standards

The Zoning Administrator shall be responsible for reviewing and enforcing the provisions of this section during the review of a Zoning Certificate application.

12.12 Pets

(A) The keeping of exotic wildlife as a pet is prohibited in all residential districts and uses;

(B) Household pets are permitted in all districts in accordance with the following:

(1) The yard shall be kept free of pet feces and other pet debris; and

(2) All outdoor pens, enclosures, doghouses, and kennels shall be kept in good repair and shall be located as required by §10.2.2(H).

(Amended 12/11/07)

12.13 Small Cellular Telecommunication Facilities

12.13.1 Applicability

Small Cellular Telecommunication Facilities shall be permitted within a right-of-way, a utility easement, or on private property, provided the criteria of this section are met.

12. 13.2 General Standards

(A) Small Cellular Facilities shall not be permitted where all utilities are underground, except where:

(1) The facilities are co-located on existing mast arm signals.

(B) Small Cellular Facilities up to thirty (30) feet in height shall be permitted inside of a right-of-way or recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:

(1) The requirements of paragraph 12.13.2 of this section, with regard to "Location, Colocation or Shared Use" shall apply.
(2) The location is within 100' of an existing overhead utility line.
(3) The preferred location is along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by Hamilton County Thoroughfare Plan. If it cannot be located in such an area, documentation shall be provided regarding the efforts that have been exhausted in attempts to meet these locations.
(4) Small Cellular Facilities shall be located on existing utility poles where practical. If a new utility pole is required, it should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Small Cellular Facilities shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.
(5) If a new utility pole is required, it shall be designed to accommodate the primary user's antenna and a comparable antenna for at least one additional user.
(6) Any ground mounted equipment shall be completely screened with landscaping providing year round screening.
(7) Small Cellular Facilities shall not obstruct adequate sight distance at intersections.
(8) Lighting shall not be permitted on Small Cellular Facilities, unless it is integrated as a light pole that matches other light poles in the vicinity.
(9) Small Cellular Facilities shall not emit noise.

(C) Small Cellular Facilities up to thirty (30) feet in height shall be permitted outside of a right-of-way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:

(1) The Small Cellular Facilities shall be regulated as a Small Cellular Facilities Structure with regard to location. Additionally, they shall also be set back from all principal structures on adjacent properties a minimum distance equal to the overall height of the Small Cellular Facilities.
(2) If located in a recorded subdivision, and at least I 00' from any overhead utilities, all wiring and cable shall be buried underground. Additionally, if the Small Cellular Facilities is located on a tower, it shall be a decorative pole with the equipment disguised or screened from view.

(D) Appearance

(1) In all areas along Local Roadways, as defined by the Hamilton County Thoroughfare Plan, Small Cellular Facilities shall be designed to be consistent and complementary with the surrounding environment in terms of height, materials, color, scale, and design; and the Zoning Administrator reserves the right to determine whether a deviation from the consistent design is in the best interest of the public.

(2) Stealth Design for Small Cellular Facilities shall be used in rights-of-way along Principal Arterials, Minor Arterials and Major Collector Roads, as defined by the Hamilton County Thoroughfare Plan and the following requirements shall be satisfied:

(a) All Stealth Designs shall utilize the latest technology that is available for the purpose of blending the structure into the environment.

(b) The Stealth Design shall render it minimally visible to the casual observer.

(c) lt may be attached to an existing structure, if it is designed to integrate seamlessly into the structure that it is attached to with regard to architecture, materials, color, etc. The overall design shall not substantially increase the height of the structure on which is located, nor shall it substantially project off the face of the structure.

(d) It may be constructed as a new freestanding structure, if it is designed to be consistent and complementary to the surrounding structures and area with similar architecture, materials, color, height, scale, etc.

(e) It may be constructed in a freestanding manner that mimics other features that are present in the immediate vicinity, such as street lights, trees, etc. It shall be virtually identical to the feature that it is mimicking and shall maintain the same height, size, pole diameter, fixture type, tree species, etc.

(f) All related equipment, electrical boxes, conduit, wiring, mounting equipment and the like shall not be visible.

Stealth Designs that do not comply with the above requirements and other related factors shall not be approved.

(E) All other Small Cellular Facilities Telecommunications are prohibited.

12.13.3 Location, Co-location or Shared Use

(A) Prior to approval of the location of a Small Cellular Telecommunication Facility, the applicant shall provide documentation that:

(1) The proposed Small Cellular Telecommunication Facility has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration (FAA) or other federal or state authority, as applicable.

(2) If the Small Cellular Telecommunication Facility is on leased property, the owner of the property has granted an easement or entered into a lease for the proposed Small Cellular Telecommunication Facility.

(B) In order to minimize Small Cellular Telecommunication Facility proliferation, the applicant shall provide documentation that depicts an existing Small Cellular Facility does not meet the designed coverage or capacity objective, or that all commercially reasonable efforts have been exhausted to share space on an existing Small Cellular Facility. This shall include, but not be limited to, a ce1tified mail announcement to all other Small Cellular Telecommunication Facility users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on

an existing Small Cellular Telecommunication Facility, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of colocation versus new construction and any Federal Communications Commission limitations on Small Cellular Telecommunication Facility sharing preclude co-location.

(1) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of another antenna facilities to extent possible until said Small Cellular Telecommunication Facility has reached full antenna capacity.

12.13.3 Location, Co-location or Shared Use

Any Small Cellular Facilities are deemed abandoned by operation of law if they are not used for telecommunication purposes for 12 consecutive months. Any Small Cellular Facilities deemed abandoned shall be demolished, along with all Small Cellular Facilities equipment buildings and other associated structures by the owner or agent of the owner within 180 days. All costs associated with demolition of the Small Cellular Facility equipment buildings, and other associated structures shall be borne by property owner of record, lessor, lessee, and/or operator of the Small Cellular Facility.

13

Article 13: Off-Street Parking and Loading

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ARTICLE 13: OFF-STREET PARKING AND LOADING

13.1 Purpose

The purpose of this Article is to prevent and alleviate the congestion of public streets, to minimize the detrimental effects of vehicular use areas on adjacent properties, and to promote the safety and welfare of the public by establishing minimum requirements for off-street parking and loading areas.

13.2 Applicability

13.2.1 New and Expanded Uses

The off-street parking and loading requirements of this Article shall apply to the following:

(A) Zoning Certificate application for the construction of a new building; or

(B) For an alteration, addition, or change of use of an existing building that would expand the square footage of a use or would require more parking based on the requirements of this article.

13.2.2 Existing Uses

The off-street parking and loading requirements of this Article shall not apply to buildings and uses legally in existence on the effective date of this Zoning Resolution unless modified in the manner stated in Subsection 13.2.1 (New and Expanded Uses) above. Furthermore, any parking or loading facilities now serving such existing buildings or uses shall not be reduced below the requirements established in this Article in the future.

13.2.3 Maintenance

The duty to provide and maintain all such parking and loading areas shall be the joint responsibility of the owner, operator, and lessee of the use for which the vehicular areas are required.

13.2.4 Plan Review

For any off-street parking area required under this Article with 5 or more parking spaces, a plan shall be submitted with the application for a Zoning Certificate. Any such plan shall clearly illustrate the following:

(A) Number of parking spaces;

(B) The arrangement of parking aisles;

(C) The location of driveway entrances;

(D) Provisions for vehicular and pedestrian circulation;

(E) The location of sidewalks, wheel stops, lighting, and curbs on or adjacent to the property;

(F) The location of utilities, barriers, shelters, and signs; and

(G) Any additional information as requested by the Zoning Administrator or the Zoning Commission.

13.3 Required Parking Spaces

13.3.1 Rules for Computing Parking Spaces

The following rules shall apply when computing parking spaces:

(A) **On-Street Parking**

On-street parking spaces shall not be counted toward off-street parking space requirements.

(B) **Multiple Uses**

Unless otherwise noted or approved, off-street parking areas serving more than one use shall provide parking in an amount equal to the combined total of the requirements for each use.

(C) **Fractions**

When a measurement of the number of required spaces results in a fractional number, any fraction of ½ or less shall be rounded down to the next lower whole number and any fraction of more than ½ shall be rounded up to the next higher whole number.

(D) **Area Measurements**

(1) Unless otherwise specifically noted, all square footage-based parking standards shall be computed on the basis of gross floor area of all floors in a non-residential building.

(2) Up to 15 percent of the gross floor area may be excluded from the above calculation if the area is used for storage, loading, unloading, or for mechanical equipment.

(E) **Occupancy- or Capacity- Based Standards**

(1) For the purpose of computing parking requirements based on employees, students, residents, or occupants, calculations shall be based on the largest number of persons working on a single shift, the maximum enrollment, or the maximum fire-rated capacity, whichever is applicable, and whichever results in a greater number of parking spaces.

(2) In hospitals, bassinets shall not be counted as beds.

(3) In the case of benches, pews and similar seating accommodations, each 18 inches thereof shall be counted as one seat for the purpose of determining the parking requirements.

(F) **Unlisted Uses**

(1) Upon receiving an application for a use not specifically listed in the parking schedule below, the Zoning Administrator shall apply the parking standard specified for the listed use that is deemed most similar to the proposed use in regards to use, size and intensity of use.

(2) If the Zoning Administrator determines that there is no listed use similar to the proposed use, intensity, or size, they may refer to the estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE).

13.3.2 Required Number of Spaces

(A) Table 13-1 defines the number of parking spaces required for each use within Colerain Township.

(B) The applicant may vary from the required number of parking spaces in accordance with Subsection 13.3.4 (Modification of Required Number of Spaces).

Table 13-1 Required Number of Parking Spaces

Use	Required Parking Spaces
Residential Uses	
Adult family homes and small or large residential facilities	1.5 spaces per bedroom
Assisted living, convalescent home, nursing home	1 space per 2 beds
Housing reserved for older adults (65 years or older)	1 space per bed
Group Homes for Children	1 space per employee on shift of maximum employment and 2 visitors spaces
Multi-family dwellings	1.5 spaces per efficiency or single-bedroom dwelling unit and 2 spaces per dwelling unit for multiple bedroom dwelling units.
Open space residential developments	2 spaces per dwelling unit
Other institutional housing other than those specified in this Table	1.5 spaces per bedroom
Single –family dwellings or permanently sited manufactured homes	2 spaces per dwelling unit
Two-family dwellings	2 spaces per dwelling unit
Business Uses	
Automotive body repair, or service	3 spaces per 1,000 square feet of floor area, excluding services bays, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Automotive fuel sales	4 spaces per 1,000 square feet of floor area, excluding services bays, plus 1 space per fuel pump or service bay (service bay may not be counted as a parking space).
Automotive washes	3 spaces per washing bay (washing bay may not be counted as a parking space).

Table 13-1 Required Number of Parking Spaces	
Use	**Required Parking Spaces**
Automotive, truck, boat, or other vehicle sales or rental	10 spaces per 1,000 square feet of indoor floor area, plus 2 spaces per service bay (service bay may not be counted as a parking space).
Automotive wrecking, salvage, or junk facilities	See Industrial or manufacturing uses.
Banks or financial institutions	4 spaces per 1,000 square feet.
Banquet halls, exhibition halls	1 space per 2 persons, or 1 per 1,000 square feet, whichever is greater
Bars and taverns	15 spaces per 1,000 square feet
Bed and Breakfast Establishment	2 spaces for the owner or operator, plus 1 space for each bedroom rented to the public
Broadcasting/recording studios	2 spaces per 1,000 square feet plus 1 space per 3 fixed seats.
Clubs	10 spaces per 1,000 square feet or 1 space per 2 persons, whichever is greater.
Commercial kennels	2 spaces for drop-off and pick-up of animals
Commercial schools for dance, music, or similar uses	1 space per 2 students
Contractor or construction sales	See retail commercial.
Day care centers	1 space for every 4 children
Distribution facilities	See warehousing or storage.
Funeral homes	1 space per 50 square feet
Garden store or greenhouse	4 spaces per 1,000 square feet of indoor sales area, plus 1 space per 1,000 square feet of greenhouse or net outdoor sales
Health and fitness centers	5 spaces per 1,000 square feet
Heavy industrial uses	See Industrial or manufacturing uses.
Hotels and motels	1 space per room or suite
Industrial or manufacturing uses	1.5 spaces per 1,000 square feet.
Laboratories	See Professional or business offices
Light industrial uses	See Industrial or manufacturing uses
Medical or dental clinics	4 spaces per 1,000 square feet
Nurseries	See Retail commercial uses
Outdoor displays, sales or storage	1 space per 750 square feet
Personal services including barber shops and beauty salons	6 spaces per 1,000 square feet, or 2 spaces per station/chair, whichever is greater

Table 13-1 Required Number of Parking Spaces	
Use	**Required Parking Spaces**
Pool or billiard hall	10 spaces per 1,000 square feet
Professional or business offices *(see also specific office types)*	3 spaces per 1,000 square feet
Recycling processing center, recycling collection station	4 spaces per 1,000 square feet
Restaurant	15 spaces per 1,000 square feet or 1 space for each 4 seats, whichever is greater
Retail commercial uses	4 spaces per 1,000 square feet
Service commercial uses	4 spaces per 1,000 square feet.
Storage facility	1 space per 2 storage units.
Telecommunication structures	1 space per structure.
Theaters, amphitheaters, auditoriums, stadiums, and other places of assembly	1 space per 2 fixed seats or 1 space per 2 persons, whichever is greater
Veterinary facilities	4 spaces per 1,000 square feet
Warehousing or storage	1 space per 2,000 square feet.
Wholesale, bulk goods, hardware, furniture, or similar sales	2.5 spaces per 1,000 square feet.
Institutional/Public/Recreational Uses	
Active parks and recreational uses	See specific uses below
Ballfields	20 spaces per field
Bowling alley	5 spaces per bowling lane
Religious places of worship	1 space per 3 fixed seats in the main assembly room or 1 space per 3 persons, whichever is greater
Cemetery	1 space per 4 seats in a chapel or place of assembly
Colleges, universities and other higher educational facilities	1 space for each 5 classroom seats plus 1 space for each auditorium seat
Educational uses	See specific educational use types
Elementary or middle/junior schools	3 spaces per classroom
Golf courses	8 spaces per hole
Golf driving ranges	2 spaces per tee
Hospitals	1 space for every 2 patient beds plus outpatient clinics, laboratories, pharmacies and other similar uses shall have 4 spaces per 1,000 square feet.
Indoor recreational facility not otherwise specified	2 spaces per 1,000 square feet
Libraries, museums and galleries	3 spaces per 1,000 square feet

Table 13-1 Required Number of Parking Spaces	
Use	**Required Parking Spaces**
Miniature golf courses	2 spaces per hole
Parks or playgrounds not otherwise specified	1 space per 10,000 square feet of park or playground area
Passive recreational, or conservation areas with trails or bike paths	8 spaces per hub or terminus location (requirement may be met with a shared parking agreement with a parking lot within 200 feet)
Racquetball, handball and tennis courts	5 spaces per court.
Senior high schools	1 space per 5 students.
Skating rinks	5 spaces per 1,000 square feet.
Swimming pool	20 spaces per 1,000 square feet of pool area.
Volleyball courts	16 spaces per court.

(Amended 12/11/07, 3/10/09)

13.3.3 Location of Off-Street Residential Parking Spaces

(A) For any residential use or parcel, off-street parking shall be prohibited in the front yard with the exception of driveways providing access from the street to the parking area.

(B) Within 10 feet of the right-of-way, the maximum width of the driveway shall be 24 feet.

(C) The maximum impervious surface coverage in the front yard on residential parcels with a width of 70 feet or greater, and on panhandle lots, is 35%. On lots with a width of 50 – 70 feet, the maximum impervious surface coverage in the front yard is 40%. On irregular shaped lots with reduced frontage at the end of a cul-de-sac, the maximum impervious surface coverage in the front yard is 50%.

(Amended 12/11/07)

13.3.4 Modification of Required Number of Spaces

For all uses except single-family and two-family dwellings, the number of parking spaces required in Table 13-1 above may be modified according to the following provisions.

(A) **Providing More Parking Spaces than the Required Number of Spaces**

(1) An applicant may provide a number of spaces equal to the number of required spaces or up to 10 percent more as of right.

(2) An applicant may provide additional spaces beyond those provided for in Subsection (1) above but shall be required to provide a minimum of 20 percent landscaping coverage within the parking area and comply with the landscape island requirements of Article 14 (Landscaping and Buffering).

(B) **Providing Fewer Parking Spaces than the Required Number of Spaces**

(1) An applicant may provide a number of spaces equal to the number of required spaces or up to 10 percent fewer as of right.

(2) An applicant may provide additional spaces beyond those provided for in Subsection (1) above but shall be required to provide a minimum of 20 percent landscaping coverage within the parking area and comply with the landscape island requirements of Article 14: Landscaping and Buffering.

(3) The Zoning Administrator may permit a total reduction of up to a maximum of 50 percent of the required number of spaces upon compliance with all other sections of this Article.

(4) 10 percent of the spaces required in Table 13-1 may be reduced as of right but the remaining percentage, with a maximum reduction of 50 percent, may be permitted only if the applicant provides off-site parking spaces, shared parking spaces, shadow parking spaces, or an approved alternative as defined in Subsection 13.4.7 (Alternative Parking) that is equal to the requested reduction in required parking spaces.

13.4 Design of Parking Spaces and Aisles

All off-street parking and loading areas shall meet the following provisions unless otherwise provided for in other sections of this Resolution.

13.4.1 Location and Setback Requirements

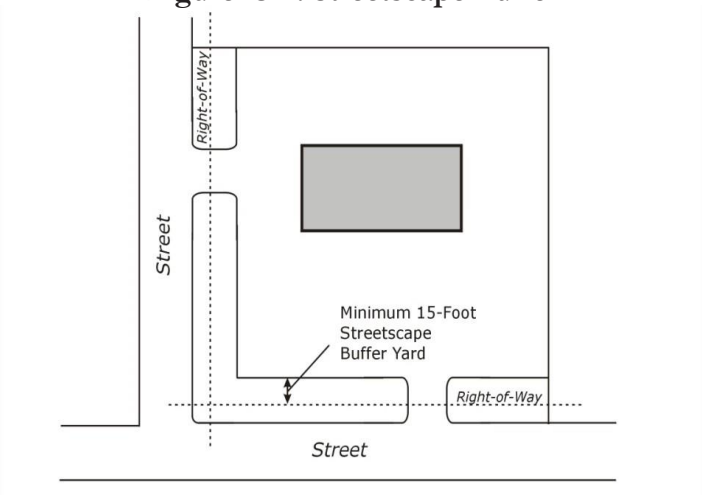
(A) Parking spaces shall be located on the same lot as the principal use they serve unless the spaces meet the requirements of Article 13 (Off-Site Parking and Loading).

(B) Parking lots shall be located, to the maximum extent feasible, to the rear and side of buildings.

(C) Parking areas shall be set back from the edge of buildings to provide for sidewalk and landscape treatments in front of the building. See Figure 13-2.

(D) There shall be a minimum 15-foot streetscape buffer yard beginning at the right-of-way line of any street. The area within such buffer yard shall be landscaped in accordance with Subsection 14.5.1 (Streetscape Buffers) and maintained in good condition. See Figure 13-2.

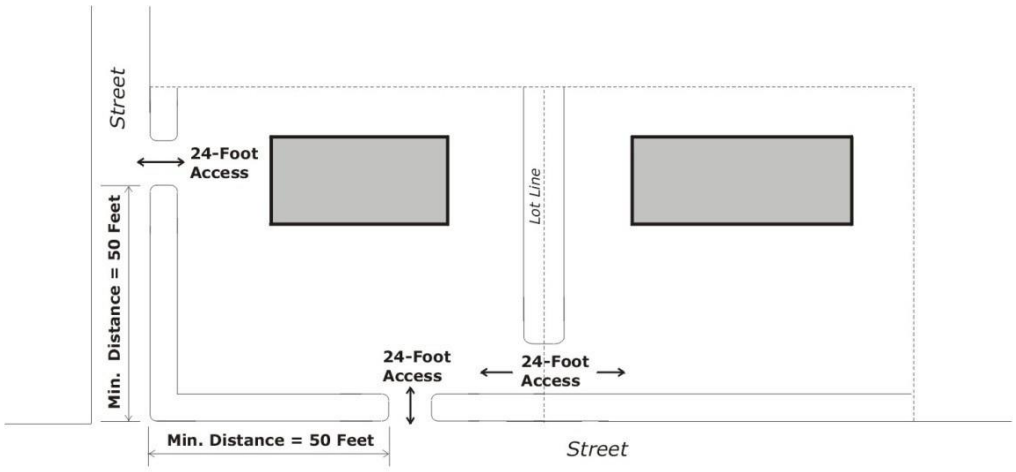
Figure 13-2: Streetscape Buffer



All off-street parking areas for 5 vehicles or more that is located adjacent to a residential zoning district shall be screened on any side that adjoins or faces a property in such residential district. Such screening shall consist of a solid masonry wall or solid fences of not less than 4 and not more than 6 feet in height. A tight screen of hardy evergreen shrubbery of not less than 4 feet in height may be used as an alternative to the solid masonry wall or solid fence. For uses or properties subject to Article 14 (Landscaping and Buffering), the more restrictive landscaping, screening, or buffering shall apply.

(E) No entrance to or exit from a parking area of 5 vehicles or more shall be closer than 50 feet to the right-of-way line of intersecting public streets or signalized intersection. See Figure 13-3.

Figure 13-3: Driveways and Access



13.4.2 Access

(A) For all multi-family dwelling uses and nonresidential uses, adequate access to off-street parking areas shall be provided from a public street, easement, or shared access to an adjacent property through the use of a driveway with a minimum width of 24 feet at the property line. See Figure 13-3.

(B) **Sidewalks along a Public Street**

(1) Any use or building subject to the provisions of this Article and established after the adoption of this Resolution shall be required to provide a 4-foot wide sidewalk along all public streets for the full length of street frontage.

(2) Any established use or building that is expanded more than 50 percent of the existing floor area after the adoption of this Resolution shall be required to install a 4-foot wide sidewalk along all public streets for the full length of street frontage.

(3) All sidewalks shall meet the minimum design requirements of the rules and regulations of the Hamilton County Engineer's Office.

(4) The sidewalk requirement may be waived or modified by the Board of Zoning Appeals pursuant to the variance review process.

(C) **Walkway Connections to Public Sidewalks**

(1) Where a sidewalk exists in a public right-of-way adjacent to the site, or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the building to the sidewalk.

(2) The pedestrian connections shall be constructed of asphalt, concrete, or of hard surface pavers.

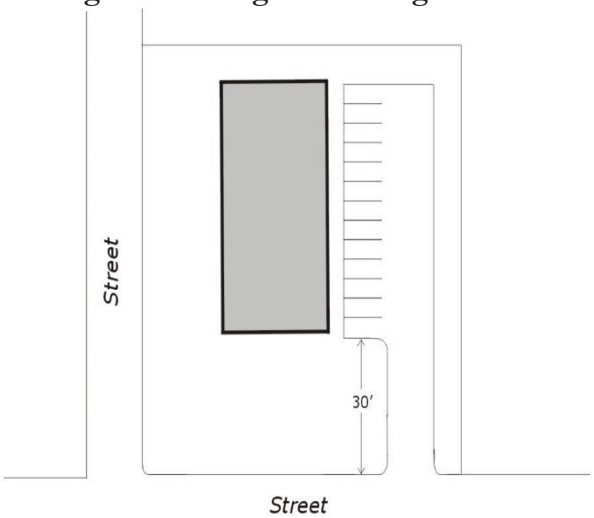
(3) The pedestrian connection may be created as part of a driveway provided that it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.

(4) The pedestrian connection shall have a minimum width of 4 feet.

(D) All parking spaces shall be entered and exited along parking aisles arranged perpendicular to access drives or aisles to the maximum extent feasible. Parking spaces shall not be located along entry drives within 30 feet of the right-of-way (See Figure 13-4).

(E) Driveways shall be located so loading and unloading activities will not hinder vehicular ingress and egress.

Figure 13-4: Ingress and Egress



(F) To the maximum extent feasible, all uses shall provide concrete or paved pedestrian linkages to existing trail systems, parks, schools, adjacent developments, and mass transit stations or stops. Such pedestrian linkages shall be a minimum of 5 feet in width.

(G) To the maximum extent feasible, provisions for primary access along secondary streets shall be provided to minimize traffic congestion on primary arterial streets.

(H) Curb definitions shall be maintained, prohibiting continuous access along the frontage of a site so as to comply with the Access Management Rules and Regulations enforced by the Hamilton County Engineer.

13.4.3 Design Standards

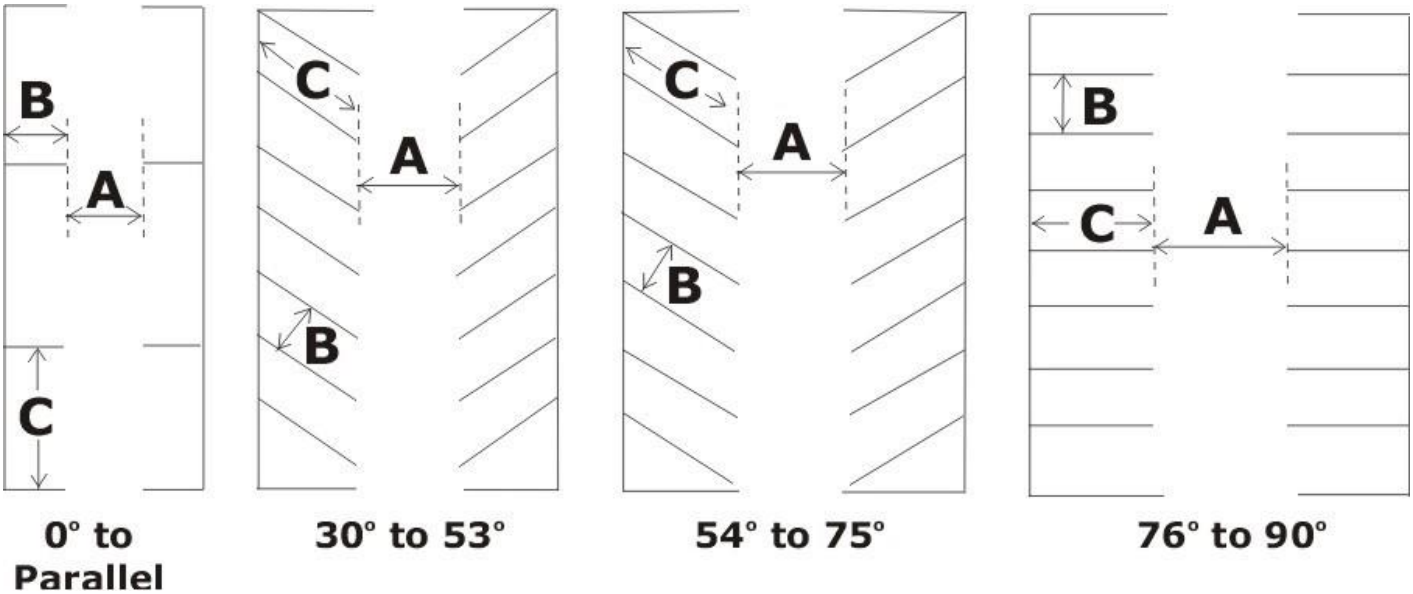
(A) **Dimensions**

The minimum size of a parking space may be altered based on aisle width and angle of parking. Parking stalls shall conform to the minimum standards set forth in Table 13-5 and Figure 13-6.

Table 13-5: Parking Area Dimensions

Angle of Parking (degrees)	One-Way Maneuvering Aisle Width (Feet) "A"	Two-Way Maneuvering Aisle Width (Feet) "A"	Parking Stall Width (Feet) "B"	Parking Stall Length (Feet) "C"
0 – Parallel	12	20	9	23
30 – 53	13	20	9	19
54 – 75	18	22	9	19
76 – 90	22	24	9	19

Figure 13-6: Parking Area Dimensions



(B) **Maneuverability Areas**

The following provisions shall be followed to maintain efficient maneuverability:

(1) Turn Around Area

Where more than 3 parking spaces are served by a single driveway, a turnaround area shall be provided, or other provisions made, to permit cars to exit the parking lot without backing onto any street or sidewalk. See maneuvering aisle widths in Table 13-5 and Figure 13-6.

(2) Back-Up Area

Each parking space shall be provided with a sufficient back-up area so as to permit egress in one maneuver, consisting of one backward and forward movement. See maneuvering aisle widths in Table 13-5 and Figure 13-6.

(C) **Surface**

(1) All off-street parking areas, driveways, and aisles for residential uses on lots smaller than 1 acre shall be graded and paved with an asphalt or concrete surface.

(2) Parking areas and aisles in all other districts shall be paved with an asphalt or concrete surface. Pavers or porous pavement systems that allow for stormwater drainage to pass through or grass to grow through them may be permitted as part of a permitted shadow parking area as described in Subsection 13.4.7 (Alternative Parking).

(D) **Continuous Curbs**

(1) Continuous curbs shall be made of asphalt, concrete, stone or other similar material and shall have a minimum height of 6 inches and a minimum width of 6 inches. They shall form a non-interrupted edge around all landscaped areas adjacent to parking and maneuverability areas that are not protected by wheel stops. See Figures 13-7.

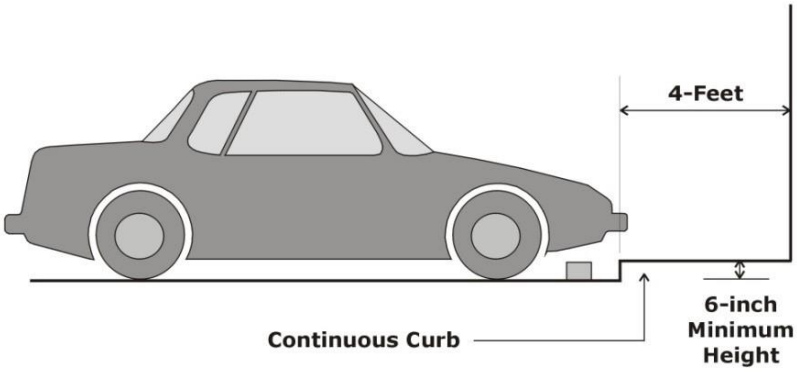
(2) Continuous curbs shall be located a minimum of 4 feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See Figure 13-7.

(3) Continuous curbs shall be required to surrounding parking areas in all business districts for parking lots with 25 or more parking spaces.

Figure 13-7: Wheel Stop or Continuous Curb Placement

(4)

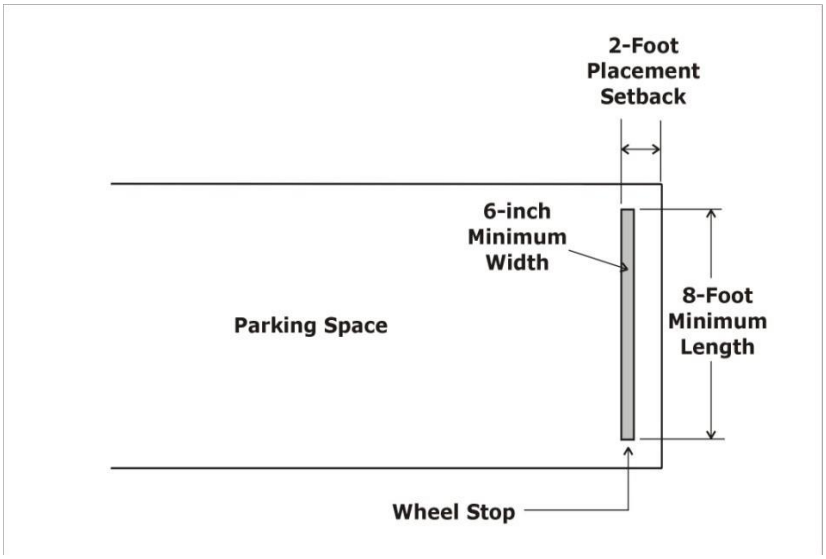
(E) **Wheel Stops**



(1) Each wheel stop shall be a singular block of reinforced concrete, stone or other durable material with a minimum height of 6 inches, a minimum width of 6 inches and a minimum length of 8 feet. Wheel stops are to be securely attached to the ground and may be used only at the end of parking stalls. See Figure 13-8.

(2) Wheel stops shall be located so as to provide a minimum of 2 feet from any structures, buildings, walls, or plant material to prevent a vehicle from driving onto the landscaped area or hitting any structure at the edge of a parking area. See Figure 13-8.

Figure 13-8: Wheel Stop Placement



(F) **Striping**

The individual parking spaces (stalls) shall be striped according to the approved layout of the parking area.

13.4.4 Parking Requirements for Physically Disabled

Applicants shall provide parking spaces for the physically disabled as required by the Ohio Basic Building Code and shall include all necessary markings, striping, and signage.

13.4.5 Fire Code

All parking and loading plans shall conform to all requirements set forth in the fire code as adopted by Colerain Township and as approved by the Township's Fire Department.

13.4.6 Maintenance of Parking Areas

Every off-street parking space required by these regulations shall be provided with satisfactory access to a street, easement, shared access road, or alley by means of a solid and dust free driveway that meets the requirements of Section 13.4.3 (C) (Surface), and all parking areas shall be developed and maintained in accordance with the provisions of this Article.

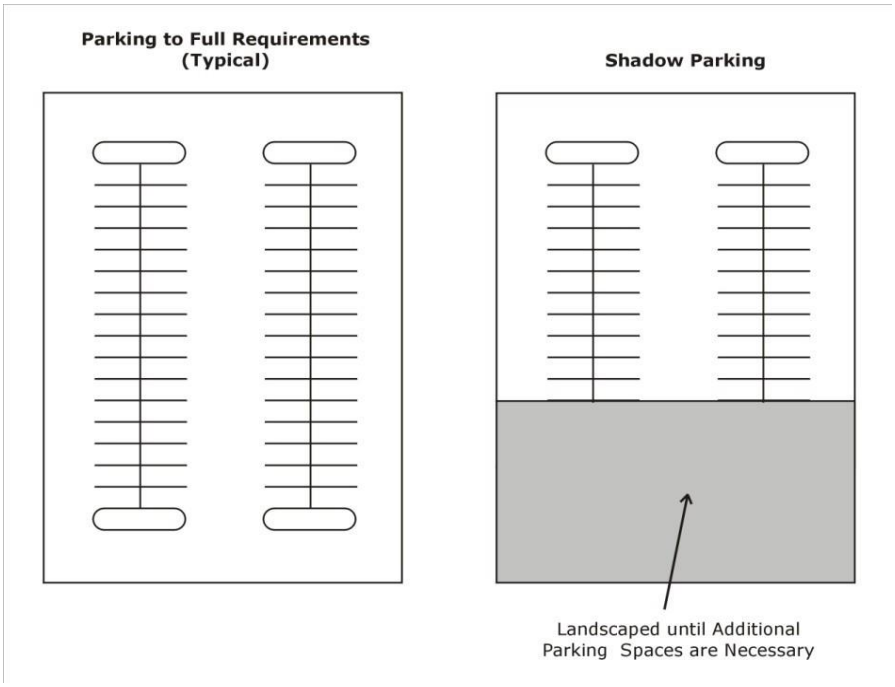
13.4.7 Alternative Parking

The following are 3 methods of accommodating parking as an alternative to constructing an adequate number of parking spaces on an individual lot.

(A) **Shadow Parking**

A portion of the required parking spaces may remain landscaped and unpaved or paved with pervious pavers provided that the parking and unpaved areas complies with the following standards and is authorized in accordance with Section 13.3.4 (Modification of Required Number of Spaces. See Figure 13-9.

Figure 13-9: Shadow Parking



(1) The Parking and Loading Plan submitted with the Zoning Certificate application shall denote the location and layout of that portion of the parking area that currently is no longer deemed required. The plan shall indicate that the "shadow" parking spaces will be constructed according to this Resolution in the event that the Zoning Commission makes a finding, at any time, that all or any portion of this parking is necessary.

(2) At no time shall any portion of the required parking area that is so designated for future construction be used for the construction of any structure or paved surface with the exception that pervious pavers may be used to provide temporary parking provided that the pavers allow for grass and other vegetation to grow through the material.

(3) At no time shall any portion of the required parking or loading that is so designated for future construction as provided herein be counted as open space or other non-paved areas required by other provisions of this Article.

(4) The owner shall initiate construction of the approved "future" parking area, as identified on the approved parking and loading plan, within 3 months of the receipt of a certified letter or a letter through normal postal service (in the event that the certified letter is not accepted) sent to the owner of record from the Zoning Administrator, identifying that such parking is determined to be necessary.

(B) **Shared Parking**

A portion of the required parking spaces may be located on an adjacent property if the parking area complies with the following standards and is authorized in accordance with Subsection 13.3.4 (Modification of Required Number of Spaces).

(1) Shared parking is encouraged and permitted if the multiple uses that the shared parking will benefit can cooperatively establish and operate the facilities.

(2) The applicant shall have the burden of proof for reduction of the total number of parking spaces and shall document and submit information substantiating their request. Shared parking may be approved if:

a.) A sufficient number of spaces is provided to meet the highest demand of the participating uses;

b.) The uses are located adjacent to each other;

c.) Evidence has been submitted by the parties operating the shared parking facility, to the satisfaction of the Zoning Administrator, documenting the nature of uses and the times when the individual uses will operate so as to demonstrate the lack of potential conflict between them.

d.) The shared parking spaces will not be located in excess of 200 feet from the uses they are intended to serve;

e.) A legal shared parking agreement is submitted and approved by the Colerain Township Attorney or the Prosecuting Attorney, that provides for the rights of the respective parties to use the shared parking areas in a manner adequate to accommodate multiple users or that parking spaces will be shared at specific times of the day (i.e., one activity uses the spaces during daytime hours and another activity use the spaces during evening hours). This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

f.) The approved shared parking agreement shall be filed with the application for a Zoning Certificate and shall be filed with the County Recorder and recorded in a manner as to encumber all properties involved in the shared parking agreement.

g.) No Zoning Certificate will be issued until proof of recordation of the agreement is provided to the Zoning Administrator.

h.) Shared parking shall not account for more than 50 percent of the optimal required parking spaces as established in Section 13.3 (Required Parking Spaces).

(C) **Off-Site Parking**

A portion of the required parking spaces may be located on a separate lot from the lot on which the principal use is located if the off-site parking complies with the following standards and is authorized in accordance with Subsection 13.3.4 (Modification of Required Number of Spaces).

(1) Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, hospitals, bars (if not incidental to a restaurant), or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.

(2) No off-site parking space shall be located more than 500 feet from the primary entrance of the use served, measured along the shortest legal, practical walking route. This route may include crossing a right-of-way provided it uses a legal crosswalk.

(3) Off-site parking shall not be permitted on a vacant lot in a residential zoning district unless permitted by the Board of Zoning Appeals as part of a conditional use.

(4) Off-site parking areas shall adhere to the regulations of the same or a more intensive zoning classification than that required for the use served.

(5) In the event that an off-site parking area is not under the same ownership as the principal use served, a written off-site parking agreement shall be required.

(6) An off-site parking agreement shall be submitted and approved as to form by the Colerain Township Attorney or the Prosecuting Attorney. This agreement shall include provisions, evidence of deed restrictions or other recorded covenants that ensure that the spaces will be properly maintained during the life of the development.

(7) The off-site parking agreement approved by the Colerain Township Attorney shall be filed with the application for a Zoning Certificate and shall be recorded as a deed restriction or covenant in a manner as to encumber all properties involved in the off-site parking agreement.

(8) Final inspection to authorize occupancy shall not be granted until proof of recordation of the agreement is provided to the Zoning Administrator.

(9) Off-site parking shall be used and maintained solely for parking as long as the use, as recorded and approved, exists. The off-site parking agreement may be terminated when the additional site is no longer necessary, there is a change of use, or the approved conditions are no longer applicable.

13.5 Stacking Space Requirements

Vehicle stacking spaces for drive through facilities shall be provided according to the following provisions:

13.5.1 Minimum Number of Stacking Spaces

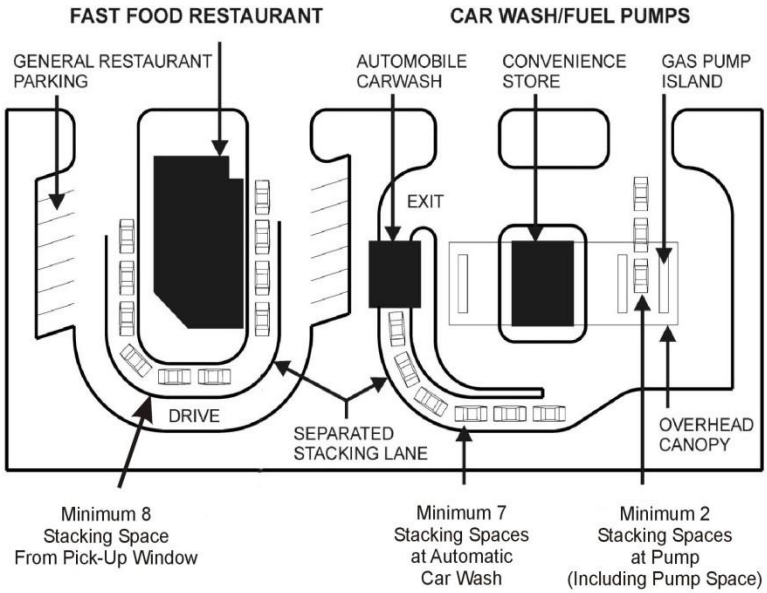
The number of required stacking spaces shall be as provided for in Table 13-10. See Figure 13-11 for illustration of stacking spaces:

Table 13-10: Stacking Space Requirements

Activity	Minimum Stacking Spaces (per lane)	Measured From:
Financial Institution or Automated Teller Machine (ATM)	4	Teller or Window
Restaurant	8	Pick-Up Window
Full Service Automotive Wash	7	Washing Bay
Self-Service Automotive Wash	2	Washing Bay
Fuel or Gasoline Pump Island	2	Pump Island
Other	As determined by the Zoning Administrator * (See Note below)	

* Any other use shall be required to document proof that the provided number and location of stacking spaces are adequate to meet the purpose of this Article as set forth in Section 13.1 (Purpose).

Figure 13-11: Stacking Space Location Examples



13.5.2 Design and Layout

(A) Washing bays in a car wash shall not count toward the stacking space requirement.

(B) Pump spaces can count toward the stacking space requirement.

(C) Stacking spaces shall be a minimum of 10 feet by 20 feet in size.

(D) Stacking spaces may not impede on- or off-site traffic movements or movements in or out of off-street parking spaces.

(E) Stacking spaces shall be separated from other internal driveways by surface markings or raised medians.

(F) These stacking space requirements shall be in addition to the off-street parking space requirements.

13.6 Parking and Storage of Recreational Vehicles and Utility Trailers in Residential Districts

(Amended 1/8/13)

Outside parking or storage of recreational vehicles and utility trailers in residential districts is subject to all of the following provisions:

13.6.1 Vehicles stored or parked on a trailer intended for road transportation of the recreational vehicle shall be deemed to be one recreational vehicle. (For example, a boat on its trailer shall be deemed one recreational vehicle).

13.6.2 No recreational vehicle or utility trailer shall be occupied for the purpose of habitation, living, housekeeping, business, or home occupation purposes.

13.6.3 No recreational vehicle or utility trailer shall be stored in any residential district, except on a single family lot in which the owner of the recreational vehicle or utility trailer has an ownership interest, or an interest as a lessee or tenant.

13.6.4 On lots of less than one acre, one recreational vehicle or utility trailer may be parked or stored outside. On lots of one acre or more, two recreational vehicles or utility trailers or one recreational vehicle and one utility trailer may be parked or stored outside.

13.6.5 Recreational vehicles or utility trailers which are stored outside shall be stored not closer than the following distances from the side and rear lot lines:

(A) In the R-7, R-6, and R-5 Districts:	5 feet
(B) In the R-4 District:	10 feet
(C) In the R-3 District:	20 feet
(D) In the R-1 and R-2 Districts:	25 feet

And shall be set back a minimum of 25 feet from any adjacent dwelling in all R Districts.

These setbacks shall not apply to a recreational vehicle or utility trailer which is parked and fits entirely within a carport.

13.6.6 There shall be no maximum number of recreational vehicles or utility trailers that may be stored in enclosed garages or accessory structures; however, all such structures shall be subject to all other applicable standards of this Resolution.

13.6.7 The recreational vehicle or utility trailer shall be maintained and be in good condition and safe for effective performance of the function for which it is intended. The exterior of the vehicle shall be intact.

13.6.8 Recreational vehicles and utility trailers designed for street use or street transport shall be roadworthy.

13.6.9 Recreational vehicles and utility trailers that require a license, registration, or permit, shall be properly licensed, registered, and shall display the required permit. Recreational vehicles are subject to the Colerain Township Junk Vehicle Resolution

13.6.10 All recreational vehicles and utility trailers shall be parked or stored on a paved surface. The parking areas for recreational vehicles shall be clean and free of weeds.

13.6.11 A recreational vehicle or utility trailer which fits entirely within a carport shall be deemed to be parked outside. Such recreational vehicle shall be subject to the Colerain Township Junk Vehicle Resolution.

13.6.12 Recreational vehicles and utility trailers shall be parked or stored in the rear or side yard.

13.6.13 Recreational vehicles and utility trailers shall be screened using landscaping or an enclosure of solid fencing or materials similar to those used for other structures on the property.

13.6.14 One recreational vehicle or utility trailer may be temporarily parked in the front driveway for not more than 3 days in a single month for the purpose of loading or unloading the vehicle.

(Amended 12/11/07)

13.7 Vehicles Permitted in a Residential District

13.7.1 Parking of vehicles accessory to a residential use shall be limited to those vehicles actually used by the resident for personal use, agricultural use, or temporary parking for guests. Vehicles not in keeping with residential character shall not be permitted.

13.7.2 In no case shall a residentially zoned parcel be used for the parking or storing of a semi trailer or tractor. Parcels that are exempt from zoning due to the agricultural use of the property shall be exempt from this provision if the semi-trailer or tractor is used in conjunction with the exempt agricultural use.

13.7.3 No truck, construction equipment, commercial trailer or other vehicle of a business or industrial nature shall be parked upon a residential lot except:

(A) A 1-ton pickup truck with a maximum length of 18 feet and maximum height of 7 feet including the bed, cap, tool boxes, or other accessories. No tow truck, stake body, or dump truck may be parked on a residential lot.

(B) A passenger van not to exceed 1 ton and 18 feet in length. No step van or chassis van shall be parked on a residential lot without approval from the Board of Zoning Appeals.

(C) Limousines or other stretch vehicles shall not be parked on a residential lot unless otherwise authorized by the Board of Zoning Appeals.

13.7.4 Outside parking of automobiles, station wagons, personal pick-ups, and passenger vans shall be located not closer than 3 feet to a side or rear lot line, except in the case of a legal nonconforming driveway location.

13.7.5 All vehicles are subject to the Colerain Township Junk Vehicle Resolution

13.8 Off-Street Loading Requirements

13.8.1 Applicability

The application of these loading requirements shall be limited to the same applicability as defined in Section 13.2 (Applicability) of this Article.

13.8.2 Exemptions

All residential uses shall be exempt from these off-street loading requirements.

(A) **Number of Off-Street Loading Spaces Required**

Off-street loading spaces shall be provided in accordance with the schedule set forth in Table 13-12 (Off-Street Loading Requirements) and shall not conflict or overlap with any areas used for parking.

Table 13-12 Off-Street Loading Requirements

Gross Floor Area of Structure (square feet)	Number of Required Loading Spaces
0-10,000	0
10,001-50,000	1
50,001-100,000	2
100,001-200,000	3
200,001-400,000	4
Each additional 200,000	1

13.8.3 General Design Standards

Every loading space shall be designed, constructed, and maintained in accordance with the standards and requirements set forth below:

(A) **Location of Required Loading Spaces**

Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in any required front yard, nor shall it permit any vehicle to extend into any front yard or across any lot lines of a more restrictive district while the vehicle is being loaded or unloaded.

(B) **Dimensions**

No required loading space shall be less than 12 feet in width or 25 feet in length or have a vertical clearance of less than 14 feet.

(C) **Access**

(1) Loading spaces shall be designed and arranged to provide access to a street or alley in a manner that will create the least possible interference with traffic movement and parking lot circulation. The Zoning Administrator shall approve access to and from loading spaces.

(2) No part of any truck or van that is being loaded or unloaded may extend into the right-of-way of a public thoroughfare.

(3) Loading spaces shall be designed with sufficient apron area to accommodate truck-turning movements and to prevent backing of trucks onto any street right-of-way.

(D) **Screening**

(1) All operations, materials, and vehicles within any loading space that are visible from a public street or from any residential use shall be screened.

(2) The screening material shall be at least 6 feet in height and 100 percent opaque and shall satisfy the buffer requirements of the most restrictive adjacent district.

14

Article 14: Landscaping and Buffering

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ARTICLE 14: LANDSCAPING AND BUFFERING

14.1 Purpose

The purpose of this Article is to:

14.1.1 Promote and protect the interest of the public convenience, comfort, prosperity, or general welfare in accordance with Article 1 of this Resolution by providing for the planting and maintenance of trees, shrubs, and other plants within the Township.

14.1.2 Require buffering between non-compatible land uses and to protect, preserve and promote the character and value of surrounding neighborhoods, to promote the public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature, and artificial light glare by providing for the installation and maintenance of buffer areas in accordance with the standards and requirements of this Article.

14.1.3 Require reasonable landscaping that is economically beneficial in attracting new residents, visitors, and businesses to the community. This article will enhance this via proper location and quantities of planting and landscaping. This article also will promote the preservation and replacement of trees and significant vegetation removed during the development of land.

14.2 Applicability

14.2.1 This Article shall apply to all new development and/or where there is a 100 percent redevelopment of a site.

14.2.2 For expansion of structures, the landscaping and buffering requirements shall apply to any new or expanded parking or vehicular use areas.

14.2.3 For the expansion of structures that will decrease the setback between the structure and a residential zoning district, the buffering and screening standards of this Article shall apply.

14.2.4 Where there is a change in use that is more intense than the pre-existing use, the buffering and screening standards of this Article shall apply.

14.2.5 Single-family dwellings and two-family dwellings shall be exempt from the provisions of this Article.

14.3 Landscaping and Buffer Plan

14.3.1 Landscaping and Buffer Plan Requirement

(A) Any property to which this Article applies shall illustrate all proposed landscaping and buffer, including the proposed landscaping material, on a site plan or on a separate buffer plan as part of the application for a Zoning Certificate.

(B) All plans shall include a table listing the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas. This shall include the common and botanical names, sizes and other remarks as appropriate to describe the landscaping material selection.

(C) Details shall be provided showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.

14.3.2 Approval of Buffer Plan

Criteria for the approval of a buffer plan shall be as follows:

(A) No Zoning Certificate shall be issued without approval of a landscaping and buffer plan.

(B) Failure to implement the buffer plan within 12 months of the issuance of a Zoning Certificate shall be deemed a violation of this Resolution.

14.4 Landscaping Materials and Standards

14.4.1 Responsibility for Installation of Landscaping Materials

The boundary buffer area shall be provided by the person in charge of or in control of developing the property, whether as owner, lessee, tenant, occupant or otherwise (hereinafter referred to as "Owner").

14.4.2 Existing Landscape Material

(A) Unless otherwise noted, existing landscape material in healthy condition can be used to satisfy the requirements of this Article in whole or in part.

(B) The Zoning Administrator shall determine satisfaction of this requirement. The Zoning Administrator shall take into consideration the recommendations of the Colerain Township Landscaping Advisory Board.

14.4.3 Easements

Nothing shall be planted or installed within any underground or overhead utility, drainage, or gas easement without the consent of the utility provider, easement holder, or the Township.

14.4.4 Landscaping Materials

Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards. The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the Zoning Administrator.

(A) **Walls and Fences**

(1) When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be constructed of weatherproof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooden or synthetic slat material shall not be allowed when used to satisfy the buffer requirements of this Article.

(2) Walls and fences shall be designed to orient the best, or most attractive side, away from the subject lot so the best side faces the adjacent lots.

(B) **Plants**

(1) Plant materials used in conformance with these provisions shall conform to the American Association of Nurserymen and shall have passed any inspection required under state regulations. Trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root as well as balled and burlapped or from containers.

a.) Deciduous Trees

Deciduous trees shall have a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Article shall be used to create a dense buffer.

b.) Evergreen Trees

Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.

c.) Ornamental Trees

Ornamental trees shall have a minimum height of 5 feet or a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.

d.) Shrubs and Hedges

Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective buffer of at least 5 feet within a period of 4 years after planting.

e.) Grass and Ground Cover

Grass shall be planted in species normally grown in permanent lawns in Hamilton County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75 percent complete coverage after 2 growing seasons.

(2) Once the minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements.

(C) **Species Diversity**

(1) When fewer than 40 trees are required on a site, at least 2 different species shall be utilized, in roughly equal proportions.

(2) When 40 or more trees are required on a site, at least 3 different species shall be utilized, in roughly equal proportions.

(3) Required shrubs shall utilize the same species diversity requirements.

(4) Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.

(D) **Earth Mounds**

Earth mounds may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following:

(1) Earth mounds shall conform with the grading requirements of the authority having jurisdiction.

(2) Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.

(3) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.

(4) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.

(5) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

(6) No mound wastewater treatment system or other similar on-site wastewater treatment system shall count toward the buffering requirement.

(E) **Grade Changes**

In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment shall be planted with low shrubs and shade or ornamental trees. The type and variety of plantings shall be based on the steepness of the slope. A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot. Such plantings shall be reviewed by the Landscape Advisory Board prior to the issuance of a Zoning Certificate.

14.5 Required Buffers

14.5.1 Streetscape Buffers

(A) Parking areas with more than 20 spaces shall landscape the 15-foot minimum streetscape buffer required in Subsection 13.4.1 (Location and Setback Requirements) as provided in this Section.

(B) A minimum of one canopy tree shall be provided for every 35 lineal feet of street frontage. These trees do not have to be planted an equal distance apart but all shall be located along the street frontage and placed so they will not interfere with overhead utilities upon full growth.

(C) If overhead wires restrict the placement of canopy trees, ornamental trees can be substituted but at a ratio of one ornamental tree per 25 lineal feet of street frontage.

(D) A minimum of 10 square feet of landscaped area including flowers, shrubs, or ground covers shall be provided for every 100 square feet of streetscape buffer.

(Amended 12/11/07)

14.5.2 Lot Buffers

(A) **Minimum Buffer Yard**

(1) Table 14-1 shall define the minimum buffer requirements between lots based on adjacent zoning districts.

(2) Where any activity or land falls under more than one of the categories listed, the most stringent requirements shall be applied.

(3) Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standard shall apply.

Table 14-1 Required Buffer Yard (Feet)											
Abuts / When	Districts										
	R-1 to R-6	R-7	B-1	B-2	B-3 or PD-I	O-1	I-1	PD-B or PD-M	RF	SWD	ME
R-1 to R-6	0	0	0	0	0	0	0	0	0	0	0
R-7	25	0	0	0	0	0	0	0	25	0	0
B-1	25	20	0	0	0	10	0	0	25	0	0
B-2	40	30	25	0	0	25	0	0	40	0	0
B-3 or PD-I	50	30	25	10	0	25	0	0	50	0	0
O-1	25	25	25	0	0	0	0	0	40	0	0
I-1	100	100	60	40	40	60	0	40	100	0	0
PD-B or PD-M	30	40	30	10	0	25	0	0	50	0	0
RF	25	0	0	0	0	0	0	0	0	0	0
SWD	500	500	100	100	100	100	80	100	500	0	0
ME	500	500	100	100	100	100	80	100	500	0	0

(B) **Planting Requirements for Required Buffers**

(1) Buffers shall include, at a minimum:

a.) A 6-foot high fence or wall or an earth mound/earth berm; and

b.) Three evergreen trees and 6 shrubs for every 60 lineal feet of lot line requiring a buffer.

(2) In lieu of fence, wall, or earth mound/berm, an applicant may provide a natural buffer of the following:

a.) Eight evergreen trees, planted in an offset manner to provide a solid buffer for every 80 lineal feet of lot line requiring a buffer; and

b.) Twelve shrubs for 75 lineal feet of lot line requiring a buffer.

(C) **Buffer Design Standards**

(1) Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement.

(2) The buffer shall be provided on the lot with the most intense use.

(3) On sloped areas the buffer shall be located to maximize its effectiveness.

(4) No construction shall be permitted within a required buffer other than a wall, fence, or berm, or a driveway in the front yard connecting a parking area on the lot to a street or to a parking area on an abutting lot. A driveway in the side yard that connects a paving area on the lot to the street shall not encroach into the buffer area. Subsurface constructions are permitted provided the required buffer is placed above said subsurface constructions and further provided no part of a subsurface construction protrudes above the ground surface.

(5) Adjacent Parcels Owned by the Same Owner

When 2 or more adjacent parcels are owned and being developed at the same time by the same owner, the buffer may be placed on either adjoining parcel or astride the boundary. If one property will remain vacant, the buffer shall be provided between the properties.

(6) Adjacent Parcels Owned by Different Owners

When adjacent parcels have different owners the buffer shall be placed on the parcel being developed. However, a buffer that meets the requirements of both parcels may be placed astride the boundary if a written agreement, signed by both owners, is filed with the Colerain Township Zoning Commission.

(7) Existing Fence, Wall, or Berm on Adjacent Parcel

When the adjoining parcel has an existing fence, wall or berm adjacent to a developing parcel boundary, the existing landscape material on the adjacent parcel may not be used toward the requirements for the boundary buffer required for that boundary edge.

(8) Existing Development on Both Sides

Where development already exists on both sides of a lot line, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Article given the location of existing buildings and driveways.

14.6 Parking Area Landscaping

14.6.1 Minimum Landscaping Requirement for Parking Areas

A minimum of 15 percent of the parking area shall be landscaped in accordance with the provisions of this Section.

14.6.2 Landscape Island Locations

(A) Landscape islands shall be located at the end of each parking row with a minimum size of 135 square feet for single loaded parking rows, and a minimum size of 270 square feet for double loaded rows (see Figure 14-2);

(B) No more than 15 spaces shall be located in a continuous row without being interrupted by a landscaped island. Such landscape islands shall be of the minimum size established in Subsection (A) above (See Figure 14-2);

(C) Landscape medians with a minimum width of 10 feet shall be located as to separate every 4 parallel rows of cars and shall run the full length of the parking row (See Figure 14-2);

(D) The landscaped islands should be designed, to the maximum extent feasible, to accommodate stormwater runoff. The use of porous pavement and/or specially designed brick or block is encouraged to increase on-site water detention for plant material and ground water supplies and to reduce problems associated with runoff.

(E) Landscaped islands shall have a minimum width of 9 feet as the narrowest dimension.

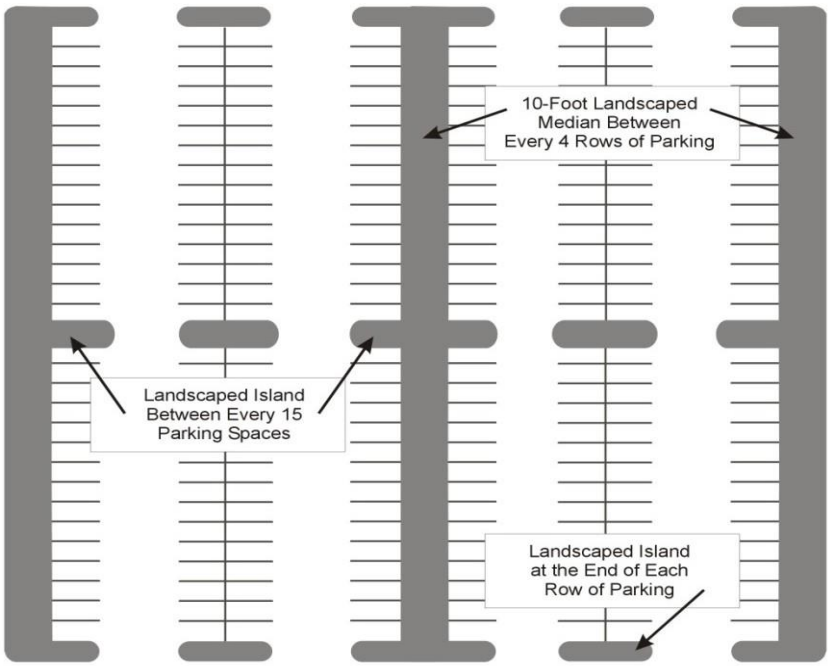

Figure 14-2: Interior Parking Area Landscaping

14.6.3 Planting Requirements

(A) Plantings shall be provided at a rate of 2 trees and 6 shrubs per 15 parking spaces or fraction thereof.

(B) Each individual landscaped island shall include a minimum of 1 tree, and 2 shrubs.

(C) The landscaped medians required in Subsection 14.6.2 (Landscape Island Locations) shall be planted with one deciduous tree every 20 lineal feet.

(D) The trees and shrubs shall be distributed throughout the parking lot islands to decrease the appearance of a single expanse of pavement and to create a canopy effect.

(E) The trees should be of a variety to provide the shade canopy and have a clear trunk height of at least 6 feet.

(F) The area not covered by the canopy of the tree, but within an interior landscape area, shall be covered by shrubs, grass, ground cover, landscape gravel, or mulch. Plants in this category may not interfere with visibility. All plants must be living, thriving, and assuming their intended form.

(G) The landscape medians/islands that separate every 4th row of parking spaces, running the full length parking area, shall be planted with a minimum of one tree per 40 lineal feet.

14.7 Maintenance

14.7.1 All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.

14.7.2 Unhealthy and dead plants that are required as part of these requirements shall be replaced within one year, or by the next planting season, whichever comes first.

14.7.3 Violation of these maintenance practices shall be a violation of this Zoning Resolution.

15

Article 15: Signs

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ARTICLE 15: SIGNS

15.1 Purpose

The purposes of these sign regulations are:

15.1.1 To encourage the effective use of signs as a means of communication in the Township;

15.1.2 To maintain and enhance the aesthetic environment and the Township's ability to attract sources of economic development and growth and to promote and maintain high value residential areas;

15.1.3 To encourage high quality, effective outdoor graphics for the purpose of navigation, information and identification;

15.1.4 To provide businesses in the township with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community;

15.1.5 To provide the public with safe and effective means of locating businesses, services and points of interest within the township and to provide for a safe vehicular and pedestrian traffic environment;

15.1.6 To eliminate, to the maximum extent feasible, clutter and to improve corridor visibility and, therefore, safety;

15.1.7 To eliminate any conflict between advertising (or identification) signs and traffic control signs which would be hazardous to the safety of the motoring public or pedestrians;

15.1.8 To minimize the possible adverse effect of signs on nearby public and private property; and

15.1.9 To ensure the protection of the public's first amendment rights.

(Amended April 9, 2013)

15.2 Applicability

15.2.1 The regulations contained within this Article shall apply to all signs and to all zoning districts.

15.2.2 Unless otherwise provided by this Article, all signs shall require a Zoning Certificate and a payment of fees. No Zoning Certificate is required for the maintenance of a sign or for a change of copy on painted, printed, or changeable copy signs.

15.2.3 Governmental signs are excluded from the scope of these regulations.

15.3 Compliance Required

15.3.1 It shall hereafter be unlawful for any person to erect, place, or maintain a sign in the Township except in accordance with the provisions of these regulations.

15.3.2 All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the local electrical code in effect.

15.3.3 No sign of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of Hamilton County's or Ohio's building or fire codes.

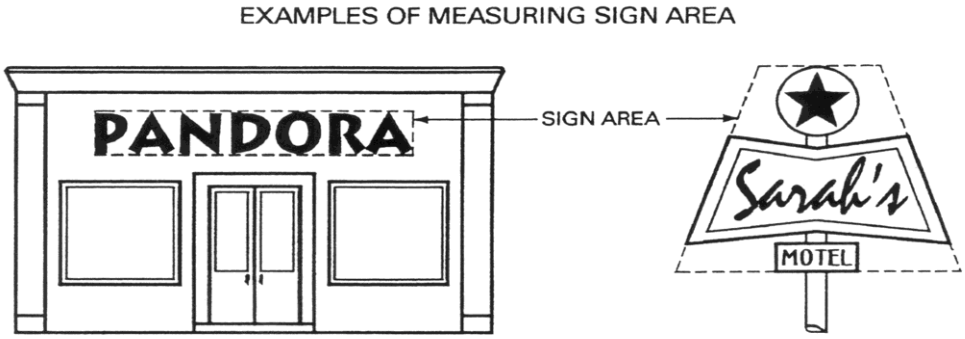
15.4 Computations

The following principles shall control the computation of sign area and sign height.

15.4.1 Computation of the Area of Individual Signs

The area of a sign face, which is also the sign area of a wall sign or other sign with only one face, shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that shall encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color that is an integral part of the background of the display or used to differentiate the sign from backdrop or structure against which it is placed. This measurement does not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets zoning resolution regulations and is clearly incidental to the display itself. See Figure 15-1.

Figure 15-1: Examples of Measuring Sign Area



15.4.2 Computation of the Area of Multi-Faced Signs

(A) The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point.

(B) When 2 identical sign faces are placed back to back, so that both faces cannot be viewed from any one point at the same time, and when such sign faces are part of the same sign structure and are not more than 24 inches apart, the sign area shall be computed by the measurement of one of the faces.

15.4.3 Computation of Height

The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign.

15.4.4 Street/Lot Frontage

When a computation is based on the street or lot frontage, the longest street or lot frontage, and not the total street frontage, shall be used.

15.5 General Sign Standards

15.5.1 Illumination

(A) The light from any illuminated sign or from any light source shall be so shaded, shielded, or directed that the light intensity or brightness shall not adversely affect surrounding or facing residential districts, or adversely affect the safe vision and operation of vehicles moving on public or private roads, highways, or parking areas. Light shall not directly shine or reflect on or into residential structures.

(B) Signs shall be subject to the outdoor lighting provisions of Subsection 15.5.6 (Signs on Awnings, Canopies, Fascia, or Marquees) and other applicable regulations in this Article.

15.5.2 Message Changes

(A) Message changes are permitted and do not require a permit on any permitted or legal nonconforming sign with changeable copy. However, signs that flash intermittently are prohibited.

(B) Signs shall not have moving or rotating parts that change position more than 4 times per minute.

15.5.3 Address Signs

All development shall have a sign providing the numeric address of the property for identification purposes to assist in fire and safety protection.

15.5.4 Required Landscape Area for Signs

(A) Unless otherwise provided in this Article, all permanent freestanding signs (ground-mounted or pole) shall be located in a landscaped area with a minimum area equal to the total sign area. See Figure 15-2.

(B) The landscape area for permanent freestanding signs shall consist of shrubs, flowers, and/or ground cover. Areas covered in sod or similar grass ground cover shall not count toward the landscape area requirement.

Figure 15-2: Landscaping for Freestanding or Ground-Mounted Signs

15.5.5 Signs on Awnings, Canopies, Fascia, or Marquees

(A) Awnings, canopies, fascia, or marquees shall be designated as permanent parts of the building and shall meet all of the requirements of all applicable building and electrical codes.

(B) Unless otherwise provided in this Article, the sign area of the awning, canopies, fascia, or marquee shall be included as part of the wall sign area calculation.

(C) In cases where the awning, canopy, fascia, or marquee is constructed of translucent material, is illuminated from within or behind the structure, and contains sign copy, the entire area of the structure shall be calculated in determining the sign area.

15.5.6 Wall Signs

Wall signs shall not extend more than 12 inches as measured from the face of the building or extend above the roof of the structure.

15.5.7 Design Criteria

The following design criteria shall apply to all signs:

(A) Signs in series: Signs to be seen in series (such as signs on multi-tenant buildings) shall be designed with continuity and compatibility in terms of style, materials, color, size and placement on the building façade or sign structure.

(B) Wall sign placement: a wall sign shall be designed to fit within a frame of architectural space specifically intended for signage, and shall not project beyond the ends or top of the building wall to which it is attached.

(C) Sign compatibility: signs shall be compatible with the design and materials of the building with which the sign is associated. Approved year-round landscaping shall be provided around the base of a ground sign, freestanding pole sign or high rise sign pursuant to Article 14 of this Resolution.

(Amended April 9, 2013)

15.6 Prohibited Signs

The following types of signs are prohibited in all districts:

15.6.1 Signs Referencing Closed Business

(A) No on premises sign shall reference a business which has vacated the premises.

(B) Within thirty (30) days upon vacation of a business from a premises, any sign face referencing such business shall be covered, painted, removed or otherwise modified to obscure or conceal the sign message.

15.6.2 No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices for the purpose of advertising or attracting attention for commercial or advertising purposes except where otherwise permitted in this Article.

15.6.3 Promotional balloons filled with helium, gas air or any other gaseous material either suspended from or affixed to a structure, vehicle or ground, including air activated graphics used for commercial or advertising reasons shall not be permitted except where otherwise permitted in this Article

15.6.4 No person shall erect any sign which rotates, revolves, or otherwise makes use of motion to attract attention unless otherwise expressly permitted under this Article;

15.6.5 No person shall erect any additional attractions devices or objects, or continue in the operation of such signs for the purpose or result of which is to attract attention to a business or business services and/or which serves to divert the attention of the public whether such devices or objects are stationary, mobile, or otherwise revolve, rotate, or move;

15.6.6 Signs attached to, painted on or placed on a stationary motor vehicle, trailer or other licensed or unlicensed vehicle or conveyance which is located in such a manner to serve exclusively as a permanent, temporary or portable sign. This provision does not apply to portable signs or lettering on buses, taxis, or vehicles operating during the normal course of business;

15.6.7 Signs imitating or resembling official traffic or governmental signs or signals;

15.6.8 No person shall display upon any sign or other advertising structure any obscene, indecent, or immoral matter;

15.6.9 Signs that consist of lights that revolve or flash are prohibited in all districts with the exception of electrically activated signs approved in accordance with 15.8.2(E) or 15.8.3(H);

(Amended 9/11/11)

15.6.10 Signs in the Right-of-Way; Obstructing Vision or Traffic

(A) No signs shall be placed in any public right-of-way except:

1) Publicly owned signs, such as traffic control signs, township identification signs, and freestanding signs as permitted in Subsection 15.7.8.

2) Projecting, canopy, and awning signs may project over a public right-of-way if they are in conformity with all other applicable standards of this Article.

(B) No sign or other advertising structure as regulated by this Article shall be erected:

1) At the intersection of streets in such a manner as to obstruct free and clear vision; or

2) At any location where, by reason of the position, shape or color, it may interfere with traffic, obstruct the view of traffic, or be confused with the use of words such as "stop," "danger," or any other word, phrase, symbol, or character in such a manner as to interfere with, mislead, or confuse traffic.

(C) No sign shall be located in a right-of-way or applied to trees, utility poles, 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. Newspaper vending machines and similar devices may contain the identification of the owner of such device

15.6.11 Abandoned signs

Abandoned signs shall be deemed to be a public nuisance by reason that continued lack of use results in a lack of reasonable and adequate maintenance, thereby causing deterioration and a blighting influence on nearby properties. Whenever a sign is abandoned, the Zoning Administrator, shall first document the date of sign abandonment. An abandoned sign shall be considered a violation of this Article only after the Zoning Administrator further documents that both of the following circumstances exist:

(A) A period of not less than 180 consecutive days has elapsed since the date of sign abandonment

(B) No Zoning Certificate has been issued during such period for the building, building unit and/or use associated with the abandoned sign.

15.6.12 Portable signs or daisy signs;

15.6.13 Snipe signs;

15.6.14 Human signs;

15.6.15 Graffiti; or

15.6.16 Roof signs.

15.6.17 High Rise Signs

(Amended April 9, 2013)

15.7 Signs Not Requiring a Zoning Certificate

The following sign types shall be exempted from permit requirements but shall be in conformance with all other requirements of this Article:

15.7.1 Signs conforming with the Manual of Uniform Traffic Control Devices and bearing no commercial message;

15.7.2 Signs bearing no commercial message and installed by employees or officials of a state or federal agency in the course of their governmental duties;

15.7.3 Signs required by a state or federal statute;

15.7.4 Signs required by an order of a court of competent jurisdiction;

15.7.5 Signs installed by public utilities in their rights-of-way or on their facilities and bearing no commercial message other than such message is necessary to identify the use;

15.7.6 Signs installed by a transit company with a franchise or other right to operate in Hamilton County, where such signs are installed along its routes and relate to schedules or other information about the transit route.

15.7.7 Certain temporary signs as regulated by Section 15.10 (Temporary Signs);

15.7.8 Permanent freestanding sign on a lot that is considered agricultural land exempt from zoning certificates pursuant to the ORC and provided the sign meets the following requirements:

(A) Such sign shall be located a minimum of 15 feet from a right-of-way.

(B) The maximum sign area shall be 32 square feet.

(C) The maximum sign height shall be 6 feet.

15.7.9 One non-illuminated wall sign of 4 square feet or less in a residential zoning district as part of a permitted home occupation;

15.7.10 Commemorative plaques placed by recognized historical agencies;

15.7.11 Mailbox identification when such is an integral part of such mailbox;

15.7.12 Warning signs including "no hunting," "no trespassing," "keep off grass," "no dumping," or signs of a similar nature provided that they do not exceed 2 square feet in area.

15.7.13 Window signs not to exceed 50 percent of the window surface. The window signs shall be so located as to allow clear visibility into the building for the purposes of fire and police protection.

15.7.14 Banners which are seasonal and decorative in nature and theme and bearing no commercial message or logo.

(Amended 12/11/07)

15.7.15 Government Sponsored Signs

(Amended April 9, 2013)

15.8 Permanent On-Premises Signs

15.8.1 Signs Permitted in any Residential or "RF" Zoning District, or residential use in a "PD-M" District

The following on-premises signs may be permitted in a residential district or in the "RF" District or residential use in a "PD-M" District.

(A) All signs not requiring a Zoning Certificate pursuant to Section 15.7 (Signs not Requiring a Zoning Certificate);

(B) Permanent freestanding signs for a subdivision, open space residential development, multi-family dwelling, public/institutional use, or commercial enterprise permitted in a residential zoning district (kennel, riding stable, etc.) provided that the signs meet the following requirements (See Figure 15-3):

(1) Two permanent freestanding signs may be permitted, by Zoning Certificate, at each development entrance along a county or state road;

(2) The signs shall be ground mounted signs;

(3) The signs shall be set back 15 feet from the public right-of-way and 20 feet from any adjacent property lines.

(4) The maximum sign area for each sign shall be 24 square feet in area;

(5) No such sign or any portion of the structure shall exceed 6 feet in height; and

Figure 15-3: Development Sign

(6) The sign may only be illuminated through external lighting.

(C) Permitted public and institutional uses may be permitted to have one permanent freestanding sign provided the sign meets the following requirements:

(1) The sign shall be a ground mounted sign;

(2) The signs shall be set back 15 feet from the public right-of-way and 20 feet from any adjacent property lines.

(3) The sign shall have a maximum sign area of 32 square feet in area;

(4) No such sign or any portion of the structure shall exceed 6 feet in height; and

(5) The sign may only be illuminated through external lighting.

15.8.2 Signs Permitted in any "B-1" or "O-1" District, or office use in a "PD-B" District, or on the premises of an approved Conditional Use in a Residential District

The following on-premises signs may be permitted in any "B-1" or "O-1" District, or office use in a "PD-B" District, or on the premises of an approved Conditional Use under Section 7.2.3 and Table 7-1:

(A) All signs not requiring a Zoning Certificate pursuant to Section 15.7 (Signs not Requiring a Zoning Certificate);

(B) All signs shall be set back a minimum of 10 feet from the right-of-way;

(C) **Ground Mounted Signs**
One permanent ground mounted sign per parcel, lot, or site subject to the following requirements:
(1) The height of the sign shall not exceed 6 feet.
(2) The total sign area permitted shall be based on the lot frontage of the street where the sign shall be located.

(3) The maximum sign area of the freestanding sign shall be equivalent to 0.5 square feet for each lineal foot of lot frontage. In no case shall the sign area exceed 70 square feet.

(D) **Wall Signs**

(1) Wall signs may be permitted at a ratio of 1.0 square foot for each lineal foot of building frontage.

(2) The total sign area of all wall signs on a single building frontage shall not exceed 100 square feet.

(3) Buildings located on a corner lot may be permitted to have wall signs in the amount equal to 1.0 square foot for each lineal foot of building frontage provided that they meet the requirements of this section and not to exceed 100 square feet.

(4) The allocation of sign area based on building frontage may be applied to multiple sides of the building.

(E) **Electrically Activated Signs**

(1) Lighted electrically activated signs are permitted where their only movement is the periodic changing of information against a solid, black or white background.

(2) Bulbs with automatic dimmers and glare screens shall illuminate all such signs.

(3) Such advertising devices shall contain a default design that will freeze the message screen if a malfunction occurs.

(4) Copy changes shall be limited to no more than 4 per minute, with each displayed for a minimum of eight seconds, and with changes accomplished in three seconds or less.

(5) Such signs shall not flash as part of a copy change or at any other time.

(6) Brightness of a text message sign shall not exceed 2,000 nits (one nit = one candela per square meter) and the brightness of a graphic image sign shall not exceed 6,000 nits. The sign shall be equipped with a photocell to automatically reduce brightness to correspond with the reduction of available ambient light.

(7) Maximum illumination any property line shall not exceed 0.1 footcandles above ambient light at grade.

(8) The electrically activated portion of the sign shall be turned off from 11 p.m. to 6 a.m. nightly.

(9) Any sign under this section shall meet all other zoning requirements.

(Amended 9/11/12)

15.8.3 Signs Permitted in any "B-2", "B-3", "I-1", "SWD", "ME", "PD-B, "PD-I", or "PD-M" District

The following signs may be permitted in a "B-2", "B-3", "I-1", "SWD", "ME", "PD-B", "PD-I", or "PD-M" District.

(A) All signs not requiring a Zoning Certificate pursuant to Section 15.7 (Signs not Requiring a Zoning Certificate);

(B) Temporary signs pursuant to Section 15.10 (Temporary Signs);

(C) All signs shall be set back a minimum of 10 feet from the right-of-way.

(D) **Freestanding Signs**

One freestanding pole or ground mounted sign per parcel, lot, or site subject to the following requirements:

(1) The height of the sign shall not exceed 15 feet.

(2) The maximum sign area of the freestanding sign shall be equivalent to 0.5 square feet for each lineal foot of lot frontage. In no case shall the sign area exceed 150 square feet.

(E) **Freestanding Driveway Signs**

Permanent freestanding signs in a "B-2", "B-3", "I-1", "SWD", "ME", "PD-B", "PD-I", or "PD-M" District under the following provisions:

(1) The sign shall be located within 10 feet of the intersection of a public street and a private driveway;

(2) The sign may contain commercial message;

(3) The sign may be an off-premises sign but shall not be subject to Section 15.9 (Off-Premises Signs) provided it meets all requirements of this subsection.

(4) One sign may be permitted per individual driveway;

(5) The maximum sign area shall be 4 square feet in area; and

(6) The maximum sign height shall be 3 feet.

(G) **Wall Signs**

(1) Wall signs may be permitted at a ratio of 1.0 square foot for each lineal foot of building frontage.

(2) The total sign area of all wall signs on a single building frontage shall not exceed 150 square feet.

(3) Buildings located on a corner lot may be permitted to have wall signs in the amount equal

to 1.0 square foot for each lineal foot of building frontage provided that they meet the requirements of this section and does not exceed 150 square feet.

(4) The allocation of sign area based on building frontage may be applied to multiple sides of the building.

(5) Buildings located within a commercial center or complex which has an elevation immediately adjacent to and facing a primary entry drive may be permitted to have a wall sign per business on that frontage in addition to or in lieu of a sign facing a public street provided that they meet the requirements of this section and would be permitted at a ratio of 0.5 square foot for each lineal foot of the building elevation or tenant space facing such primary entry drive, whichever is smaller. The total sign area of a wall sign on this single building elevation facing such primary entry drive shall not exceed 100 square feet.

(Amended May 2016)

(H) **Electrically Activated Signs**

(1) Lighted electrically activated signs are permitted where their only movement is the periodic changing of information against a solid, black or white background.

(2) Bulbs with automatic dimmers and glare screens shall illuminate all such signs.

(3) Such advertising devices shall contain a default design that will freeze the message screen if a malfunction occurs.

(4) Copy changes shall be limited to no more than 4 per minute, with each displayed for a minimum of eight seconds, and with changes accomplished in three seconds or less.

(5) Such signs shall not flash as part of a copy change or at any other time.

(6) Brightness of a text message sign shall not exceed 2,000 nits (one nit = one candela per square meter) and the brightness of a graphic image sign shall not exceed 6,000 nits. The sign shall be equipped with a photocell to automatically reduce brightness to correspond with the reduction of available ambient light.

(7) Maximum illumination at a point 150 feet from any electrically activated sign shall not exceed 0.3 footcandles above ambient light at a height of five feet above grade.

(8) No such sign shall be placed within one-thousand feet of another electronically activated sign on the same side of the road visible in the same direction of traffic

(9) Any sign under this section shall meet all other zoning requirements.

(I) **Decorative Banner Signs**

(1) Location. The entire decorative banner shall be located on private property, outside of vision triangles of motorists and shall not extend into or be allowed to move into the public right-of-way. No decorative banner sign shall be attached to any public utility pole or street tree.

(2) Quantity. A maximum of one banner may be permitted for every 50 lineal feet of street frontage.

(3) Size. Each decorative banner shall be a maximum of 16 square feet.

(4) Distance between decorative banners. No decorative banner shall be located closer than 10 feet to another banner.

(5) Height. The bottom of each banner shall be at least 12 feet and not more than 20 feet high measured from the top of the nearest curb. All decorative banners located on a property shall be the same height.

(6) Display. A decorative banner sign permit may be issued for a maximum of four sets of decorative banners not to be displayed concurrently.

(7) Lighting. Banner signs shall not be separately lighted or illuminated. If existing approved landscape lighting provides illumination of the banner without alteration of the existing lights, it shall not be considered a violation of this section.

(8) Wind Resistance. Decorative banner signs shall be perforated over at least ten (10) percent of the area to reduce wind resistance. All decorative banners shall be fastened to keep taut and shall not be loose or floppy.

(9) Hardware. Brackets for mounting the decorative banners to poles shall be of high quality such as stainless steel banding with fiberglass arms which can flex with the wind.

(10) Maintenance. Decorative banners shall be promptly replaced when ink fades or fabric tears, frays, or fades. Hardware shall be replaced or repaired when damaged or twisted.

(Amended 12/11/07 & April 9, 2013)

15.9 Off-Premises Signs (Billboards)

Off-premises signs shall be classified as a business and shall be permitted on agricultural land exempt from zoning regulations pursuant to the ORC or in a business or industrial district subject to the provisions of this section.

15.9.1 General Standards

(A) A Zoning Certificate shall be required for the sign.

(B) Only one off-premises sign may be permitted per lot.

(C) The sign shall not be located on a parcel that contains another principal structure or use.

(D) The sign shall be classified as a business and shall be subject to the lot area and setback requirements of the zoning district where it is located.

(E) The maximum sign area shall not exceed the equivalent of 1.0 square feet per each lineal foot of lot frontage. In no case shall the sign area exceed 150 square feet.

(F) The maximum permitted sign height shall be 40 feet.

(G) Off-premises signs shall be located a minimum of 300 feet from any recorded subdivision or any residential lots less than one acre in size.

15.9.2 Spacing of Off-Premises Advertising Signs

(A) On Interstate (Federal) or primary (State) systems, spacing shall be in accordance with the agreement entered into by the state of Ohio and the U.S. Secretary of Transportation, and shall be pursuant to state regulation.

(B) On all other streets and highways within Colerain Township, off-premises signs shall not be constructed within 500 feet of any other off-premises sign. However, a single sign structure may support a single face sign or a back-to-back sign.

15.9.3 Lighting

(A) Lighting shall not be used in connection with any off-premises sign unless it is effectively shielded to prevent light from being directly, or indirectly, cast on any portion of the street or highway, or is of such low intensity or brilliance as not to cause glare or to impair the vision of the driver of any motor vehicle or to otherwise interfere with any driver's operation of a motor vehicle.

(B) Lighting shall conform to Section 12.9 (Outdoor Lighting) of this Resolution.

15.9.4 Electrically Activated Signs

(A) Lighted electrically activated signs are permitted where their only movement is the periodic changing of information against a solid, black or white background.

(B) Bulbs with automatic dimmers and glare screens shall illuminate all such signs.

(C) Such advertising devices shall contain a default design that will freeze the message screen if a malfunction occurs.

(D) Copy changes shall be limited to no more than 4 per minute, with each displayed for a minimum of eight seconds, and with changes accomplished in three seconds or less.

(E) Such signs shall not flash as part of a copy change or at any other time.

(F) Brightness of a text message sign shall not exceed 2,000 nits (one nit = one candela per square meter) and the brightness of a graphic image sign shall not exceed 6,000 nits. The sign shall be equipped with a photocell to automatically reduce brightness to correspond with the reduction of available ambient light.

(G) Maximum illumination at a point 150 feet from any electrically activated sign shall not exceed 1.5 footcandles above ambient light at a height of five feet above grade.

(H) No such sign shall be placed within one-thousand feet of another electronically activated sign on the same side of the road visible in the same direction of traffic

(I) Any sign under this section shall meet all other zoning requirements.

(Amended 12/11/07, April 9, 2013)

15.10 Temporary Signs

15.10.1 General Standards for All Temporary Signs

(A) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured by any permanent means to any building, permanent sign, other structure or improvement, or to the ground upon which it is erected.

(B) No temporary sign shall be mounted, attached, affixed, installed or otherwise secured so as to protrude above the roof of a structure.

(C) No temporary sign that is 6 square feet or less in size shall be illuminated by anything other than non-reflected daylight, except by variance issued by the Board of Zoning Appeals

(D) Temporary signs shall be set back as follows:

(1) A minimum of 10 feet from the edge of street pavement or the edge of a street right-of-way, whichever is the greater setback;

(2) A minimum of 20 feet from all lot lines adjacent to a residential use or residential zoning district;

(3) A minimum of 5 feet from all other property lines; and

(4) A minimum of 5 feet from any other temporary sign.

(E) Use of temporary displays on days without approval by Zoning Certificate, when required, or beyond the stated date of approval, when applicable, shall be deducted from the allotted number of days.

(F) Violations of zoning regulations applying to temporary signs shall be corrected within 24 hours of written notification of the violation.

15.10.2 Temporary Signs Permitted in a Residential Zoning District

This section addresses permitted temporary signs, with commercial messages, in a residential district, a "PD-R" District, the "RF" District or for residential uses in a "PD-M" District.

(A) The maximum height of all temporary signs in a residential district shall be 4 feet.

(B) A maximum of 2 temporary signs are permitted on each property with a maximum sign area of 6 square feet per sign.

(C) Such signs shall not require a Zoning Certificate or payment of a fee.

(D) Temporary signs greater than 6 square feet in size may be permitted during the construction of a development under the following provisions:

(1) The owner of the property where the sign will be located applies for, and receives a Zoning Certificate for the sign;

(2) There shall be a limit of one sign per premises and such sign shall not exceed 32 square feet per side with a maximum of two sides; and

(3) The temporary sign may be posted during construction and/or development of the subject property without a specific time limit. The sign shall be removed within 14 days of completion of construction or development.

15.10.3 Temporary Signs Permitted in a Business or Industrial District

This section addresses permitted temporary signs, with commercial messages, in a business district, industrial district, "PD-B", "PD-I" or nonresidential uses in a "PD-M" District.

(A) The maximum height of all temporary signs shall be eight (8) feet unless they are attached to a building as a wall sign in which case they shall not be attached in a manner as to exceed the height of the structure.

(B) A maximum of 2 temporary signs are permitted on each property with a maximum sign area of six (6) square feet per sign.

(C) Such signs shall not require a Zoning Certificate or payment of a fee.

(D) Temporary signs greater than eight (8) square feet in area related to the opening of a new business may be permitted under the following provisions:

(1) The owner of the property where the sign will be located applies for, and receives a Zoning Certificate for the sign;

(2) There shall be a limit of one (1) sign per premises and such sign shall not exceed 32 square feet per side with a maximum of two (2) sides;

(3) The time limit for the Zoning Certificate shall comply with the following:

a. A temporary sign under this section may be posted during construction and/or development of the subject property without a specific time limit. The sign shall be removed within 14 days of completion of construction or development.

b. New businesses shall be permitted a promotional display period of up to 30 consecutive days, during which a temporary sign may be displayed. This display period allowed for new businesses shall not run concurrently with display periods otherwise allowed in this section, but signage is subject to the same limitations of this section.

(E) Temporary banner signs used for the purpose of displaying special messages greater than eight (8) square feet may be permitted in addition to other signs permitted as part of this Article provided:

(1) A tenant or owner of the property where the sign will be located applies for, and receives a Zoning Certificate for the sign;

(2) The signs may be permitted for a maximum of four (4) periods in a calendar year not to exceed 14 days each period;

(3) A minimum of 30 days between each 14-day period is required;

(4) Only one (1) banner sign or one (1) special event sign shall be used at a time.

(5) The maximum sign area shall be 24 square feet.

(6) The maximum sign height shall be eight (8) feet.

(7) Lettering on banners shall be silk-screened, stenciled, created with vinyl letters or sewn into the fabric or material.

(8) All signs are subject to the minimum setback requirements of temporary signs.

(Amended April 9,2013)

15.11 Maintenance

15.11.1 All on-site advertising signs as herein permitted shall be constructed and maintained and illuminated in a safe manner, comply with applicable codes and kept in good repair.

(A) Signs shall be free from rust, dust, dirt, and other such debris

(B) Exposed surfaces shall be clean and painted if paint is required.

(C) Defective parts shall be replaced.

(D) Maintenance may include upgrading of materials or parts only if such upgrades do not take the sign out of conformance with this Resolution or, in the case of a legal nonconforming sign, if such upgrades do not increase the degree of nonconformity.

(E) The Zoning Administrator shall have the right to order the repair or removal of any sign or sign structure that is defective, damaged, or substantially deteriorated.

(F) The Zoning Administrator may order any sign to be painted or refurbished at least once each year, if needed, to keep the sign in a safe, presentable, and good structural condition.

15.11.2 Should any sign be or become unsafe or be in danger of falling, the owner, tenant, or les see shall, upon receipt of written notice from the Zoning Administrator, proceed at once to correct the unsafe condition and/or remove the sign in question.

15.11.3 Signs shall not be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of vision or drivers, pedestrians, or the general public, or create a fire or safety hazard.

(Amended April 9, 2013)

15.12 Nonconforming Signs

15.12.1 Determination of Legal Nonconformity

(A) All signs legally existing before the effective date of the amendment of this resolution may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this resolution, provided, such signs are properly maintained and do not endanger the public health, safety or general welfare.

(B) Such signs shall be issued a Zoning Certificate of Non-conformance, pursuant to §11.12

(C) Portable signs shall not be designated a legal nonconforming sign and shall be removed within 120 days of the effective date of this Resolution. Portable signs altered to be made non-portable shall still be considered to be portable.

15.12.2 Loss of Legal Nonconforming Status

A legal nonconforming sign loses the legal nonconforming designation if:

(A) The sign is relocated;

(B) The sign is replaced;

(C) The structure or size of the sign is altered in any way except towards compliance with this Article. This provision does not refer to general maintenance, changeable marquees, or face and copy changes.

(D) The sign is part of an establishment that discontinues its operation for a period of 2 years.

15.12.3 Maintenance and Repair of Nonconforming Signs

(A) Legal nonconforming signs are subject to all requirements of this Resolution regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than 60 percent of the estimated replacement value, unless such damage was caused by vandalism, an act of God, or other causes outside the influence of the owner or user, the sign shall be replaced with a sign that complies with this Article.

(B) The Zoning Administrator shall be authorized to make a determination of whether a legally nonconforming sign is properly maintained and does not endanger the public or constitute a nuisance.

(Amended April 9, 2013)

16

Article 16: Rules of Construction and Definitions

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ARTICLE 16: RULES OF CONSTRUCTION AND DEFINITIONS

16.1 Rules of Construction and Interpretation

16.1.1 Intent

All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution's stated purpose and intent.

16.1.2 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 exhaustive lists of all possibilities.

16.1.3 Computation of Time

Unless the terms of a specific provision state otherwise (e.g., some provisions specify "business days"), periods of time defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/ working days; however, if the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded.

16.1.4 References to Other Regulations, Publications and Documents

Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

16.1.5 Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of Colerain Township, unless otherwise expressly stated.

16.1.6 Delegation of Authority

Whenever a provision appears requiring the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.

16.1.7 Technical Words

Technical words and phrases not otherwise defined in this Resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

16.1.8 Mandatory and Discretionary Terms

The word *shall* is always mandatory, and the words *may* or *should* are always permissive.

16.1.9 Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

(A) "And" indicates that all connected items, conditions, provisions, or events shall apply; and

(B) "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

16.1.10 Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

16.1.11 Gender

The masculine shall include the feminine, and vice versa.

16.1.12 Meaning

For the purpose of this Resolution, words and phrases shall have the meanings set forth in this Article.

16.1.13 Other Terms Not Defined

Words and phrases not otherwise defined in this Resolution shall be construed according to the common and approved usage of American English.

16.2 Definitions

Abutting or Adjacent shall mean the land, lot, or property adjoining the property in question along a lot line or separated only by an alley, easement, or street.

Accessory Building or Use shall mean a building or use that is incidental to and customarily found in connection with a principal building or use; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.

Accessory Dwelling Unit shall mean a separate living quarters within a single family residence for the exclusive independent occupancy of no more than 2 persons who are related by blood, marriage, adoption or other legal relationship to the owner of the residence. The dwelling unit space shall contain no more than 3 habitable rooms such as living, sleeping or sitting activities in addition to bath and kitchen spaces. The dwelling unit space shall be accessible only from within the main quarters and not have a separate exterior entrance.

Active Park and Recreational Facility shall mean any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails.

Adult Family Home shall mean a residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Adult Group Home shall mean a residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

Agricultural Use shall mean 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.

Alley shall mean a public or private way which affords only secondary means of access to abutting properties.

Alternative Financial Services Providers shall be defined as check cashing businesses, payday advance or loan businesses, pawn businesses, money transfer businesses or car title loan businesses.

Animal Unit shall mean a unit of measure used to determine the total number of single, non-domestic animal types or combination of animal types, which are fed, confined, maintained, or stabled for agriculture. One animal unit shall equal one beef feeder/slaughter animal. Other animals have different equivalents as they are larger or smaller and produce different amounts of manure. Therefore one animal unit shall equal =

a.) 6 chickens

b.) 4 turkeys

c.) 0.5 horses

d.) 0.5 cow

e.) 1 hog

f.) 2 sheep

Applicant shall mean, unless otherwise specified, an owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative,

who has filed an application for development review pursuant to Article 4.

Application shall mean the process by which the owner, or their agent, of a parcel of land within the Township submits a request for any type of development review or approval identified in Chapter 4 of this Resolution. Applications include all written documentation, verbal statements, and representations, in whatever forms and quantities as required by the Township.

Architect shall mean an individual or firm registered in the State of Ohio to practice in the field of architecture.

Authorities Having Jurisdiction shall mean any empowered agency or entity with enforcement powers applicable to the subject provision of this Resolution.

Automotive Body Repair shall mean a facility that provides collision repair services, including body frame straightening and repair, replacement of damaged parts, and painting.

Automotive Fuel Service shall mean the retail sales of unleaded and diesel gasoline.

Automotive Sales or Rental shall mean a facility where new or used vehicles, in operation condition, are sold, leased, or rented to customers.

Automotive Service shall mean a building, structure, or land used for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including, but not limited to, muffler, , oil change and lubrication, tire service and sales, installation of accessory, or engine repair.

Automotive Wrecking, Salvage, or Junk Facility shall mean the dismantling or wrecking of vehicles at a facility as defined and regulated in ORC Section 4738. Such uses may include the storage or sale of junk vehicles, inoperable vehicles, or parts.

A-Weighted Sound Level (dbA). A measurement of sound pressure level, which has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies, relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

Bank, see **Financial Institution**

Banquet Hall shall mean a facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

Bars and Taverns shall mean an establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

Basement shall mean that portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

Bed and Breakfast Establishment shall mean any place of lodging that provides 4 or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

Berm, in the context of landscaping, bufferyard, or screening requirements, shall mean a mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses.

Board of Zoning Appeals shall mean the Colerain Township Board of Zoning Appeals as created as part of this Resolution.

Board of Trustees shall mean the Colerain Township Board of Trustees.

Borrow shall mean earth material acquired from an off site location for use in grading a site.

Brewery shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation 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 beverages.

Broadcasting Studio shall mean commercial and public communications uses include radio and television broadcasting and receiving stations and studios, with facilities located entirely within enclosed structures.

Buffer or Bufferyard shall mean an area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building structure, paving or portion of such land use, for the purposes of separating, screening, and softening the effects of the land use, no part of which buffer is used for active recreation or parking, or interior access drives. A buffer may include a wall, fence, or berm as provided in accordance with the provisions of Article 14: Landscaping and Buffering.

Building shall mean a temporary or permanent structure having a roof supported by walls and which can be used for shelter, business, housing, or enclosure of persons, animals, motor vehicles, boats, recreational vehicles, and other goods.

Building, Accessory, see **Accessory Building**

Building Height shall mean the vertical distance of a building as measured pursuant to Section 12.2 (Height Measurement and Requirements).

Building, Principal shall mean the building containing the main or principal uses of the lot.

Canopy Tree shall mean a deciduous tree with an expected height of at least 35 feet at maturity.

Carport shall mean an area attached to the residential structure, under the roof of the residential structure, and open on not more than three sides, intended and used primarily for the storage of motor vehicles and recreational vehicles. Such structures shall not extend beyond the front line of the primary residential structure.

Car Title Loan Business shall mean an establishment that makes or facilitates short term consumer loans that leverage the equity value of a car or other vehicle as collateral. This excludes state or federally-chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer term loans and which makes loans that leverage the total equity value of a car or vehicle as collateral.

Cellar shall mean that portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

Cemetery shall mean a place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

Check Cashing Business shall mean an establishment that provides or facilitates the provision of an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electric transfer of money, less any fee changed for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally-charted bank, savings and loan association, credit union, pawnshop, grocery store or gas station.

Club shall mean a building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

Commercial Message shall mean any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

Commercial Trailer shall mean any towed vehicle, open or enclosed, specifically

designed for the purpose of transporting equipment, tools, supplies, materials or goods of a similar nature that will not permit human habitation for travel, recreation, vacations or other transient purposes and that is not a Utility Trailer. *(Amended 1/8/13)*

Common Open Space shall mean land areas not occupied by buildings, structures, parking areas, streets, driveways, or alleys. Open space shall not include upper floor decks and/or balconies. In no instance shall any area of a lot constituting the minimum lot area of said lot or any existing right-of-way or public dedication be counted as constituting open space.

Condominium shall mean a multi-family dwelling or development containing individual owners' dwelling units and jointly owned and shared areas and facilities, which dwelling or development is subject to the provisions of a homeowners association and/or Ohio law.

Construction and Demolition Debris shall be as defined in Section 3714.01 of the Ohio Revised Code.

Construction and Demolition Debris Facility shall be as defined in Section 3714.01 of the Ohio Revised Code.

Contracting or Construction Sales shall mean establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structure, but specifically excluding automobile or equipment supplies otherwise classified in this Article.

Day Care Center shall mean 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. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full 24-hour period.

DBH shall mean diameter-at-breast-height and is used to measure the caliper of a tree trunk at the specific height of 4.5 feet above the ground.

Decibel (db). The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level often set as 0 db (A-weighted). In general, this means the quietest sound we can hear is near 0 db (A-weighted) and the loudest we can hear without pain is near 120 db (A-weighted).

Density shall mean the quotient of the total number of dwelling units as divided by total area of the site. Gross density shall be the total number of dwelling units as divided by the gross area of a site (including public right-of-way, easements, etc.). Net density shall be the total number of dwelling units divided by the gross area of the site minus any land used for easements and/or rights-of-way.

Development shall mean any manmade change to improved or unimproved land, including but not limited to the construction of buildings or other structure, mining, dredging, filing, grading, paving, excavation, or drilling.

Distillery shall mean a large-scale facility for distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking or retail space.

Distribution Facility shall mean a use where goods are received and/or stored for delivery to the ultimate customer or user at remote locations.

District. See Zoning District.

Domestic Animal shall mean an animal that is tame or domesticated and not normally found in the wild state. Hybrids of animals normally found in the wild state are not included within the meaning of domestic animal.

Drive-Through Facility shall mean an establishment that encourages or permits customers to receive services, or obtain goods while remaining in their motor vehicles.

Driveway shall mean a private way, other than a street or alley, that provides access to one lot of record for the use of vehicles and pedestrians.

Dwelling shall mean a building or portion thereof used exclusively for residential purposes, including single-family, two-family, and multi-family dwellings, but not including hotels, motels, tents, recreational vehicle, cabins, or boarding or lodging houses.

-**Dwelling, Multi-Family** shall mean a building or portion thereof designed for or used exclusively for residential purposes by 3 or more families or housekeeping units. Multi-family dwelling shall include apartment buildings, condominiums, elderly housing, and buildings where 3 or more dwellings are attached by common walls or floors within a single structure.
-**Dwelling, Two-Family** shall mean a building or portion thereof design for or used exclusively for residential purposes by 2 families or housekeeping units.
-Dwelling, Single-Family shall mean a building designed for or used exclusively for residential purposes by one family or housekeeping unit.

Dwelling Unit shall mean a single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation but not including a tent, cabin, hotel, motel recreational vehicle, or other temporary or transient structure or facility. A dwelling unit shall include a Modular Industrialized Unit but shall not include a Manufactured HUD Unit, a mobile home or recreational vehicle, camping equipment, or a manufactured home except for permanently sited manufactured homes that conform to the requirements for such uses.

Educational Facilities shall mean buildings or structures used to teach students. Educational facilities may include primary schools, elementary schools, middle schools, or high schools. Educational facilities shall not include, colleges, vocational schools, and other similar uses.

Educational Facilities, Higher shall mean buildings or structures used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. Higher educational facilities shall include, but not be limited to, colleges, vocational schools, universities, training centers and other similar uses.

Entry Drive shall mean the part of an access drive or driveway leading to a vehicular use area.

EPA shall mean the Environmental Protection Agency and includes the Ohio EPA.

Erosion shall mean the wearing away of the land surface by the action of wind, water, gravity, or other natural processes.

Essential Service shall mean services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings.

Evergreen Tree shall mean a tree that remains green throughout the year with an expected height of at least 40'.

Evergreen Shrub shall mean a shrub that remains green throughout the year.

Excavation shall mean the process of altering the natural grade/elevation by cutting, filling, or moving the earth, or any activity by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

Excavation, Preliminary shall mean earth moving activity which does not exceed either (a) 5 feet in vertical depth at its deepest point or (b) a total of one-half acre of work area.

Exotic Wildlife shall mean indigenous or non-indigenous wildlife including those animals that could be considered dangerous, including but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarondi, bears, hyenas, wolves, or coyotes, or any life-threatening reptiles and arachnids including, but not limited to, crocodilians and poisonous reptiles and tarantulas.

FAA shall mean the Federal Aviation Administration of the United States Department of Transportation.

Face Change shall mean the replacing or revision of the logos, wording, etc. included on the front of the sign by means of replacing the physical material or by repainting or similar process. This includes change of business. This does not include reader boards or changeable copy signs.

Family shall mean a person living alone, or 2 or more persons living together as a single housekeeping unit in a dwelling unit.

Fence shall mean an artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas.

Fill or Filling shall mean any artificial or mechanical act by which earth, sand, gravel, rock or any other material is placed, pushed, dumped, pulled, transported or moved to a new location above the natural surface of the ground or on top of the stripped surface and shall include the conditions resulting therefrom; the difference in elevation between a point on the original ground and a designated point of higher altitude on the filled grade; the material used to make a fill.

Financial Institution shall mean establishments engaged in deposit banking. Financial institutions may include, but are not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar uses.

Flag shall mean any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

Floodplain Management Definitions. The following terms used in this Resolution are defined as set forth in the regulations governing the National Flood Insurance Program (44 CFR Section 59.1). Wherever there exists a conflict between the following definitions, the federal definitions shall apply.

-**Base Flood** shall mean the flood having a 1 percent chance of being equaled or exceed in any given year.

-**Flood or Flooding** shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.

-**Floodplain** shall mean the land area susceptible to inundation by water as a result of a flood and for the purposes of this Resolution shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.

-**Floodway** shall mean the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

-**Floodway Fringe** shall mean those portions of the floodplain, other than the floodway, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.

-**Zone A** shall mean an area inundated by 100 year flooding, for which no base flood elevation has been established.

-**Zone AE** shall mean an area inundated by 100 year flooding, for which the base flood elevation has been established.

-**Zone AH** shall mean an area inundated by 100-year flooding (usually in an area of ponding), for which the base flood elevations have been determined. The flood depths range from 1 to 3 feet..

-**Zone AO** shall mean an area inundated by 100-year flooding (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from 1 to 3 feet.

Floor Area, Gross shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures.

Floor Area, Net shall mean the sum of the horizontal areas of each floor of the building, measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures but excluding areas used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl spaces or areas occupied by mechanical equipment, toilets, or restrooms.

Footcandle shall mean a unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 standard candle.

Frontage, Building shall mean the length of an enclosed building facing a public or private street. See Figure 16-1.

Frontage, Street shall mean the distance for which the front boundary line of the lot and the street line are coincident. See Figure 16-1.

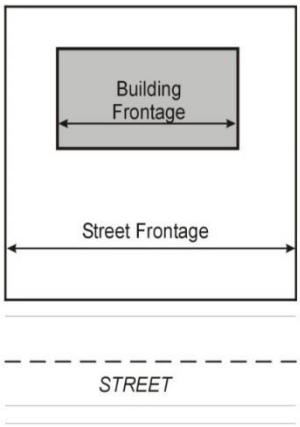


Figure 16-1: Building and Street Frontage

Funeral Service shall mean a building or part thereof used for human funeral services and which may include space for the embalming and other services used in the preparation of the dead for burial, the storage of caskets, funeral urns, and other related supplies, the storage of funeral vehicles, facilities for cremation, chapels, and other related uses.

Garage shall mean an accessory building primarily intended for and used for the enclosed storage or shelter of private motor vehicles of the owner or occupant of the principal building.

Government and Public Use shall mean a building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined separately within this Article. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Resolution.

Grade shall mean

-For buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street.

-For buildings having walls adjoining more than one street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.

-For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than 5 feet from a street line is to be considered as adjoining the street.

-See also "Slope" and "Slope, Natural."

Grass shall mean means a species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

Greenhouse shall mean a glassed or translucent enclosure used for the cultivation and protection of plants.

Ground Cover shall mean a plant growing less than 2 feet in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Ground covers also provide permanent covering of open ground to prevent erosion and/or create visual appeal.

Group Home for Children shall have the same meaning as in Chapter 5101 of the Ohio Administrative Code, and which functions as a single Housekeeping Unit.

Guy Cable shall mean any cable or wire that extends from a small wind energy system for the purpose of supporting the system structure.

Heavy Industrial Use shall mean uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials, or a use engaged in storage of, or manufacturing processes using flammable or explosive materials, or storage or manufacturing processes that potentially involve hazardous conditions. "Heavy industrial uses" shall also mean those uses engaged in the operation, parking, and maintenance of vehicles, cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public works yards, and container storage.

High Water Mark, Normal or Ordinary shall mean that mark on the Great Miami River that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

Highway shall mean an officially designated state or federal numbered highway or other road designated as a major street on the current Hamilton County Thoroughfare Plan.

Hillside. See definition of "Slope."

Hobby Breeder shall mean one who breeds occasional litters of dogs, cats or other household pets for recreation and the primary purpose of, but not

limited to, improving the physical and mental soundness of the breed and who may prove their breeding program by exhibiting in conformation, hunting, performance, or other tests.

Home Occupations shall mean an occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot, exclusive of attached garage or patio areas, by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

Home, Adult Family, see **Adult Family Home**

Home, Adult Group, see **Adult Group Home**

Hospital shall mean a facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care of the sick or injured.

Hotel and Motel shall mean a building in which lodging, with or without meals, is offered for compensation and in which there are more than 5 sleeping rooms.

Household Pets. See Domestic Animal.

Housekeeping Unit shall mean one or more persons occupying a dwelling unit and living as a single group, and doing their own cooking on the premises as distinguished from a group occupying a bed and breakfast establishment, hotel, or motel.

Impervious Surface shall mean any hard-surfaced, man-made area that does not readily absorb or retain water, including but not limited to buildings, roofs, parking and driveways, sidewalks, and pavement.

Industrialized Unit (Modular) shall mean a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on site as independent units, as a part of a group of units, or incorporated with standard construction methods to form a completed structural entity.

Indoor Recreational Facility shall mean public or private recreational facilities located completely within an enclosed building.

Institutional Housing shall mean housing for the elderly or infirm in which 3 or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. Institutional housing includes, but is not limited to elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include hospitals,

medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Kennel, Commercial shall mean a facility for the boarding, breeding, raising, grooming, selling, training or other animal husbandry activities for dogs, cats or other animals for financial or other compensation.

Kennel, Private shall mean the home and premises of a hobby breeder. See Section 10.2 (Accessory Uses).+

Laboratory shall mean a building or part thereof in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

Landominium shall mean a development where an individual dwelling unit and the land it sits on is owned privately but where the landscaping and lawn is maintained by a homeowners' or other community association.

Landscaping shall mean the improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

Landscape Advisory Board shall mean the board of Colerain Township residents appointed by the Board of Trustees to review landscaping and buffering plans.

Land Use shall mean the utilization of land for trade, industry, residence, recreation or any other purpose including, but not limited thereto, all related land development activities necessary for the preparation of a site such as excavation, filling, grading, or building construction for the aforementioned uses.

Light, Cutoff shall mean an artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 12.9 (Outdoor Lighting).

Light Industrial Use shall mean the manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, or vibrations is not noticeable from the adjacent properties.

Light, Non-Cutoff shall mean an artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 12.9 (Outdoor Lighting).

Lighting, Outdoor shall mean any source of light that is installed or mounted outside of an enclosed building or structure, but not including streetlights installed or maintained along public streets by a government agency or public utility.

Livestock shall mean generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

Loading Area/Dock shall mean an off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

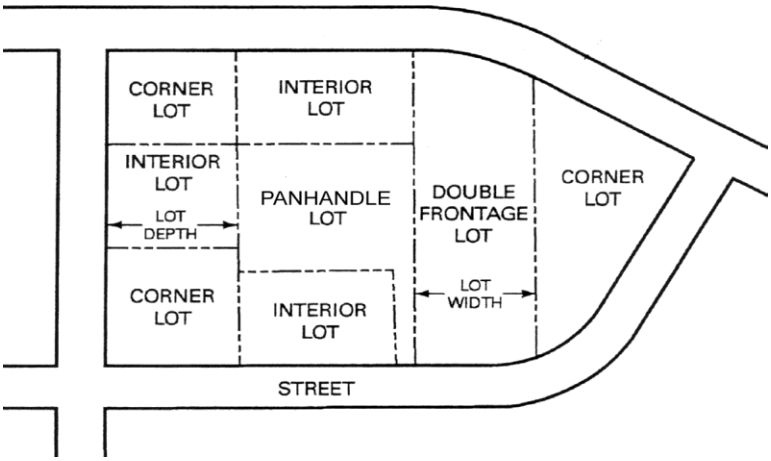
Lot shall mean a parcel of land occupied or intended for occupancy by a use permitted in this Resolution and the open spaces required by this Resolution and having its principal frontage upon a street or place.

-**Lot, Corner** shall mean lot abutting upon 2 or more streets at their intersection or upon 2 parts of the same street, and in either case forming an interior angle of less than 135 degrees. See Figure 16-2.

-**Lot, Double** Frontage shall mean a lot having a frontage on 2 non-intersecting streets, as distinguished from a corner lot. See Figure 16-2.

-**Lot, Panhandle** shall mean a lot not fronting or abutting a public street and where access to the public street is limited to a narrow strip of land. See Figure 16-2.

Figure 16-2: Lot Types and Measurements



Lot Area shall mean the total area within the lot lines of a lot, excluding any street right-of-way or other legal public dedication.

Lot Coverage shall mean that portion of a lot that is covered by the principal and accessory building, structures, and surfaces that prevent the passage or absorption of stormwater including paving and driveways.

Lot, Depth shall mean the mean horizontal distance between the front and rear lot lines. See Figure 16-2.

Lot Frontage shall mean the dimension of a lot abutting a public street measured along the street right-of-way line.

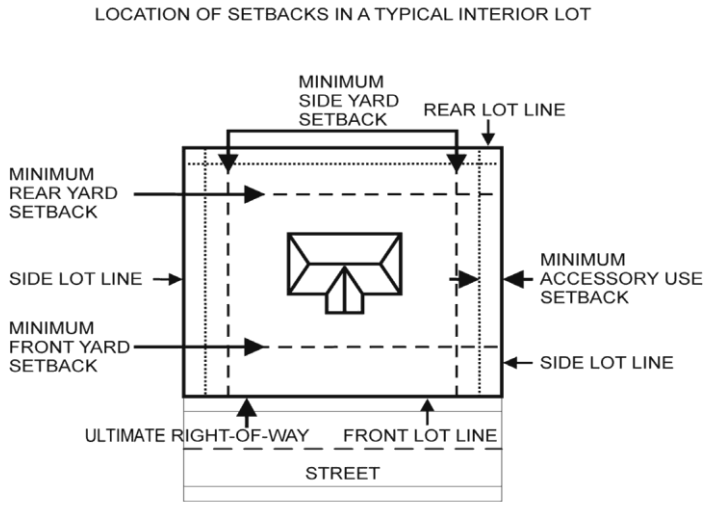
Lot Lines shall mean the property lines bounding the lot.

-**Lot Line, Front** shall mean the front property line, which is coterminous with the street right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the rear lot line. A corner lot or double frontage lot has more than one front lot line. See Figure 16-3.

-**Lot Line, Rear** shall mean an internal lot line opposite a front yard. A rear lot line is generally parallel to or less than 45 degrees to the front street right- of-way line. A lot line greater than 45 degrees from the front street right-of- way line would be a side lot line. See Figure 16-3.

-**Lot Line, Side** shall mean an internal lot line generally extending perpendicular to the front and rear lot lines. The side lot line extends between the front lot line and the rear lot line. See Figure 16-3.

Figure 16-3: Location of Lot Lines and Setbacks/Yard on a Typical Lot



Lot Width shall mean the horizontal distance between side lot lines measured at the required front setback or at the building line for any irregularly shaped lot. See Figure 16-2.

Luminarie shall mean a complete lighting unit consisting of one or more lamps, together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture. Luminarie shall not include the light pole used to support the luminarie.

Lot of Record shall mean a lot which is part of a subdivision, the map of which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of these regulations, any preliminary plan of a subdivision which has been approved by official action of the Regional Planning Commission of Hamilton County or a Planning Commission of a municipality thereof, on or after January 1, 1945, shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

Manufactured Home shall mean a non self-propelled building unit or assembly of closed construction, fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in traveling mode, is 8 body feet or more in width or 40 body feet or more in length or, when erected on site, has a gross floor area of 320 square feet or more, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities.

Manufactured Home, Permanently Sited shall mean a manufactured home that meets the following criteria:

-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 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet;

-The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a 6-inch minimum eave overhang, including appropriate guttering;

-The structure was manufactured after January 1, 1995; and

-The structure is not located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

Maximum Extent Feasible shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Meteorological Tower shall mean a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological Towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

Micro Antenna. Micro antennas are defined as antennas and transmission facilities only, with no supporting structures other than brackets. Micro antennas shall be equal to or less than 5 feet in height and with an area of not more than 580 square inches.

Micro Brewery shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

Micro Distillery shall mean an establish that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

Mineral Extraction shall mean any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom, including but not limited to gravel pits and not including the impacts of such operation.

Mixed-Use Development shall mean the development of a lot or structure with 2 or more different uses such as, but not limited to, residential, office, retail, public, or institutional.

Mobile Home shall mean a non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is 8 feet or more in width and 35 feet in length which, when erected on site, has a gross floor area of 320 square feet or

more, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

Money Transfer Business shall mean an establishment, other than a bank or financial institution, or grocery store; that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee.

Open Space Residential Development shall mean a development where the lot sizes and other site development standards are reduced to allow for the preservation of open space.

ORC shall mean the Ohio Revised Code.

Ornamental Shrub shall mean a deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.

Ornamental Tree shall mean a small to medium tree with a expected height of 20 feet at maturity and that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

Outdoor Displays or Sales shall mean an outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. For the purposes of this Resolution, objects or materials kept outside and weighing over 20 lbs shall be considered outdoor storage.

Outdoor Storage shall mean the keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than 48 hours. Outdoor storage shall not include car lots, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to Section 12.10 (Outdoor Display, Sales, and Storage).

Outdoor Wood Furnace shall mean any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood Hydronic Heater.

Outdoor Wood Furnace Chimney shall mean any flue or stack that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.

Parking Aisle shall mean the driveway or access drive by which a car enters and departs a parking space.

Parking Area shall mean the entire paved area that encompasses all parking spaces and the access drives that provide access to those spaces but that does

not include the entry drive or driveway with no direct access to a parking space.

Parking Space shall mean a graded and surfaced area of not less than 171 square feet in an area either enclosed or open for the parking of a motor vehicle, having adequate ingress and egress to a public street, alley or parking aisle.

Passive Park, Recreational Facility, and Conservation Area shall mean any park or recreational facility where there is no grading of the land, construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks.

Payday Advance or Loan Business shall mean an establishment that makes or facilitates consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

Pawn Business shall mean an establishment that makes or facilitates short-term loans collateralized by tangible personal property, such as jewelry, consumer electronics, tools, musical instruments or firearms.

Personal Services shall mean establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

Private Drive shall mean a shared means of vehicular ingress and egress located within an easement of access serving rear or panhandle lots, not dedicated to the County by recorded instrument that is maintained by the party or parties using such private drive for private access.

Professional or Business Office shall mean establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

Principal Building see **Building, Principal**.

Rated Nameplate Capacity shall mean the maximum rated output of electric power production equipment for a small wind energy conversion system. This output is typically specified by the manufactured with a "nameplate" on the equipment.

Residential Facility shall mean a home or facility, as defined and regulated in Section 5123.19 of the ORC, in which a mentally retarded or developmentally

disabled person resides, except the home of a relative or legal guardian in which a mentally retarded or developmentally disabled person resides, a respite care home certified under Section 5126.05 of the Ohio Revised Code, a county home or district home operated pursuant to Chapter 5155 of the Ohio Revised Code, or a dwelling in which the only mentally retarded or developmentally disabled residents are in an independent living arrangement or are being provided supported living.

-**Residential Facility, Large** shall mean a "residential facility" where there is supervision in a family setting of 9 to 16 persons.

-**Residential Facility, Small** shall mean a "residential facility" where there is supervision in a family setting of 6 to 8 persons.

-See also "Adult Family Home" and "Adult Group Home."

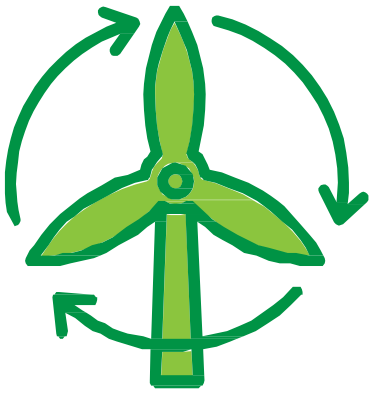
Restaurant shall mean an establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state, in individual servings.

Retail Commercial Services shall mean establishments primarily engaged in the sale of goods and materials to the general public. Retail commercial uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses.

Riding Stable shall mean a facility where horses are boarded and cared for, and where instruction in riding, jumping, and showing is offered, or where horses may be hired for riding.

Roadside Stand shall mean the use of any land or a structure for the sale of produce in accordance with the provisions of Section 10.2 (Accessory Buildings and Uses).

Rotor Diameter shall mean the length as measured across the center of the full spin of the rotors of a SWECS turbine.



Sanitary Landfill Facility shall be as defined in Section 3734 of the Ohio Revised Code and shall also mean a solid waste disposal facility with a "Permit to Install" issued by the Ohio Environmental Protection Agency, and shall be

limited to the Solid Waste District only.

Screen or Landscape Screen shall mean a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, berms, fences, walls, or any appropriate combination thereof.

Seasonal Use shall mean a use dependent on a particular season of the year.

Service Commercial Use shall mean establishments that primarily engage in rendering services to businesses including, but not limited to, printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

Sign shall mean any medium, including its structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, or product and which is visible from any public street or highway.

-**Sign, Abandoned** shall mean a sign which no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found.

-**Sign, Awning** shall mean a sign painted on, printed on, or permanently attached flat against the surface of a canopy, marquee, or awning. See Figure 16-5.

-**Sign, Bench** shall mean a sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

-**Sign, Canopy**. See Sign, Awning.

-**Sign, Changeable Copy** shall mean a sign whose informational content can be changed or altered by manual, electric, electro-mechanical, or electronic means. Changeable Copy Signs shall include the following types:

- Manually Activated: Signs whose informational content can be changed or altered by manual means.

- Electrically Activated: Signs whose informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. This includes LED signs. Animated graphics shall not be used on Electrically Activated Signs. *(Amended 9/11/12)*

-**Sign, Decorative Banner** means a non-permanent sign, made of durable fabric and designed with non-fade inks or paints, single- or double-sided, oriented vertically, such that its height is greater than its width, fastened from the top and bottom to a pole or similar structure on private property. Seasonal decorations that do not contain any advertising copy placed on light or utility poles shall not be considered banners for the purpose of this

Resolution.

-**Sign, Freestanding Pole** shall mean a sign that is mounted on a freestanding pole or other support so that the bottom of the sign copy area is 5 feet or more above grade. See "Pole Sign" in Figure 16-4.

-Sign, Government Sponsored shall mean any sign erected by a local, state or federal government or agency. An election sign is not a government sponsored sign. *(Amended 4/9/13)*

-**Sign, Ground Mounted** shall mean any sign placed upon or supported by the ground independent of any other structure. See "Ground Sign" in Figure 16-5.

-**Sign, High Rise** shall mean a sign, formerly permitted in limited locations, that due to proximity to the interstate system, was formerly permitted to exceed the typically permitted sign height of the applicable district.

-Sign, Human shall mean a sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service or product. *(Amended 4/9/13)*

-**Sign, Marquee.** See Sign, Awning.

-**Sign, Nonconforming** shall mean a sign that is erected legally but which does not comply with subsequently enacted sign restrictions and regulation. A nonconforming sign is also a sign that does not conform to the sign resolution requirements but for which a special permit has been issued.

-**Sign, Off-Premises** shall mean any sign, including billboards, that advertises or otherwise directs attention to an activity not on the same lot where the sign is located.

-**Sign, On-Premises** shall mean a sign, which advertises or otherwise directs attention to an activity on the same lot where the sign is located.

-**Sign, Portable/Daisy** shall mean a sign not permanently affixed to the ground, building, or other structure, which may be moved from place to place, including, but not limited to, signs designed to be transported by means of wheels, menu and sandwich board signs, and signs attached to or painted on a vehicle parked and visible from the public right-of-way, unless such vehicle is used in the day to day operations of a business.

-**Sign, Projecting** shall mean a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from the wall of such building. See Figure 16-5.

-**Sign, Roof** shall mean a sign that is mounted on the roof of a building or

which is wholly dependent upon a building for support and which projects above the point of a building with a flat roof, the eaves line of a building with a gambrel, gable, or hip roof, or the deck line of a building with a mansard roof. See Figure 16-5.

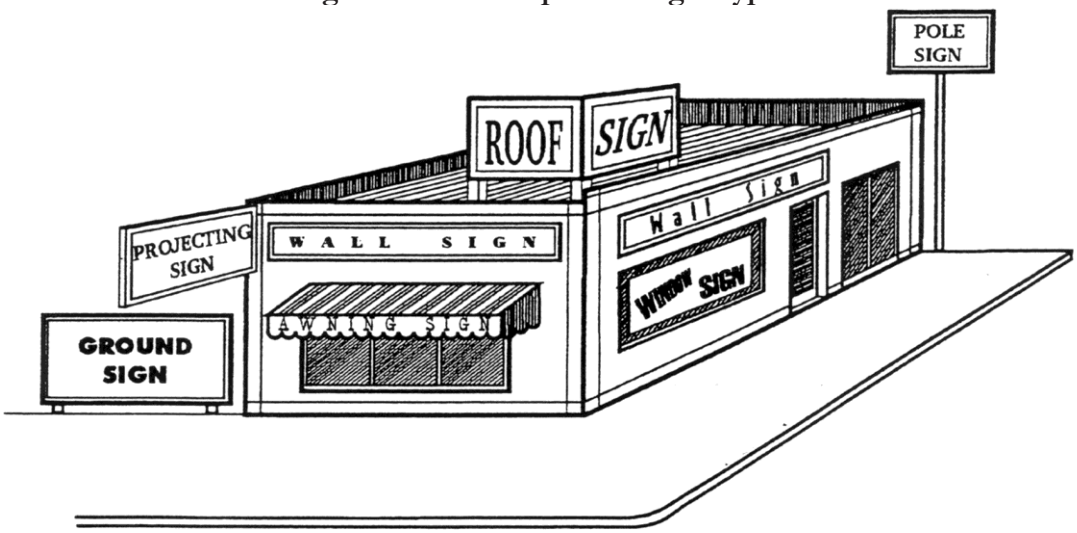
-**Sign, Snipe** shall mean a sign that is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, stakes, fences, or to other objects and which is located within the public right-of-way.

-**Sign, Temporary** shall mean a nonpermanent sign erected, affixed, and maintained on a premises for a short, usually fixed, period of time.

-**Sign, Wall** shall mean a sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of the sign and which does not project more than 12 inches from such building or structure. See Figure 16-5.

-**Sign, Window** shall mean a sign that is applied or attached to the exterior or interior of a window or located in such manner within the building that it can readily be seen from the exterior of the building through a window. See Figure 16-5.

Figure 16-5: Examples of Sign Types



Sign Area shall mean the entire area of the sign as measured according to Article 15 (Signs).

Sign Copy shall mean any graphic, word numeral, symbol, insignia, text, sample, model, device or combination thereof, which is primarily intended to advertise, identify, or notify.

Sign Copy Changes or Message Changes shall mean the ability to modify or change displays, words, lines, logos, or symbols on a sign to provide different information. Changeable copy signs include computer signs, reader

boards with changeable letters, and time and temperature units.

Sign Face shall mean the area or display surface used for the message.

Sign Height. The vertical distance measured from the lowest adjacent grade to the highest point of the sign or sign structure.

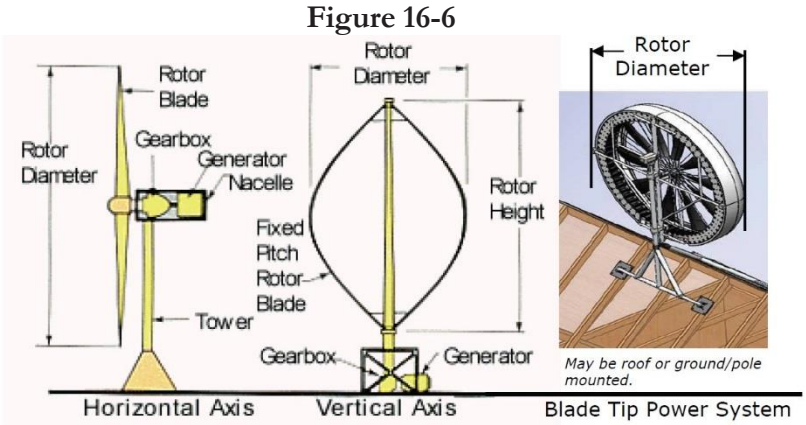
Site shall mean any lot or parcel of land or contiguous combination thereof, upon which excavation or filling is, has been, or will be performed.

Slope shall mean an inclined ground surface, the inclination of which is measured by determining the ratio of vertical rise to horizontal distance.

Slope, Natural shall mean the slope of the land surface within a hillside area as it exists prior to any clearing, grading, excavation, cuts, or fills.

Small Wind Energy Conversion System (SWECS) shall mean a wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a rated nameplate capacity of 100kW or less. This includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on site use, may be utilized by the utility company. SWECS shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System Turbines (BTPSs) as shown in Figure 16 - 6.

Figure 16-6



Wind Turbine Configurations

Small Cellular Telecommunication Facilities
Cellular Telecommunications Towers between eight and thirty feet in height, including Distributed Antenna Systems (DAS) and small cells sites, communication nodes, antennas, fiberoptic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of larger Telecommunications Towers and reduce the need for additional larger Telecommunications Towers.
(See Section 12.13)

Solar Panel shall mean a solar photovoltaic panel, or solar hot air or water panel collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

Solid Waste shall be as defined in Section 3734 of the Ohio Revised Code.

Solid Waste Disposal Facility as it relates to the Solid Waste District of this Resolution mean any site, location, tract of land, installation, or building used for incineration, composting, sanitary landfilling, or other methods of disposal of solid wastes or, if the solid wastes consist of scrap tires, for the collection, storage, or processing of the solid wastes; for the transfer of solid wastes; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

Solid Waste Transfer Facility shall be as defined in Section 3734 of the Ohio Revised Code.

Stacking Space shall mean a lane or area that is specifically designated for cars to "stack" in while utilizing drive-up or drive-through services at uses that may include, but are not limited to, car washes, restaurants, and financial institutions.

Storage Facilities shall mean a building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

Story shall mean that portion of a building, other than a cellar as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between the floor and the ceiling next above it. For the purposes of measurement, 1 story shall not exceed 12 feet.

Story, Half shall mean a space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 2/3 of the floor area is finished off for use.

Street shall mean all property dedicated or intended or used, whether public or private, for vehicular and pedestrian movement, including street, highway, freeway or other motorway right-of-way, and, except where limited or controlled access, affording the principal means of access to abutting property.

-**Street, Private** shall mean a shared means of vehicular ingress and egress located within an easement of access serving as frontage for lots in a residential development but where the street is not dedicated to the County by a recorded instrument and that is maintained by the party or parties using such private street for private access.

-**Street, Public** shall mean a publicly dedicated or owned right-of-way con-

structed to Hamilton County Engineer standards intended or used, for vehicular and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

Street Line shall mean the dividing line between a lot, tract or parcel of land and the contiguous right-of-way.

Structure shall mean anything constructed or erected, the use of which requires location on the ground or attached to something having a permanent location on the ground.

Structure, Nonconforming shall mean any structure lawfully existing on the effective date of this Resolution, or any amendment to it rendering such structure nonconforming, which does not comply with all of the standards and regulations of this Resolution or any amendment thereto.

Structural Alterations shall mean any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area of cubical contents of the building.

Telecommunications Tower shall mean any free-standing structure, or any structure to be attached to a building or other structure, that meets all of the following criteria. "Wireless telecommunications facilities," "telecommunications site," and "personal wireless facility" are recognized as alternate terms.

-The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.

-The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.

-The freestanding or attached structure is proposed to be located in an unincorporated area of a township, in an area zoned for residential use.

-The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a freestanding structure as set forth in any applicable zoning regulations ineffect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

-The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.

-The freestanding or attached structure is proposed to have attached to it

radio frequency transmission or reception equipment.

Temporary Storage Containers shall mean a portable structure or container that allows for storage of goods or materials, on or off-site and which is not permanently affixed to a foundation. Temporary storage containers can include semi-tractor trailers if they are used for storage and not transport.

Theater shall mean a building or part of a building devoted to showing motion pictures, or for dramatic, dance, musical, or other live performances.

Tower Height. The tower height of a small wind energy conversion system is the total height above finished grade of the fixed portion of the tower, excluding the wind turbine blades.

Type-A Family Day Care Home shall mean a permanent residence of the provider in which child day care or publicly funded day-care is provided for 7 to 12 children at one time or is the permanent residence of the provider in which child day care is provided to 4 to 12 children at one time if 4 or more children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and who are on the premises of the Type-A day care home shall be counted. Type-A day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-A day cares homes do not include any child day camp as defined in ORC Section 5104.01.

Type-B Family Day Care Home shall mean a permanent residence of the provider in which child day care is provided for 1 to 6 children at one time and in which no more than 3 children are under 2 years of age at one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to the provider and who are on the premises of the Type-B day care home shall be counted. Type-B day care homes do not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. Type-B day cares homes do not include any child day camp as defined in ORC Section 5104.01.

Turbine shall mean the parts of a small wind energy conversion system including the blades, generator, and tail.

Use shall mean any purpose for which a lot, building, or other structure, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- **Use, Temporary** shall mean a use that may be permitted for a specified period of time. Temporary uses may require a temporary Zoning Certificate in compliance with Section 10.4 (Temporary Uses) and may be subject to additional building and zoning requirements.

- **Use, Nonconforming** shall mean any use lawfully being made of any land, building, or structure on the effective date of this Resolution or any

amendment thereto rendering such use nonconforming, which does not comply with all of the regulations of this Resolution or any amendment thereto.

- **Use, Principal** shall mean the primary or main use of any lot.

Utility Trailer shall mean any towed vehicle, open or enclosed, specifically designed for the purposes of transporting equipment, tools, supplies, materials or goods of a similar nature that will not permit human habitation for travel, recreation, vacations or other transient purposes and which is no more than 8 feet in length and 5 feet in width and has no more than one axle. A utility trailer is primarily designed for personal use and not commercial use. *(Amended 1/8/13)*

Vehicle shall mean any contrivance that is used in the public or private transportation of one or more persons, is used in the transportation of goods over public or private property on roadways, or is used in a commercial or agricultural enterprise. A contrivance that is designed to be pushed, pulled or towed by any self-propelled vehicle is considered a vehicle.

Vehicle, Recreational shall mean a vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, which may be designed as temporary living accommodations, and is used for recreational, camping, and travel use. Recreational Vehicles may include, but are not limited to truck trailers, truck campers, pop-up tents, boats, jet skis, personal watercraft, snowmobiles, camping trailers, and self- propelled campers.

Vehicle, Junk shall mean a vehicle as defined in Section 4513.63 of the Ohio Revised Code and/or the Colerain Township Junk Vehicle Resolution.

Veterinarian Facility shall mean a place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. Use as a kennel shall be limited to short-time boarding and shall be only incidental to the veterinarian facility.

Warehouse shall mean structures used for the storage or distribution of goods where there is no sale of items to retailers or the general public unless permitted as an accessory use to the warehouse.

Wetlands shall mean those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.

Wholesale Commercial Use shall mean the sale of merchandise to retail and service commercial uses, office uses, or institutional uses, or to other wholesalers. Wholesale commercial uses may also mean acting as an agent

or broker in the buying or selling of merchandise; but not selling to the general public.

Yard shall mean an open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the nearest portion of the main building shall be used.

-**Yard, Front** shall mean a yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof, other than the projection of the usual steps or entranceway. See Figure 16-7.

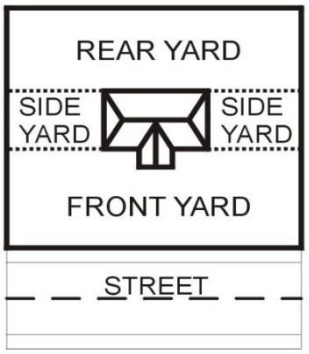


Figure 16-7: Yards in a Typical Lot

-**Yard, Rear** shall mean a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof, other than steps,

unenclosed balconies or unenclosed porches. See Figure 16-7.

-**Yard, Side** shall mean a yard between the main building and the side lot line of the lot extending from the front yard to the rear yard. See Figure 16-7.

Zoning Administrator shall mean the Zoning Inspector and the person who has the primary responsibility for administering the duties of the Colerain Township Zoning Commission and as required by this Resolution as directed by the Board of Trustees and defined by the Ohio Revised Code.

Zoning Commission shall mean the Colerain Township Zoning Commission.

Zoning District shall mean a section or sections of the unincorporated territory of Colerain Township for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

-**Zoning Districts, Residential** shall mean the R-1, R-2, R-3, R-4, R-5, R-6, R-7, and RF, Districts where residential uses are the primary permitted uses.

-**Zoning Districts, Business** shall mean the B-1, B-2, B-3, O-1, I-1 Districts.

-**Zoning Districts, Nonresidential** shall mean all business zoning districts and the SWD, ME, PD-B, and PD-I Districts.

-**Zoning Districts, Planned Development** shall mean the PD-R, PD-B, PD-I, and PD-M Districts.

(Article Amended 12/11/07, 2/10/09, 2/24/09, 3/10/09)

Appendix

A

APPENDIX A – DISTRICT NAME CHANGE COMPARISON CHART

Table A-1: Zoning District References			
Districts Names and Abbreviations Before August 19, 2006		**Districts Names and Abbreviations After August 19, 2006**	
No equivalent district		R-1	Rural Residential District
A-A	Residence District	R-2	Estate Residential District
A	Residence District	R-3	Suburban - Low Residential District
A-2	Residence District	R-4	Suburban – Medium Residential District
B	Residence District	R-5	Suburban - High Residential District
B-2	Residence District	R-6	Urban Residential District
D	Residence District	R-7	Multi-Family Residential District
B-2T	B-2 Transition District	B-1	Neighborhood Business District
Some E	Some areas of "E" were rezoned to B-1		
E	Retail Business District	B-2	General Business District
F	Light Industrial District	B-3	Commerce District
O	Office District	O-1	Office District
G	Heavy Industrial District	I-1	Industrial District
HD	Hillside Development Overlay District	HDO	Hillside Development Overlay District
H	Riverfront District	RF	Riverfront District
FPM	Flood Plain Management District		
All CUPs	All Community Unit Plans	PD-R	Residential Planned Development District
D-D	Planned Multi-Family District		
E-E	Planned Retail District	PD-B	Business Planned Development District
O-O	Planned Office District		
F-F	Planned Light Industrial District	PD-I	Industrial Planned Development District
G-G	Planned Heavy Industrial District		
No equivalent district		PD-M	Mixed Use Planned Development District
E-F	Excavation and Landfill District	SWD	Solid Waste Disposal District
E-F	Excavation and Landfill District	ME	Mineral Extraction District