

TRUSTEES

Cathy Ulrich
Daniel Unger
Matt Wahlert

FISCAL OFFICER

Jeffrey D. Baker

ADMINISTRATOR

Jeff Weckbach

Organizational Meeting - January 2 2024

1. **Opening of Meeting 6PM**
2. **Election of President**
3. **Election of Vice-President**
4. **Pledge of Allegiance**
5. **Meditation (Moment of Silence)**
6. **Organizational Items**
 - a. Resolution Authorizing the Advance of Funds - CDBG
 - b. Resolution Authorizing the Transfer of Funds
 - c. Motion to Authorize the Purchase of Capital Equipment and Vehicles according to the Attached Schedule A
 - d. Motion to Approve 2024 Regular Meeting Dates for the Board of Trustees and Rules for Special Meetings
 - e. Motion to Approve 2024 Regular Meeting Dates for the Code Enforcement Review Board
 - f. Motion to Approve the Continuation of Employment and Payment of Part-time Employees at the Current Rates
 - g. Motion to appoint David Miller as Representative and Tiphonie Mays as Alternate to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordinating Committee (ICC)
 - h. Motion to Authorize the Administrator to Sign Purchase Orders Equal to or Less Than \$2,500
 - i. Resolution Authorizing the Expenditure of Public Monies for "Coffee, Meals, Refreshments, or Other Amenities"
 - j. Motion to Approve the 2024 Payroll Calendar
7. **Public Hearings**
 - a. Public Hearing for Zoning Commission Case ZA2023-16, Zoning Text Amendment to Modify Mobile Food Services Regulation
 - b. Public Hearing for Zoning Commission Case ZA2023-17, Zoning Map Amendment from R-6 to B-1 for 3541 & 3551 Banning Road
8. **New Business**
9. **Development**



TRUSTEES

Cathy Ulrich
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ADMINISTRATOR

Jeff Weckbach

- a. Resolution Approving or Denying Zoning Commission Case ZA2023-16, Zoning Text Amendment to Modify Mobile Food Services Regulation
 - b. Resolution Approving or Denying Zoning Commission Case ZA2023-17, Zoning Map Amendment from R-6 to B-1 for 3541 & 3551 Banning Road
10. **Consent Items**
11. **Executive Session** if needed
12. **Adjournment**

ORGANIZATIONAL ITEMS

Department: Administration
Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability

Resolution Authorizing the Advance of Funds - CDBG

Recommend ADOPTION of the Resolution.

Rationale:

In the 2024 Strategic Plan and Budget, the Board of Trustees appropriated Community Development Block Grant (CDBG) funds. This year, the County will provide a three year update to the CDBG plan so the Township's CDBG projects have yet to be determined. Colerain anticipates an award of \$100,000 per year for the three year cycle.

Hamilton County awards CDBG funding to the township, and it recently changed the method by which it administers CDBG. In the past, the Township would submit invoices to the County, who would then pay them. Now, the Township must incur the expense and be reimbursed. This resolution authorizes staff to advance \$100,000 from the General Fund to Fund 2908- CDBG. Once the Township is reimbursed, staff will receipt the funds to Fund 2908 and then repay the advance to the General Fund.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at **6:00** p.m., on the _____ day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mrs. Cathy Ulrich, Mr. Dan Unger, and Mr. Matthew Wahlert

Trustee _____ introduced the following resolution and moved its adoption:

RESOLUTION NO.: _____ **-24**

**RESOLUTION AUTHORIZING THE ADVANCEMENT OF TOWNSHIP MONIES
FROM THE GENERAL FUND TO THE TOWNSHIP'S COMMUNITY
DEVELOPMENT BLOCK GRANT FUND (FUND #2908)
AND RETURNED UPON REIMBURSEMENT**

WHEREAS, pursuant to Ohio Revised Code § 5705.14(E), the Colerain Township Board of Trustees can approve the transfer of monies from the Township General Fund to any other fund including, but not limited to, the Township's Community Development Block Grant ("CDBG") Fund; and,

WHEREAS, the County has recently changed the way it administers its CDBG Program and now is only going to reimburse the Township for documented expenses as opposed to directly paying invoices received from the Township as the CDBG Program had done in the past; and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize the advance of one hundred thousand (\$100,000.00) dollars from the Township General Fund to the Township's CDBG Fund otherwise known as Township Fund #2908 for the purpose of expenditure that will ultimately be reimbursed by the County CDBG program; and,

WHEREAS, after such advanced monies of one hundred thousand (\$100,000.00) dollars are reimbursed by the County CDBG program back to the Township's CDBG Fund #2908, that such reimbursed monies of one hundred thousand (\$100,000.00) dollars are then to be transferred from the Township's CDBG Fund #2908 back to the Colerain Township General Fund; and,

WHEREAS, the action described above is in the best interest of the Township and will improve the health, safety, and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. The Board of Township Trustees hereby approves the Township Fiscal Officer or Township Administrator to advance up to one hundred thousand (\$100,000.00) dollars from the Township General Fund to the Township's CDBG Fund otherwise known as Township Fund #2908 for the purpose of CDBG related projects within Colerain Township.
2. It is expected that the above-referenced expenditures will ultimately be reimbursed by the County CDBG program. That upon such reimbursement from the County CDBG program of the up to one hundred thousand (\$100,000.00) dollars to the Township's CDBG Fund #2908, the Board of Township Trustees hereby approves the Township Fiscal Officer or Township Administrator to then transfer such reimbursed monies of up to one hundred thousand (\$100,000.00) dollars from the Township's CDBG Fund #2908 back to the Township General Fund.
3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
5. This resolution shall take effect at the earliest period allowed by law.

Trustee _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mrs. Ulrich _____, Mr. Unger _____ and Mr. Wahlert _____

ADOPTED this _____ day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matthew Wahlert, Trustee

ATTEST:

Jeff Baker,
Fiscal Officer

Resolution prepared by and approved as to form:

Scott A. Sollmann (0081467)
Colerain Township Law Director
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township
Fiscal Officer this ____ day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability
Strategic Goal #2: Continue to Provide High Quality Safety Services
Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement
Strategic Goal #4: Expand Recreational Opportunities for all Ages
Strategic Goal #5: Continuously Improve the Operations of the Township
Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

Resolution Authorizing the Transfer of Funds

Recommend ADOPTION of the Resolution.

Rationale:

The 2024 Strategic Plan and Budget calls for the following transfers out of the General Fund:

- \$2,000,000 to the Police District Fund (2081)
- \$229,881 to the Zoning Fund (2181)
- \$1,163,437 to the Park Fund (2911)
- \$233,229 to the Community Center Fund (2912)

The 2024 Strategic Plan and Budget also calls for the following transfers out of the Fire Fund to cover the bond payments for 2024:

- \$1,176,925 to the Special Assessment Fire Bonds Fund (3301)
- \$800,000 to the Capital Project - Fire Fund (4101)

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at ____p.m., on the ____ day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Cathy Ulrich, Dan Unger and Matthew Wahlert

Trustee _____ introduced the following resolution and moved its adoption:

RESOLUTION NO.: _____-24

**RESOLUTION AUTHORIZING THE TRANSFER OF TOWNSHIP MONEYS TO
OTHER TOWNSHIP FUNDS**

WHEREAS, pursuant to Ohio Revised Code 5705.14(E), the Board of Township Trustees can approve the transfer of money from the Township General Fund to any other fund; and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$2,000,000 from the General Fund (1000) to the Township's Police District Fund (2081); and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$229,881 from the General Fund (1000) to the Township's Zoning Fund (2181); and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$1,163,437 from the General Fund (1000) to the Township's Park Fund (2911); and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$233,229 from the General Fund (1000) to the Township's Community Center Fund (2912); and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$1,176,925 from the Fire District Fund (2111) to the Township's General Bond Note Retirement Fund (3101); and,

WHEREAS, the Colerain Township Board of Trustees finds it necessary to approve and authorize a transfer of up to \$800,000 from the Fire District Fund (2111) to the Township's Capital Project – Fire Fund (4101).

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$2,000,000 from the General Fund (1000) to the Township's Police District Fund (2081).
2. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$229,881 from the General Fund (1000) to the Township's Zoning Fund (2181).
3. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$1,163,437 from the General Fund (1000) to the Township's Park Fund (2911).
4. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$233,229 from the General Fund (1000) to the Township's Community Center Fund (2912).
5. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$1,176,925 from the Fire District Fund (2111) to the Township's Special Assessment Fire Bonds Fund (3301).
6. The Board of Trustees hereby approves the Township Fiscal Officer or Township Administrator to transfer up to \$800,000 from the Fire District Fund (2111) to the Township's Capital Project - Fire Fund (4101).
7. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
8. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
9. This resolution shall take effect at the earliest period allowed by law.

Trustee _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mrs. Ulrich _____, Mr. Unger _____ and Mr. Wahlert

ADOPTED this _____ day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matthew Wahlert, Trustee

ATTEST:

Jeff Baker,
Fiscal Officer

Resolution prepared by and approved as to form:

Scott Sollmann (0081467)
Colerain Township Law Director
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Colerain Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this ____ day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer

ORGANIZATIONAL ITEMS

Department: Administration
Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

Motion to Authorize the Purchase of Capital Equipment and Vehicles according to the Attached Schedule A
Recommend ADOPTION of the Motion.

Rationale:

Annually, the Township adopts appropriations, which include a number of capital items. In conjunction with these appropriations and the Township Strategic Plan and Budget Book it is recommended that the attached list of capital items be approved by the Board of Trustees.

Subsequent to this motion, staff will work with vendors to secure quotes and issue purchase orders for these items. Consistent with all large purchase orders, these purchase orders will need to be authorized and approved by two of the three Trustees prior to purchase.

All purchases will not exceed the amount listed in the attachment. If quotes are obtained and the total purchase price would exceed the amount listed, then the new amount would come forward as a future agenda item prior to purchase.

COST	DEPARTMENT	BUDGET LINE
100000	ADMINISTRATION	1000-760-730-0000
50000	ADMINISTRATION	1000-760-730-0000
100000	ADMINISTRATION	1000-760-720-0216
25,000	FIRE & EMS	2111-760-740-1015
105,500	FIRE & EMS	2111-760-750-0000
30,000	FIRE & EMS	2111-760-750-0000
95,000	FIRE & EMS	2281-760-750-0000
35,000	POLICE	2081-760-750-0000
123,000	PUBLIC SERVICES	2021-760-750-0000
70,000	PUBLIC SERVICES	2911-760-730-0305
100,000	PUBLIC SERVICES	2911-760-730-0305
20,000	PUBLIC SERVICES	2911-760-730-0305

ITEM
4200 Parking Lot
275 Gateway
4200 Basement Renovation
RES-Q-JACKS
Ladder Lease Payment
Staff Car Replacement (Replacing 08 Expedition and 02 Durangos and Crown Vic)
Ambulance Remount
New Vehicle - NWLSD Contract
Truck Replacement - 3-147
Heritage Park Bouldering Rock
Blanchetta Basketball Courts
Batting Cages

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #5: Continuously Improve the Operations of the Township

Motion to Approve 2024 Regular Meeting Dates for the Board of Trustees and Rules for Special Meetings
Recommend ADOPTION of the Motion.

Rationale:

Special meetings will be held as necessary and will be noticed twenty-four hours prior to the start of the meeting. This notice will be sent to the news media, specifically the Cincinnati Enquirer. Please note two proposed changes to the regular calendar to move the January and March meetings to the fourth Tuesday of the month.

TRUSTEES

Cathy Ulrich
Daniel Unger
Matt Wahlert

FISCAL OFFICER

Jeffrey D. Baker

ADMINISTRATOR

Jeff Weckbach

**2024 Meeting Dates
for the
Colerain Township Board of Trustees**

Executive Session (6:00 p.m. if needed)
Public Session (7:00 p.m.)

1/23/2024
2/13/2024
3/26/2024
4/09/2024
4/23/2024
5/14/2024
5/28/2024
6/11/2024
6/25/2024
7/09/2024
7/23/2024
8/13/2024
8/27/2024
9/10/2024
9/24/2024
10/08/2024
10/22/2024
11/12/2024
12/10/2024

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Motion to Approve 2024 Regular Meeting Dates for the Code Enforcement Review Board

Recommend ADOPTION of the Motion.

Rationale:

Special meetings will be held as necessary and will be noticed twenty-four hours prior to the start of the meeting. This notice will be sent to the news media, specifically the Cincinnati Enquirer. The Code Enforcement Review Board is scheduled to meet on the third Wednesday of each month.

TRUSTEES

Cathy Ulrich
Daniel Unger
Matt Wahlert

FISCAL OFFICER

Jeffrey D. Baker

ADMINISTRATOR

Jeff Weckbach

**2024 Meeting Dates
for the
Code Enforcement Review Board**

Public Session (6:00 p.m.)

1/17/2024
2/21/2024
3/20/2024
4/17/2024
5/15/2024
6/19/2024
7/17/2024
8/21/2024
9/18/2024
10/16/2024
11/20/2024
12/18/2024

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #5: Continuously Improve the Operations of the Township

Motion to Approve the Continuation of Employment and Payment of Part-time Employees at the Current Rates
Recommend ADOPTION of the Motion.

Rationale:

Each year the Township Trustees adopt this motion to continue the service of part-time employees.

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement
Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

Motion to appoint David Miller as Representative and Tiphonie Mays as Alternate to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordinating Committee (ICC)

Recommend ADOPTION of the Motion.

Rationale:

The ICC members provide general technical advice for the Executive Committee and Board of Directors for OKI as required, and review and comment on technical issues associated with the various studies and recommended plans before submission to the Executive Committee or Board of Directors. The ICC also advises and assists the Deputy Executive Director and staff in obtaining data required for continuing transportation planning commensurate with the Unified Planning Work Program, and other agreements for all areas of planning.

Mr. Miller is recommended to serve as the primary representative for the Township and Ms. Mays is recommended to serve as the alternative on this committee. Mr. Miller has served as the primary for the Township since 2022 and Ms. Mays has served as the alternate since 2023.

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability
Strategic Goal #5: Continuously Improve the Operations of the Township

Motion to Authorize the Administrator to Sign Purchase Orders Equal to or Less Than \$2,500

Recommend ADOPTION of the Motion.

Rationale:

State law allows Township Trustees to delegate authority to sign purchase orders with a value equal to or less than \$10,000 to the Township Administrator so that business can be conducted efficiently. In 2023, the Board of Trustees chose to delegate their authority to sign purchase orders with a value equal to or less than \$2,500.00.

Trustee Unger states: "this continues to provide an important check and balance in local government as the elected trustees are ultimately responsible for all purchases."

ORGANIZATIONAL ITEMS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability
Strategic Goal #5: Continuously Improve the Operations of the Township

Resolution Authorizing the Expenditure of Public Monies for "Coffee, Meals, Refreshments, or Other Amenities"
Recommend ADOPTION of the Resolution.

Rationale:

The Auditor of State provides guidance on the use of public monies for meals, coffee, and other refreshments as part of community events. This Resolution authorizes the expenditure of Township monies for that purpose for the events listed in the Resolution.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at **6:00** p.m., on the _____ day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mrs. Cathy Ulrich, Mr. Dan Unger, and Mr. Matthew Wahlert

Trustee _____ introduced the following resolution and moved its adoption:

RESOLUTION NO.: _____-24

**RESOLUTION AUTHORIZING THE EXPENDITURE OF TOWNSHIP MONIES
FOR “COFFEE, MEALS, REFRESHMENTS, OR OTHER AMENITIES”**

WHEREAS, Auditor of State Bulletin 2003-005 provides guidance on the expenditure of public funds and clarifies the definition of “public purpose;” and

WHEREAS, from time to time the Township intends to provide coffee, meals, refreshments, or other amenities at community events; and

WHEREAS, the action described above is in the best interest of the Township and will improve the health, safety, and general welfare of its residents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. The Board of Township Trustees hereby approves the Township Fiscal Officer or Township Administrator to expend monies, as described in the 2024 Strategic Plan and Budget, for coffee, sugar, creamer, sweetener, donuts, meals, refreshments, or other amenities, at the following events: a meal celebrating veterans, meetings of the Board of Trustees, Zoning Commission, and Board of Zoning Appeals; regular training in the training classroom, the township academy, citizens police academy, citizens fire academy, the employee appreciation luncheon, the Independence Day fireworks, Recycle Day, Career Day, PWC Give Back Day, Southwest Ohio Administrators training, employee wellness events, an annual employee picnic, public safety day, national night out, coffee with the chiefs, and activation of the Township Emergency Operations Center.
2. The expenditure of public monies for alcohol is not authorized by this Resolution.
3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

5. This resolution shall take effect at the earliest period allowed by law.

Trustee _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mrs. Ulrich _____, Mr. Unger _____ and Mr. Wahlert _____

ADOPTED this _____ day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matthew Wahlert, Trustee

ATTEST:

Jeff Baker,
Fiscal Officer

Resolution prepared by and approved as to form:

Scott A. Sollmann (0081467)
Colerain Township Law Director
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040
(513) 583-4200

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this ____ day of January, 2024.

Jeff Baker

Colerain Township Fiscal Officer

ORGANIZATIONAL ITEMS

Department: Administration
Department Director: Jeff McElravy, Assistant Administrator

Strategic Plan Goal: Strategic Goal #5: Continuously Improve the Operations of the Township

Motion to Approve the 2024 Payroll Calendar
Recommend ADOPTION of the Motion.

Rationale:

During the organizational meeting, the Board of Trustees will typically approve the payroll calendar for the upcoming year.

Colerain Township 2024 Pay Schedule

Pay Period	Pay Period Begin Date	Pay Period End Date	Paydate	Holidays
1	12/24/23	01/06/24	01/12/24	Dec 25: Christmas Day / Jan 1: New Year's Day
2	01/07/24	01/20/24	01/26/24	Jan 15: Martin Luther King Jr. Day
3	01/21/24	02/03/24	02/09/24	
4	02/04/24	02/17/24	02/23/24	
5	02/18/24	03/02/24	03/08/24	Feb 19: Presidents' Day
6	03/03/24	03/16/24	03/22/24	
7	03/17/24	03/30/24	04/05/24	
8	03/31/24	04/13/24	04/19/24	
9	04/14/24	04/27/24	05/03/24	
10	04/28/24	05/11/24	05/17/24	
11	05/12/24	05/25/24	05/31/24	
12	05/26/24	06/08/24	06/14/24	May 27: Memorial Day
13	06/09/24	06/22/24	06/28/24	Jun 19 : Juneteenth
14	06/23/24	07/06/24	07/12/24	Jul 4: Independence Day
15	07/07/24	07/20/24	07/26/24	
16	07/21/24	08/03/24	08/09/24	
17	08/04/24	08/17/24	08/23/24	
18	08/18/24	08/31/24	09/06/24	
19	09/01/24	09/14/24	09/20/24	Sept 2 : Labor Day; Sept 11:Patriots Day (Fire Only)
20	09/15/24	09/28/24	10/04/24	
21	09/29/24	10/12/24	10/18/24	
22	10/13/24	10/26/24	11/01/24	Oct 14: Columbus Day
23	10/27/24	11/09/24	11/15/24	
24	11/10/24	11/23/24	11/29/24	Nov 11: Veterans Day
25	11/24/24	12/07/24	12/13/24	Nov 28: Thanksgiving Day
26	12/08/24	12/21/24	12/27/24	
1	12/22/24	01/04/25	01/10/25	Dec 25: Christmas Day / Jan 1: New Year's Day

PUBLIC HEARINGS

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Public Hearing for Zoning Commission Case ZA2023-16, Zoning Text Amendment to Modify Mobile Food Services Regulation

Recommend opening the public hearing.

Rationale:

Staff presented the decision of the Zoning Commission to the Board of Trustees on December 12, 2023. The Trustees are required to hold a public hearing on this item within 30 calendar days, once notice has been provided.

Receipt of Zoning Commission's

Recommendation:

Case #:

Request:

Meeting Date:

Prepared by:

Board of Trustees

ZA2023-16

Zoning Text Amendment

December 12, 2023

David Miller, Development Director

Request:

That the Colerain Township Board of Trustees accepts the following as their receipt of the Colerain Township Zoning Commission's recommendation of APPROVAL for the proposed Zoning Text Amendment which was presented at a public hearing to the Colerain Township Zoning Commission on November 21, 2023 as case ZA2023-16, Zoning Text Amendment.

Furthermore, it is requested that the Colerain Township Board of Trustees schedule a public hearing on the matter for January 2, 2024.

Respectfully submitted for the Colerain Township Board of Trustees' consideration,



David L. Miller
Development Director



Staff Report:
Case #
Request:
Meeting Date:
Prepared by:

Board of Trustees
ZA2023-16
Zoning Text Amendment
January 2, 2024
David Miller
Development Director

Applicant:

On September 19, 2023, pursuant to *R.C. §519.12;(A);(1)*, the Colerain Township Zoning Commission directed Staff to amend Section 8.4.15 and 8.2 of the Colerain Township Zoning Resolution to allow for more flexibility with regards to Mobile Food Services and the ability to obtain Zoning Certificates.

Proposed Action:

On November 21, 2023, the Zoning Commission held a public hearing on Case ZA2023-16, Zoning Text Amendment, Modification of Mobile Food Services Regulations. After consideration of the Staff proposal and all public comments, exhibits, and other materials submitted, voted 5-0 to recommend the Zoning Text Amendment to the Colerain Township Board of Trustees.

The Zoning Administration hereby presents to the Board of Trustees the proposed text amendment to the Colerain Township Zoning Resolution to more appropriately align the Zoning Resolution with the Township's strategic goals of increasing focus on economic development and township prosperity.

Colerain Township Staff are proposing text amendments to Article 8 of the Colerain Township Zoning Resolution that would allow for more flexibility in obtaining a Zoning Certificate for a Mobile Food Service station.

Case Summary & History:

On September 21, 2021, Colerain Township Staff presented the below text amendment for Case ZA2021-07 incorporating mobile food service stations into B-1 zoning districts and establishing a set of conditions that each applicant must meet for them to obtain a Zoning Certificate for a Mobile Food Service station. On February 8, 2022, the Colerain Township Board of Trustees held a public hearing and subsequently approved Resolution 10-22, incorporating "Exhibit A" as a text amendment to the Colerain Township Zoning Resolution. Exhibit A is as follows:

[EXISTING REGULATIONS]

8.2 Permitted Uses

Table 8-1: Business Use Table

Table 8-1: Business Use Table						
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts					Additional
	B-1	B-2	B-3	O-1	I-1	Refer to Section:
<u>Brewery</u>					P	
<u>Broadcasting Studios</u>			P	P		
<u>Clubs</u>	C	P	P	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
<u>Contractor or Construction Sales</u>		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			
<u>Mobile Food Services</u>	<u>P*</u>					<u>Section 8.4.15</u>

8.4.15 Mobile Food Services

Mobile Food Service operations may be permitted in the B-1: Neighborhood Business District when the applicant can demonstrate compliance with the following conditions:

(A) Mobile Food Services, as defined in Section 16.2: Definitions, may operate as a use requiring a Zoning Certificate. An Application for a Zoning Certificate for a Mobile Food Service must be submitted by the property owner, or the operator of the Mobile Food Service Unit (or authorized representative) along with written permission of the property on which the Mobile Food Service is to be located. Applications for a Zoning Certificate require the submission of a site plan of the proposed Mobile Food Service operation. In reviewing the application, the Zoning Administrator shall review applicant's compliance with the criteria outlined in Sections 8.4.15. (B)., through 8.4.15.(W), in addition to all other applicable elements of this Zoning Resolution.

(B) Upon receiving an approved Zoning Certificate, the Mobile Food Service operation is authorized to operate the approved Mobile Food Service Unit at the approved location only. Should a Mobile Food Service operator desire to relocate to another location within an

approved district, they may relocate only after the newly proposed site plan has been approved by the Zoning Administrator. The Zoning Administrator may choose to waive any fees.

(C) Prior to issuing a Zoning Certificate:

(1) Applicant shall provide the Zoning Administrator with a copy of a valid license to conduct a Mobile Food Service Operation, as issued by the Hamilton County Department of Public Health.

(2) Applicant shall receive approval from the Colerain Township Fire Department and provide evidence of such approval to the Zoning Administrator.

(D) Mobile Food Services shall adhere to the following location requirements:

(1) Setback from the perimeter of a building, or the specific portion of a multi-tenant building, that is occupied by any restaurant, or outdoor dining area, shall be a minimum of one hundred (100) feet, during business hours. Mobile Food Service operations may be located closer than one hundred (100) feet with written authorization from the impacted restaurant owner.

(2) Front Yard Setback:

(a) Five (5) feet from the established Right-of-Way.

(b) If Right-of-Way has not been established, then a setback of forty (40) feet from the center line of the road shall be required.

(c) If in any situation, the above distances are not adequate for safety or community standards, then the required setback distance shall be increased as determined by the Zoning Administrator.

(1) Side and Rear Yard Setbacks: A side or rear yard setback shall not 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 side and/or rear yard setback of the residential district.

(2) Mobile Food Service operations shall not be located within ten (10) feet of a fire hydrant.

(3) Mobile Food Service operations shall be located in a manner which does not impede sight clearance, or traffic circulation for pedestrians or vehicles.

(4) Mobile Food Service operations shall remain clear from the sight triangle of all intersections and vehicular access points on a property.

(E) The maximum permissible number of Mobile Food Service operations located on a site shall be as follows:

(1) A minimum of 10,000 square feet of lot area is required for one Mobile Food Service operation.

(2) An additional mobile operation for each additional 5,000 square feet of net lot area, up to a maximum of three (3) mobile operations per site.

(F) Hours of operation shall be as follows:

(1) Sunday through Thursday, 7:00 am to 10:00 pm

(2) Friday through Saturday, 7:00 am to 11:00 pm

(G) Mobile Food Service operations shall be located on a solid paved surface of asphalt or concrete and shall not be located in the minimum required parking spaces of a site. A minimum of four (4) parking spaces shall be designated for each Mobile Food Service Unit and shall be indicated on the plot plan.

(H) No Mobile Food Service operation shall be located on a property used exclusively for residential purposes.

(I) The use of any noise or sound amplification associated with the mobile food service operation or product being sold is prohibited.

(J) Mobile Food Service operations shall be permitted the following signage only:

(1) Point-of-Sale type signs are permitted to be affixed to the mobile operation. This includes menus.

(2) An A-frame type menu board, up to sixteen (16) square feet per side, is permitted to be placed by the mobile operation and must be located within ten (10) feet of the point-of-sale area. Signage may be displayed during permitted hours of operations only, otherwise the sign shall be removed. Said sign shall meet the setback requirements established in 8.4.15.(B).

(3) No permit is required for signage related to Mobile Food Service operations.

(K) No balloons, banners, streamers or similar devices to attract customers are permitted.

(L) Mobile Food Service operators shall provide trash receptacles / facilities for litter and debris that shall be located within 10 feet of the Mobile Food Service point of sale. All trash must be completely removed from the site at the end of every day.

(M) Mobile Food Service operations taking place for a period exceeding twenty (20) consecutive days, within a 30-day period, shall provide on-site dining facilities, such as picnic tables, benches, or other seating accommodations as approved by the Zoning Administrator.

(N) No exterior storage of items, supplies, or materials shall be permitted. All items, materials, and / or equipment related to the Mobile Food Service operation shall not be visible on the site when the Mobile Food Service is not in operation.

(O) Retail merchandise will be permitted for sale only if it is related to the food, or beverage being provided by the Mobile Food Service operation. There shall be no sale of alcoholic beverages by a Mobile Food Service operation.

(P) In addition to complying with all Colerain Township Resolutions related to a Mobile Food Service Operation, the owner and operator of a food truck is responsible for applying for, and obtaining all other necessary licenses required for the service of food and beverages, in addition to the operation of any vehicle associated with the service of food and beverages.

(Q) All Mobile Food Service operations shall properly integrate with the character and form of the surrounding land uses. Such operations shall not be detrimental to the public health, safety, or welfare nor will they create a negative impact on adjacent property owners or public residing within the surrounding areas.

(R) The Colerain Township Police Department, Fire Department, and/or Department of Planning and Zoning maintains the right to issue an order to immediately cease operations of any Mobile Food Service, or require the Mobile Food Service to relocate, where in the opinion of the Department, the Mobile Food Service operation is causing, or contributing to an imminent public safety hazard.

(S) Mobile Food Service operations that have ceased operations for a period exceeding four (4) continuous days, shall be required to vacate the site. Approval from the Zoning Administrator shall be required for the Mobile Food Service to resume operations within Colerain Township.

(T) Under no circumstances shall a Mobile Food Service operation cause, or contribute to any unsafe or unsanitary, environmental, or physical condition(s). Including, but not limited to;

(1) Tripping, or stumbling hazards due to cord(s), hose(s), piping, or any other element used in the operation of the Mobile Food Service. All reasonable measures will be employed by the Mobile Food Service to secure and make safe their approved area of operations.

(2) Absolutely no discharge of gray water, or blackwater is permitted by a Mobile Food Service that is not in compliance with Hamilton County Department of Public Health regulations. All Mobile Food Service applicants shall submit and describe their proposed process for disposing of any and all wastewater associated with Mobile Food Service operation prior to receiving a Zoning Certificate.

(U) All Mobile Food Service operations must adhere, always, to all applicable Federal, State, County, and Local ordinances, laws, resolutions, and regulations, and to any updates, modifications, revisions, amendments, or any other changes to thereto. Specifically, but not limited to;

(1) The 2017 Ohio Fire Code (OFC Section 320);

(2) Hamilton County Department of Public Health regulations;

(3) Ohio Revised Code Section 3717.01 – 3717.99;

(4) Occupational Safety and Health Administration 1910 Subpart J – General Environmental Controls; 1910.144(a)(3).

(V) Written approval from the Zoning Administrator shall be required prior to the application, and installation of any temporary electric service related to Mobile Food Operations. Prior to the approval of the location of the temporary electric service, the Zoning Administrator shall determine the methods that shall be used to screen, landscape, or make the temporary electric service as aesthetically pleasing as practicable.

(W) A Zoning Certificate for a Mobile Food Service operation is valid for thirty (30) days at the location indicated on the approved site plan.

(1) A Mobile Food Service operator may request to renew their approved Zoning Certificate up to a maximum of two (2) additional times, for a period of thirty (30) days per each requested renewal, at the approved location.

(2) Under no circumstances shall a Mobile Food Service operation be permitted to operate at one location for a period exceeding ninety (90) days per calendar year.

(X) Failure to adhere to any of the above requirements is cause for revocation, or suspension of the Zoning Certificate, subject to any and all penalties as described in Article 5 of this Zoning Resolution.

16.2 Definitions

Mobile Food Service shall mean a commercial operation that utilizes a licensed, motorized mobile food service unit or concession trailer for the sale of cooked and /or prepared food and beverage items that are sold to the general public for on-site or off-site consumption.

Mobile Food Service Unit: Any apparatus or equipment that is used to cook, prepare, or serve food, and that routinely changes, or can change location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

Proposed Sections of the Colerain Township Zoning Resolution Text to Amend:

1. Use: Amend Table 8-1 in “§8.2 *Permitted Uses*” to allow for the operation of Mobile Food Service stations in the B-1 district, *and* the B-2 and B-3 zoning districts.
2. Conditions: “§8.4.15 *Mobile Food Services*” highlights the necessary conditions required to obtain a permit for and maintain operation of a mobile food service station. Certain conditions can be removed/narrowed down to allow for a better balance between the economic interests of third-party stakeholders (i.e., restaurants) and potential Mobile Food Service vendors, with the latter currently being over-regulated.

[PROPOSED AMENDMENTS TO ZONING TEXT]

Words to be **DELETED** are ~~lined through~~
Words to be **ADDED** are *italicized and underlined in RED*

Table 8-1:

Use	Zoning District					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	
("P", "P*", "C")						§8.4.15
Mobile Food Services	P*	<u>P*</u>	<u>P*</u>			

8.4.15:

Mobile Food Service operations may be permitted in the B-1: Neighborhood Business District, *B-2: General Business District, or B-3: Commerce District* when the applicant can demonstrate compliance with the following conditions:

(A) Mobile Food Services, as defined in Section 16.2: Definitions, may operate as a use requiring a Zoning Certificate. An Application for a Zoning Certificate for a Mobile Food Service must be submitted by the property owner, or the operator of the Mobile Food Service Unit (or authorized representative) along with written permission of the property owner on which the Mobile Food Service is to be located. Applications for a Zoning Certificate require the submission of a site plan of the proposed Mobile Food Service operation. In reviewing the application, the Zoning Administrator shall review applicant's compliance with the criteria outlined in Sections 8.4.15. (B), through 8.4.15. (W), in addition to all other applicable elements of this Zoning Resolution.

(B) Upon receiving an approved Zoning Certificate, the Mobile Food Service operation is authorized to operate the approved Mobile Food Service Unit at the approved location only. Should a Mobile Food Service operator desire to relocate to another location within an approved district, they may relocate only after the newly proposed site plan has been approved by the Zoning Administrator. The Zoning Administrator may choose to waive any fees.

(C) Prior to issuing a Zoning Certificate:

(1) Applicant shall provide the Zoning Administrator with a copy of a valid license to conduct a Mobile Food Service Operation, as issued by the Hamilton County ~~Department of Public Health~~.

(2) Applicant shall receive approval from the Colerain Township Fire Department and provide evidence of such approval to the Zoning Administrator.

(D) Mobile Food Services shall adhere to the following location requirements:

(1) Setback from the perimeter of a building, or the specific portion of a multi-tenant building, that is occupied by any restaurant, or outdoor dining area, shall be a minimum of one hundred (100) feet, during business hours. Mobile Food Service operations may be located closer than one hundred (100) feet with written authorization from the impacted restaurant owner.

(2) Front Yard Setback:

~~(a) Five (5) feet from the established Right-of-Way.~~ *The mobile food vending service shall not be in any required sight distance triangle, buffer, or right-of-way.*

~~(b) If Right-of-Way has not been established, then a setback of forty (40)~~ *thirty (30)* feet from the center line of the road shall be required.

~~(c) If in any situation, the above distances are not adequate for safety or community standards, then the required setback distance shall be increased as determined by the Zoning Administrator.~~

(d) Such uses may be allowed in the public right-of-way if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the Township.

(1) Side and Rear Yard Setbacks: A side or rear yard setback shall not be required unless the use *Mobile Food Service Unit* abuts a residential zoning district, in which case the minimum side and/or rear setback shall be equal to the setback of side and/or rear yard setback of the residential district.

(2) Mobile Food Service operations shall not be located within ten (10) feet of a fire hydrant.

~~(3) Mobile Food Service operations shall be located in a manner which does not impede sight clearance, or traffic circulation for pedestrians or vehicles.~~

~~(4) Mobile Food Service operations shall remain clear from the sight triangle of all intersections and vehicular access points on a property.~~

~~(E) The maximum permissible number of Mobile Food Service operations located on a site shall be as follows:~~

~~(1) A minimum of 10,000 square feet of lot area is required for one Mobile Food Service operation.~~

~~(2) An additional mobile operation for each additional 5,000 square feet of net lot area, up to a maximum of three (3) mobile operations per site.~~

(~~F~~E) Hours of operation shall be as follows:

(1) Sunday through Thursday, 7:00 am to 10~~11~~:00 pm

(2) Friday & Saturday, 7:00 am to 11~~12~~:00 p~~a~~m

(~~G~~F) Mobile Food Service operations shall be located on a solid paved surface of asphalt, ~~or concrete and shall not be located in the minimum required parking spaces of a site. A minimum of four (4) parking spaces shall be designated for each Mobile Food Service Unit and shall be indicated on the plot plan.~~

(~~H~~G) No Mobile Food Service operation shall be located on a property used exclusively for residential purposes. *For special events, temporary mobile food service operations may be permitted in residential neighborhoods upon review and approval from the Zoning Administrator, for a maximum three-day period. The temporary mobile food service operation must adhere to all provisions established within this section, including the appropriate licenses and approval from the Colerain Township Fire Department. Temporary mobile food services permitted in residential neighborhoods must cease operation once the approved time period ends.*

(~~I~~) The use of any noise or sound amplification associated with the mobile food service operation or product being sold is prohibited.

(~~J~~H) Mobile Food Service operations shall be permitted the following signage only:

(1) Point-of-Sale type signs are permitted to be affixed to ~~or detached~~ from the mobile operation. This includes menus. *If detached, a maximum of two (2) A-frame type menu boards of up to twenty-four (24) square feet per side is permitted to be placed by the Mobile Food Service operation and must be located within ten (10) feet of the point-of-sale area. A Mobile Food Service operation is allowed two (2) small lawn-type signs of up to six (6) square feet per side. Detached signs shall not be placed in the right of way and must be stored away after close. Attached signs shall not extend beyond the height, width nor length of the Mobile Food Service unit.*

(2) An A-frame type menu board, up to sixteen (16) square feet per side, is permitted to be placed by the mobile operation and must be located within ten (10) feet of the point-of-sale area. Signage may be displayed during permitted hours of operations only, otherwise the sign shall be removed. Said sign shall meet the setback requirements established in 8.4.15.(B).

(~~3~~2) No permit is required for signage related to Mobile Food Service operations.

(~~K~~I) No balloons, banners, streamers, *inflatables*, or similar devices to attract customers are permitted.

(~~L~~J) Mobile Food Service operators shall provide trash receptacles / facilities for litter and debris that shall be located within 10 feet of the Mobile Food Service point of sale. All trash must be completely removed from the site at the end of every day.

(~~M~~) Mobile Food Service operations taking place for a period exceeding twenty (20)-

~~consecutive days, within a 30-day period, shall provide on-site dining facilities, such as picnic tables, benches, or other seating accommodations as approved by the Zoning Administrator.~~

~~(N~~K~~) No exterior storage of items, supplies, or materials shall be permitted. All items, materials, and / or equipment related to the Mobile Food Service operation shall not be visible on the site when the Mobile Food Service is not in operation. Supplies or materials shall be appropriately screened from public viewing during hours of operation. All items, materials, and/or equipment shall be appropriately stored away when the Mobile Food Service is not in operation.~~

~~(O~~L~~) Retail merchandise will be permitted for sale only if it is related to the food, or beverage being provided by the Mobile Food Service operation. There shall be no sale distribution of alcoholic beverages by a Mobile Food Service operation without a valid alcoholic beverage license.~~

~~(P~~M~~) In addition to complying with all Colerain Township Resolutions related to a Mobile Food Service Operation, the owner and operator of a food truck is responsible for applying for, and obtaining all other necessary licenses required for the service of food and beverages, in addition to the operation of any vehicle associated with the service of food and beverages.~~

~~(Q) All Mobile Food Service operations shall properly integrate with the character and form of the surrounding land uses. Such **Mobile Food Service** operations shall not be detrimental to the public health, safety, or welfare nor will they create a negative impact on adjacent property owners or public residing within the surrounding areas.~~

~~(R~~N~~) The Colerain Township Police Department, Fire Department, and/or Department of Planning and Zoning maintains the right to issue an order to immediately cease operations of any Mobile Food Service, or require the Mobile Food Service to relocate, where in the opinion of the Department, the Mobile Food Service operation is causing, or contributing to an imminent public safety hazard.~~

~~(S) Mobile Food Service operations that have ceased operations for a period exceeding four (4) continuous days, shall be required to vacate the site. Approval from the Zoning Administrator shall be required for the Mobile Food Service to resume operations within Colerain Township.~~

~~(T~~O~~) Under no circumstances shall a Mobile Food Service operation cause, or contribute to any unsafe or unsanitary, environmental, or physical condition(s). Including, but not limited to;~~

(1) Tripping, or stumbling hazards due to cord(s), hose(s), piping, or any other element used in the operation of the Mobile Food Service. All reasonable measures will be employed by the Mobile Food Service to secure and make safe their approved area of operations.

(2) Absolutely no discharge of gray water, or blackwater is permitted by a Mobile Food Service that is not in compliance with Hamilton County Department of Public Health regulations. All Mobile Food Service applicants shall submit and describe their proposed process for disposing of any and all wastewater associated with Mobile Food Service operation prior to receiving a Zoning Certificate.

~~(U~~P~~) All Mobile Food Service operations must adhere, always, to all applicable Federal, State,~~

County, and Local ordinances, laws, resolutions, and regulations, and to any updates, modifications, revisions, amendments, or any other changes to thereto. Specifically, but not limited to;

- (1) The 2017 Ohio Fire Code (OFC Section 320);
- (2) Hamilton County ~~Department of~~ Public Health regulations;
- (3) Ohio Revised Code Section 3717.01 – 3717.99;
- (4) Occupational Safety and Health Administration 1910 Subpart J – General Environmental Controls; 1910.144(a)(3).

~~(V) Written approval from the Zoning Administrator shall be required prior to the application, and installation of any temporary electric service related to Mobile Food Operations. Prior to the approval of the location of the temporary electric service, the Zoning Administrator shall determine the methods that shall be used to screen, landscape, or make the temporary electric service as aesthetically pleasing as practicable.~~

~~(W)~~ *Q* A Zoning Certificate for a Mobile Food Service operation is valid from *for the fiscal year beginning March 1 and ending February 28* for thirty (30) days at the location indicated on the approved site plan. *Zoning Certificates issued after March 1 in any fiscal year will be charged a prorated amount for the fiscal year ending February 28. Zoning Certificates issued on or after December 1 in any fiscal year will be charged a prorated amount to include the following fiscal year.*

- ~~(1) A Mobile Food Service operator may request to renew their approved Zoning Certificate up to a maximum of two (2) additional times, for a period of thirty (30) days per each requested renewal, at the approved location.~~
- ~~(2) Under no circumstances shall a Mobile Food Service operation be permitted to operate at one location for a period exceeding ninety (90) days per calendar year.~~

~~(X)~~ *R* Failure to adhere to any of the above requirements is cause for revocation, or suspension of the Zoning Certificate, subject to any and all penalties as described in Article 5 of this Zoning Resolution.

[PROPOSED FINAL ZONING TEXT]

Table 8-1:

Use	Zoning District					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	
("P", "P*", "C")						§8.4.15
Mobile Food Services	P*	P*	P*			

8.4.15:

Mobile Food Service operations may be permitted in the B-1: Neighborhood Business District, B-2: General Business District, or B-3: Commerce District when the applicant can demonstrate compliance with the following conditions:

(A) Mobile Food Services, as defined in Section 16.2: Definitions, may operate as a use requiring a Zoning Certificate. An Application for a Zoning Certificate for a Mobile Food Service must be submitted by the property owner, or the operator of the Mobile Food Service Unit (or authorized representative) along with written permission of the property owner on which the Mobile Food Service is to be located. Applications for a Zoning Certificate require the submission of a site plan of the proposed Mobile Food Service operation. In reviewing the application, the Zoning Administrator shall review applicant's compliance with the criteria outlined in Sections 8.4.15. (B), through 8.4.15. (Q), in addition to all other applicable elements of this Zoning Resolution.

(B) Upon receiving an approved Zoning Certificate, the Mobile Food Service operation is authorized to operate the approved Mobile Food Service Unit at the approved location only. Should a Mobile Food Service operator desire to relocate to another location within an approved district, they may relocate only after the newly proposed site plan has been approved by the Zoning Administrator. The Zoning Administrator may choose to waive any fees.

(C) Prior to issuing a Zoning Certificate:

(1) Applicant shall provide the Zoning Administrator with a copy of a valid license to conduct a Mobile Food Service Operation, as issued by the Hamilton County Public Health.

(2) Applicant shall receive approval from the Colerain Township Fire Department and provide evidence of such approval to the Zoning Administrator.

(D) Mobile Food Services shall adhere to the following location requirements:

(1) Setback from the perimeter of a building, or the specific portion of a multi-tenant building, that is occupied by any restaurant, or outdoor dining area, shall be a minimum

of one hundred (100) feet, during business hours. Mobile Food Service operations may be located closer than one hundred (100) feet with written authorization from the impacted restaurant owner.

(2) Front Yard Setback:

(a) The mobile food vending service shall not be in any required sight distance triangle, buffer, or right-of-way.

(b) If Right-of-Way has not been established, then a setback of thirty (30) feet from the center line of the road shall be required.

(c) If in any situation, the above distances are not adequate for safety or community standards, then the required setback distance shall be increased as determined by the Zoning Administrator.

(d) Such uses may be allowed in the public right-of-way if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the Township.

(3) Side and Rear Yard Setbacks: A side or rear yard setback shall not be required unless the Mobile Food Service Unit abuts a residential zoning district, in which case the minimum side and/or rear setback shall be equal to the setback of side and/or rear yard setback of the residential district.

(4) Mobile Food Service operations shall not be located within ten (10) feet of a fire hydrant.

(E) Hours of operation shall be as follows:

(1) Sunday through Thursday, 7:00 am to 11:00 pm

(2) Friday & Saturday, 7:00 am to 12:00 am

(F) Mobile Food Service operations shall be located on a solid paved surface of asphalt.

(G) For special events, temporary mobile food service operations may be permitted in residential neighborhoods upon review and approval from the Zoning Administrator, for a maximum three-day period. The temporary mobile food service operation must adhere to all provisions established within this section, including the appropriate licenses and approval from the Colerain Township Fire Department. Temporary mobile food services permitted in residential neighborhoods must cease operation once the approved time period ends.

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(1) Point-of-Sale type signs are permitted to be affixed to or detached from the mobile operation. This includes menus. If detached, a maximum of two (2) A-frame type menu boards of up to twenty-four (24) square feet per side is permitted to be placed by the Mobile Food Service operation and must be located within ten (10) feet of the point-of-sale area. A Mobile Food Service operation is allowed two (2) small lawn-type signs of up to six (6) square feet per side. Detached signs shall not be placed in the right of way

and must be stored away after close. Attached signs shall not extend beyond the height, width nor length of the Mobile Food Service unit.

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(K) Supplies or materials shall be appropriately screened from public viewing during hours of operation. All items, materials, and/or equipment shall be appropriately stored away when the Mobile Food Service is not in operation.

(L) There shall be no distribution of alcoholic beverages by a Mobile Food Service operation without a valid alcoholic beverage license.

(M) In addition to complying with all Colerain Township Resolutions related to a Mobile Food Service Operation, the owner and operator of a food truck is responsible for applying for, and obtaining all other necessary licenses required for the service of food and beverages, in addition to the operation of any vehicle associated with the service of food and beverages.

(N) The Colerain Township Police Department, Fire Department, and/or Department of Planning and Zoning maintains the right to issue an order to immediately cease operations of any Mobile Food Service, or require the Mobile Food Service to relocate, where in the opinion of the Department, the Mobile Food Service operation is causing, or contributing to an imminent public safety hazard.

(O) Under no circumstances shall a Mobile Food Service operation cause, or contribute to any unsafe or unsanitary, environmental, or physical condition(s). Including, but not limited to;

(1) Tripping, or stumbling hazards due to cord(s), hose(s), piping, or any other element used in the operation of the Mobile Food Service. All reasonable measures will be employed by the Mobile Food Service to secure and make safe their approved area of operations.

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(1) The 2017 Ohio Fire Code (OFC Section 320);

(2) Hamilton County Department of Public Health regulations;

(3) Ohio Revised Code Section 3717.01 – 3717.99;

(4) Occupational Safety and Health Administration 1910 Subpart J – General Environmental Controls; 1910.144(a)(3).

(Q) A Zoning Certificate for a Mobile Food Service operation is valid for the fiscal year beginning March 1 and ending February 28 at the location indicated on the approved site plan. Zoning Certificates issued after March 1 in any fiscal year will be charged a prorated amount for the fiscal year ending February 28. Zoning Certificates issued on or after December 1 in any fiscal year will be charged a prorated amount to include the following fiscal year.

(R) Failure to adhere to any of the above requirements is cause for revocation, or suspension of the Zoning Certificate, subject to any and all penalties as described in Article 5 of this Zoning Resolution.

Staff Findings:

Based upon Staff's interpretation of the Colerain Township Comprehensive Plan and the Colerain Township Zoning Resolution:

The current Zoning Resolution is quite stringent regarding the current conditions required to both obtain a Zoning Certificate and maintain the operation of a mobile food service station. The proposed amendments to Article 8 will ultimately work to provide more flexibility in obtaining a Zoning Certificate and maintaining operation for mobile food service stations.

Staff Recommendation:

Staff recommends **APPROVAL** of the proposed text amendments to Article 8, allowing for more flexibility with the conditions and zoning requirements needed to obtain a permit for and maintain operation of a mobile food service station.

PUBLIC HEARINGS

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Public Hearing for Zoning Commission Case ZA2023-17, Zoning Map Amendment from R-6 to B-1 for 3541 & 3551 Banning Road

Recommend opening the public hearing.

Rationale:

Staff presented the decision of the Zoning Commission to the Board of Trustees on December 12, 2023. The Trustees are required to hold a public hearing on this item within 30 calendars days, once notice has been provided.

TRUSTEES

Cathy Ulrich
Daniel Unger
Matt Wahlert

FISCAL OFFICER

Jeffrey D. Baker

ADMINISTRATOR

Jeff Weckbach

Receipt of Zoning Commission's**Recommendation:****Case #:****Request:****Meeting Date:****Prepared by:**

Board of Trustees

ZA2023-17

Zoning Map Amendment

December 12, 2023

David Miller, Development Director

Request:

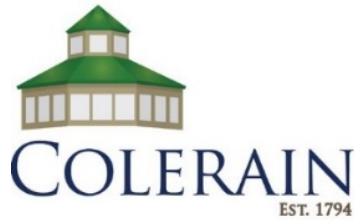
That the Colerain Township Board of Trustees accepts the following as their receipt of the Colerain Township Zoning Commission's recommendation of APPROVAL for the proposed Zoning Map Amendment which was presented at a public hearing to the Colerain Township Zoning Commission on November 21, 2023 as case ZA2023-17, Zoning Map Amendment.

Furthermore, it is requested that the Colerain Township Board of Trustees schedule a public hearing on the matter for January 2, 2024.

Respectfully submitted for the Colerain Township Board of Trustees' consideration,



David L. Miller
Development Director



Staff Report:	Board of Trustees
Case #	ZA2023-17
Request:	Zoning Map Amendment from R-6 to B-1
Location:	3541 and 3551 Banning Rd.
Meeting Date:	January 2, 2024
Prepared by:	David Miller Development Director

Applicant / Property Owner:

The applicant, Jonathan Woche, of McBride Dale Clarion, representative for the property owner(s), Rick Davis and R&K Developers, Inc. is requesting:

A Zoning Map Amendment at 3541 and 3551 Banning Rd. from R-6 to B-1. The two parcels have a combined area of 0.78 acres.

Proposed Modification:

Rezone 3541 and 3551 Banning Rd. from R-6 to B-1 due to the positive development potential as a B-1 zone. The objective is to consolidate the two parcels with adjoining B-1 parcels.

Site Description:

Tract Size:	Approx. 0.78 acres (both parcels)
Frontage:	Approx. 155 ft. (both parcels)
Topography:	Very subtle downward slope from east to west
Existing Development:	Vacant Lot (3451 Banning Rd.), SFD (3551 Banning Rd.)

Surrounding Conditions:

<u>ZONE</u>	<u>LAND USE</u>
North: "R-6"	Urban Residential District
South: "B-1"	Neighborhood Business District
East: "R-6"	Urban Residential District
West: "B-1"	Neighborhood Business District

Staff Recommendation:

APPROVAL OF THE REQUESTED ZONING MAP AMENDMENT with the following conditions:

None

Applicable Zoning Regulations:

It is Staff's opinion that the following are the primary Articles of the Colerain Township Zoning Resolution that are of most importance in the matters involved in this case:

4.3 Text and Map Amendments

4.3.1 Amendment Initiation (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.

4.3.4 Review Criteria (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.

Staff Findings: Based on the proposed site plan, the applicant's justification letter, Staff's interpretation of the Colerain Township Zoning Resolution, the Review Criteria, the Approval Criteria, and the Comprehensive Plan:

- I. The proposed Zoning Map Amendment is in accordance with the Colerain Township Zoning Resolution as well as the applicant's justification letter, Comprehensive Plan and Land Use Plan.

DEVELOPMENT

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #6: Increase Focus on Economic Development and Township Prosperity

Resolution Approving or Denying Zoning Commission Case ZA2023-16, Zoning Text Amendment to Modify Mobile Food Services Regulation

Recommend ADOPTION of the Resolution.

Rationale:

The Colerain Township Board of Trustees are required to hold a public hearing on recommendations received from the Colerain Township Zoning Commission prior to approving or denying any text amendments to the Zoning Resolution.

This Public Hearing must be held within 30 days of receipt of the recommendation from the Zoning Commission. Due to the schedule change for the next Regular Meeting of the Board of Trustees to January 23, 2024, the Public Hearing is being requested for January 2, 2024 during the scheduled Organizational Meeting of the Board of Trustees.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in a regular session at 6:00 p.m., on the 2nd day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Cathy Ulrich, Dan Unger, Matt Wahlert

Mr./Ms. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____-24

**APPROVAL OF CASE NO. ZA2023-16, ZONING TEXT AMENDMENT,
TO ARTICLE 8: MODIFICATION OF MOBILE FOOD SERVICES REGULATIONS**

WHEREAS, on September 19, 2023, pursuant to R.C. §519.12;(A);(1), the Colerain Township Zoning Commission directed Staff to amend Section 8.4.15 and 8.2 of the Colerain Township Zoning Resolution to allow for more flexibility with regards to Mobile Food Services and the ability to obtain Zoning Certificates; and

WHEREAS, on November 21, 2023, the Zoning Commission held a public hearing on Case ZA2023-16, Zoning Text Amendment, Modification of Mobile Food Services Regulations. After consideration of the Staff proposal and all public comments, exhibits, and other materials submitted, voted 5-0 to recommend the Zoning Text Amendment, included below as Exhibit “A”, to the Colerain Township Board of Trustees; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case ZA2023-16 on January 2, 2024, and after consideration of the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted ____ - ____ to approve the Colerain Township Zoning Text Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That the Board of Trustees of Colerain Township, Hamilton County, Ohio approves the Text Amendment to the Zoning Resolution for the reason that the Zoning Text Amendment would be in the best interest of the Township and the health, safety, morals and welfare of the public, is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

3. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Administration; and
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
5. That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Ulrich _____, Mr. Unger _____, Mr. Wahlert _____,

ADOPTED this 2nd day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matt Wahlert, Trustee

ATTEST:

Jeff Baker
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

Scott Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 2nd day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer

Exhibit “A”

Proposed Text Amendments to Colerain Township Zoning Resolution

Colerain Township Trustees request to amend the Colerain Township Zoning Resolution text to better address the following Definition and Uses:

Article(s) to be amended:

1. Use: Amend Table 8-1 in “**§8.2 Permitted Uses**” to allow for the operation of Mobile Food Service stations in the B-1 district, *and* the B-2 and B-3 zoning districts.
2. Conditions: “**§8.4.15 Mobile Food Services**” highlights the necessary conditions required to obtain a permit for and maintain operation of a mobile food service station. Certain conditions can be removed/narrowed down to allow for a better balance between the economic interests of third-party stakeholders (i.e., restaurants) and potential Mobile Food Service vendors, with the latter currently being over-regulated.

Table 8-1:

Use	Zoning District					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	
(“P”, “P*”, “C”)	B-1	B-2	B-3	O-1	I-1	§8.4.15
Mobile Food Services	P*	P*	P*			

8.4.15:

Mobile Food Service operations may be permitted in the B-1: Neighborhood Business District, B-2: General Business District, or B-3: Commerce District when the applicant can demonstrate compliance with the following conditions:

(A) Mobile Food Services, as defined in Section 16.2: Definitions, may operate as a use requiring a Zoning Certificate. An Application for a Zoning Certificate for a Mobile Food Service must be submitted by the property owner, or the operator of the Mobile Food Service Unit (or authorized representative) along with written permission of the property owner on which the Mobile Food Service is to be located. Applications for a Zoning

Certificate require the submission of a site plan of the proposed Mobile Food Service operation. In reviewing the application, the Zoning Administrator shall review applicant's compliance with the criteria outlined in Sections 8.4.15. (B), through 8.4.15. (Q), in addition to all other applicable elements of this Zoning Resolution.

(B) Upon receiving an approved Zoning Certificate, the Mobile Food Service operation is authorized to operate the approved Mobile Food Service Unit at the approved location only. Should a Mobile Food Service operator desire to relocate to another location within an approved district, they may relocate only after the newly proposed site plan has been approved by the Zoning Administrator. The Zoning Administrator may choose to waive any fees.

(C) Prior to issuing a Zoning Certificate:

(1) Applicant shall provide the Zoning Administrator with a copy of a valid license to conduct a Mobile Food Service Operation, as issued by the Hamilton County Public Health.

(2) Applicant shall receive approval from the Colerain Township Fire Department and provide evidence of such approval to the Zoning Administrator.

(D) Mobile Food Services shall adhere to the following location requirements:

(1) Setback from the perimeter of a building, or the specific portion of a multi-tenant building, that is occupied by any restaurant, or outdoor dining area, shall be a minimum of one hundred (100) feet, during business hours. Mobile Food Service operations may be located closer than one hundred (100) feet with written authorization from the impacted restaurant owner.

(2) Front Yard Setback:

(a) The mobile food vending service shall not be in any required sight distance triangle, buffer, or right-of-way.

(b) If Right-of-Way has not been established, then a setback of thirty (30) feet from the center line of the road shall be required.

(c) If in any situation, the above distances are not adequate for safety or community standards, then the required setback distance shall be increased as determined by the Zoning Administrator.

(d) Such uses may be allowed in the public right-of-way if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the Township.

(3) Side and Rear Yard Setbacks: A side or rear yard setback shall not be required unless the Mobile Food Service Unit abuts a residential zoning district, in which case the minimum side and/or rear setback shall be equal to the setback of side and/or rear yard setback of the residential district.

(4) Mobile Food Service operations shall not be located within ten (10) feet of a fire hydrant.

(E) Hours of operation shall be as follows:

(1) Sunday through Thursday, 7:00 am to 11:00 pm

(2) Friday & Saturday, 7:00 am to 12:00 am

(F) Mobile Food Service operations shall be located on a solid paved surface of asphalt.

(G) For special events, temporary mobile food service operations may be permitted in residential neighborhoods upon review and approval from the Zoning Administrator, for a maximum three-day period. The temporary mobile food service operation must adhere to all provisions established within this section, including the appropriate licenses and approval from the Colerain Township Fire Department. Temporary mobile food services permitted in residential neighborhoods must cease operation once the approved time period ends.

(H) Mobile Food Service operations shall be permitted the following signage only:

(1) Point-of-Sale type signs are permitted to be affixed to or detached from the mobile operation. This includes menus. If detached, a maximum of two (2) A-frame type menu boards of up to twenty-four (24) square feet per side is permitted to be placed by the Mobile Food Service operation and must be located within ten (10) feet of the point-of-sale area. A Mobile Food Service operation is allowed two (2) small lawn-type signs of up to six (6) square feet per side. Detached signs shall not be placed in the right of way and must be stored away after close. Attached signs shall not extend beyond the height, width nor length of the Mobile Food Service unit.

(2) No permit is required for signage related to Mobile Food Service operations.

(I) No balloons, banners, streamers, inflatables, or similar devices to attract customers are permitted.

(J) Mobile Food Service operators shall provide trash receptacles / facilities for litter and debris that shall be located within 10 feet of the Mobile Food Service point of sale. All trash must be completely removed from the site at the end of every day.

(K) Supplies or materials shall be appropriately screened from public viewing during hours of operation. All items, materials, and/or equipment shall be appropriately stored away when the Mobile Food Service is not in operation.

(L) There shall be no distribution of alcoholic beverages by a Mobile Food Service operation without a valid alcoholic beverage license.

(M) In addition to complying with all Colerain Township Resolutions related to a Mobile Food Service Operation, the owner and operator of a food truck is responsible for applying for, and obtaining all other necessary licenses required for the service of food and beverages, in addition to the operation of any vehicle associated with the service of food and beverages.

(N) The Colerain Township Police Department, Fire Department, and/or Department of Planning and Zoning maintains the right to issue an order to immediately cease operations of any Mobile Food Service, or require the Mobile Food Service to relocate, where in the opinion of the Department, the Mobile Food Service operation is causing, or contributing to an imminent public safety hazard.

(O) Under no circumstances shall a Mobile Food Service operation cause, or contribute to any unsafe or unsanitary, environmental, or physical condition(s). Including, but not limited to;

(1) Tripping, or stumbling hazards due to cord(s), hose(s), piping, or any other element used in the operation of the Mobile Food Service. All reasonable measures will be employed by the Mobile Food Service to secure and make safe their approved area of operations.

(2) Absolutely no discharge of gray water, or blackwater is permitted by a Mobile Food Service that is not in compliance with Hamilton County Department of Public Health regulations. All Mobile Food Service applicants shall submit and describe their proposed process for disposing of any and all wastewater associated with Mobile Food Service operation prior to receiving a Zoning Certificate.

(P) All Mobile Food Service operations must adhere, always, to all applicable Federal, State, County, and Local ordinances, laws, resolutions, and regulations, and to any updates, modifications, revisions, amendments, or any other changes thereto. Specifically, but not limited to;

(1) The 2017 Ohio Fire Code (OFC Section 320);

(2) Hamilton County Department of Public Health regulations;

(3) Ohio Revised Code Section 3717.01 – 3717.99;

(4) Occupational Safety and Health Administration 1910 Subpart J – General Environmental Controls; 1910.144(a)(3).

(Q) A Zoning Certificate for a Mobile Food Service operation is valid for the fiscal year beginning March 1 and ending February 28 at the location indicated on the approved site plan. Zoning Certificates issued after March 1 in any fiscal year will be charged a prorated amount for the fiscal year ending February 28. Zoning Certificates issued on or after December 1 in any fiscal year will be charged a prorated amount to include the following fiscal year.

(R) Failure to adhere to any of the above requirements is cause for revocation, or suspension of the Zoning Certificate, subject to any and all penalties as described in Article 5 of this Zoning Resolution.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in a regular session at 6:00 p.m., on the 2nd day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Cathy Ulrich, Dan Unger, Matt Wahlert

Mr./Ms. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____-24

**DENIAL OF CASE NO. ZA2023-16, ZONING TEXT AMENDMENT,
TO ARTICLE 8: MODIFICATION OF MOBILE FOOD SERVICES REGULATIONS**

WHEREAS, on September 19, 2023, pursuant to R.C.§519.12;(A);(1), the Colerain Township Zoning Commission directed Staff to amend Section 8.4.15 and 8.2 of the Colerain Township Zoning Resolution to allow for more flexibility with regards to Mobile Food Services and the ability to obtain Zoning Certificates; and

WHEREAS, on November 21, 2023, the Zoning Commission held a public hearing on Case ZA2023-16, Zoning Text Amendment, Modification of Mobile Food Services Regulations. After consideration of the Staff proposal and all public comments, exhibits, and other materials submitted, voted 5-0 to recommend the Zoning Text Amendment, included below as Exhibit “A”, to the Colerain Township Board of Trustees; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case ZA2023-16 on January 2, 2024, and after consideration of the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted ____ - ____ to deny the Colerain Township Zoning Text Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That the Board of Trustees of Colerain Township, Hamilton County, Ohio denies the Text Amendment to the Zoning Resolution for the reason that the Zoning Text Amendment would not be in the best interest of the Township and the health, safety, morals and welfare of the public, is not consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is not in keeping with good land use planning; and,
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

3. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Colerain Township Zoning Administration; and
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
5. That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Ulrich _____, Mr. Unger _____, Mr. Wahlert _____,

ADOPTED this 2nd day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matt Wahlert, Trustee

ATTEST:

Jeff Baker
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

Scott Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 2nd day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer

Exhibit “A”

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2. Conditions: “**§8.4.15 Mobile Food Services**” highlights the necessary conditions required to obtain a permit for and maintain operation of a mobile food service station. Certain conditions can be removed/narrowed down to allow for a better balance between the economic interests of third-party stakeholders (i.e., restaurants) and potential Mobile Food Service vendors, with the latter currently being over-regulated.

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(A) Mobile Food Services, as defined in Section 16.2: Definitions, may operate as a use requiring a Zoning Certificate. An Application for a Zoning Certificate for a Mobile Food Service must be submitted by the property owner, or the operator of the Mobile Food Service Unit (or authorized representative) along with written permission of the property owner on which the Mobile Food Service is to be located. Applications for a Zoning

Certificate require the submission of a site plan of the proposed Mobile Food Service operation. In reviewing the application, the Zoning Administrator shall review applicant's compliance with the criteria outlined in Sections 8.4.15. (B), through 8.4.15. (Q), in addition to all other applicable elements of this Zoning Resolution.

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(D) Mobile Food Services shall adhere to the following location requirements:

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(b) If Right-of-Way has not been established, then a setback of thirty (30) feet from the center line of the road shall be required.

(c) If in any situation, the above distances are not adequate for safety or community standards, then the required setback distance shall be increased as determined by the Zoning Administrator.

(d) Such uses may be allowed in the public right-of-way if the right-of-way is closed in accordance with an approved road closure permit and the use is approved by the Township.

(3) Side and Rear Yard Setbacks: A side or rear yard setback shall not be required unless the Mobile Food Service Unit abuts a residential zoning district, in which case the minimum side and/or rear setback shall be equal to the setback of side and/or rear yard setback of the residential district.

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(E) Hours of operation shall be as follows:

(1) Sunday through Thursday, 7:00 am to 11:00 pm

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(F) Mobile Food Service operations shall be located on a solid paved surface of asphalt.

(G) For special events, temporary mobile food service operations may be permitted in residential neighborhoods upon review and approval from the Zoning Administrator, for a maximum three-day period. The temporary mobile food service operation must adhere to all provisions established within this section, including the appropriate licenses and approval from the Colerain Township Fire Department. Temporary mobile food services permitted in residential neighborhoods must cease operation once the approved time period ends.

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(K) Supplies or materials shall be appropriately screened from public viewing during hours of operation. All items, materials, and/or equipment shall be appropriately stored away when the Mobile Food Service is not in operation.

(L) There shall be no distribution of alcoholic beverages by a Mobile Food Service operation without a valid alcoholic beverage license.

(M) In addition to complying with all Colerain Township Resolutions related to a Mobile Food Service Operation, the owner and operator of a food truck is responsible for applying for, and obtaining all other necessary licenses required for the service of food and beverages, in addition to the operation of any vehicle associated with the service of food and beverages.

(N) The Colerain Township Police Department, Fire Department, and/or Department of Planning and Zoning maintains the right to issue an order to immediately cease operations of any Mobile Food Service, or require the Mobile Food Service to relocate, where in the opinion of the Department, the Mobile Food Service operation is causing, or contributing to an imminent public safety hazard.

(O) Under no circumstances shall a Mobile Food Service operation cause, or contribute to any unsafe or unsanitary, environmental, or physical condition(s). Including, but not limited to;

(1) Tripping, or stumbling hazards due to cord(s), hose(s), piping, or any other element used in the operation of the Mobile Food Service. All reasonable measures will be employed by the Mobile Food Service to secure and make safe their approved area of operations.

(2) Absolutely no discharge of gray water, or blackwater is permitted by a Mobile Food Service that is not in compliance with Hamilton County Department of Public Health regulations. All Mobile Food Service applicants shall submit and describe their proposed process for disposing of any and all wastewater associated with Mobile Food Service operation prior to receiving a Zoning Certificate.

(P) All Mobile Food Service operations must adhere, always, to all applicable Federal, State, County, and Local ordinances, laws, resolutions, and regulations, and to any updates, modifications, revisions, amendments, or any other changes thereto. Specifically, but not limited to;

(1) The 2017 Ohio Fire Code (OFC Section 320);

(2) Hamilton County Department of Public Health regulations;

(3) Ohio Revised Code Section 3717.01 – 3717.99;

(4) Occupational Safety and Health Administration 1910 Subpart J – General Environmental Controls; 1910.144(a)(3).

(Q) A Zoning Certificate for a Mobile Food Service operation is valid for the fiscal year beginning March 1 and ending February 28 at the location indicated on the approved site plan. Zoning Certificates issued after March 1 in any fiscal year will be charged a prorated amount for the fiscal year ending February 28. Zoning Certificates issued on or after December 1 in any fiscal year will be charged a prorated amount to include the following fiscal year.

(R) Failure to adhere to any of the above requirements is cause for revocation, or suspension of the Zoning Certificate, subject to any and all penalties as described in Article 5 of this Zoning Resolution.

DEVELOPMENT

Department: Development

Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Resolution Approving or Denying Zoning Commission Case ZA2023-17, Zoning Map Amendment from R-6 to B-1 for 3541 & 3551 Banning Road

Recommend ADOPTION of the Resolution.

Rationale:

This case would result in the rezoning of 3541 and 3551 Banning Rd. from R-6 to B-1. The objective is to consolidate the two parcels with adjoining B-1 parcels to allow for future development of a consolidated site.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in a regular session at 6:00 p.m., on the 2nd day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Cathy Ulrich, Dan Unger, Matt Wahlert

Mr./Ms. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____-24

**APPROVAL OF CASE NO. ZA2023-17, ZONING MAP AMENDMENT,
APPROXIMATE .78 ACRE AREA LOCATED AT 3541 & 3551 BANNING ROAD
FROM “R-6” URBAN RESIDENTIAL DISTRICT
TO “B-1” NEIGHBORHOOD BUSINESS DISTRICT**

WHEREAS, applicant Jonathan Woche of McBride Dale Clarion, representative for the property owner(s), Rick Davis and R&K Developers, Inc., requested a Zoning Map Amendment at 3541 and 3551 Banning Road from R-6 (Urban Residential District) to B-1 (Neighborhood Business District), parcels 510-0080-0108-00 and 510-0080-0107-00 respectively, the two parcels having a combined area of 0.78 acres; and

WHEREAS, on October 17, 2023, the Zoning Commission held a public hearing on Case ZA2023-17, and after staff presentation, applicant presentation, public comments, exhibits, and other materials were submitted, passed a motion 5-0 to table the request for the zoning map amendment; and

WHEREAS, on November 21, 2023, the Zoning Commission resumed the public hearing, and after staff presentation, applicant presentation, public comments, exhibits, and other materials were submitted, the Zoning Commission voted 4-1 to recommend approval of the Zoning Map Amendment at 3541 and 3551 Banning Road from R-6 to B-1; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case ZA2023-17 on January 2, 2024, and after consideration of the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted ____ - ____ to approve the Colerain Township Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. That the Board of Trustees of Colerain Township, Hamilton County, Ohio approves the change in zoning on the site in question for the reason that the Zoning Map Amendment would be in the best interest of the Township and the health, safety, morals and welfare of the public, is consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is in keeping with good land use planning; and,

2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and
3. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township to the Hamilton County Recorder and the Colerain Township Zoning Administration; and
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
5. That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms. _____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Ulrich _____, Mr. Unger _____, Mr. Wahlert _____,

ADOPTED this 2nd day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matt Wahlert, Trustee

ATTEST:

Jeff Baker
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

Scott Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Assistant Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 2nd day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in a regular session at 6:00 p.m., on the 2nd day of January, 2024, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio, 45251, with the following members present:

Cathy Ulrich, Dan Unger, Matt Wahlert

Mr./Ms. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____-24

DENIAL OF CASE NO. ZA2023-17, ZONING MAP AMENDMENT,
APPROXIMATE .78 ACRE AREA LOCATED AT 3541 & 3551 BANNING ROAD
FROM “R-6” URBAN RESIDENTIAL DISTRICT
TO “B-1” NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, applicant Jonathan Woche of McBride Dale Clarion, representative for the property owner(s), Rick Davis and R&K Developers, Inc., requested a Zoning Map Amendment at 3541 and 3551 Banning Road from R-6 (Urban Residential District) to B-1 (Neighborhood Business District), parcels 510-0080-0108-00 and 510-0080-0107-00 respectively, the two parcels having a combined area of 0.78 acres; and

WHEREAS, on October 17, 2023, the Zoning Commission held a public hearing on Case ZA2023-17, and after staff presentation, applicant presentation, public comments, exhibits, and other materials were submitted, passed a motion 5-0 to table the request for the zoning map amendment; and

WHEREAS, on November 21, 2023, the Zoning Commission resumed the public hearing, and after staff presentation, applicant presentation, public comments, exhibits, and other materials were submitted, the Zoning Commission voted 4-1 to recommend approval of the Zoning Map Amendment at 3541 and 3551 Banning Road from R-6 to B-1; and

WHEREAS, the Colerain Township Board of Trustees conducted its public hearing on the case ZA2023-17 on January 2, 2024, and after consideration of the recommendation of the Zoning Commission, and all public comments, exhibits, and other materials submitted, voted ____ - ____ to deny the Colerain Township Zoning Map Amendment.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. That the Board of Trustees of Colerain Township, Hamilton County, Ohio denies the change in zoning on the site in question for the reason that the Zoning Map Amendment would not be in the best interest of the Township and the health, safety, morals and welfare of the public, is not consistent with the Colerain Township Comprehensive Plan previously adopted by the Township, and is not in keeping with good land use planning; and,

2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and
3. That a certified copy of this Resolution be directed by the Fiscal Officer of Colerain Township the Colerain Township Zoning Administration; and
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
5. That this Resolution shall be effective at the earliest date allowed by law.

Mr./ Ms._____ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Ulrich_____, Mr. Unger_____, Mr. Wahlert_____,

ADOPTED this 2nd day of January, 2024.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matt Wahlert, Trustee

ATTEST:

Jeff Baker
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

Scott Sollmann (0081467)
5300 Socialville Foster Rd., Suite 200
Mason, OH 45040 (513) 583-4200
Assistant Township Law Director

AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 2nd day of January, 2024.

Jeff Baker
Colerain Township Fiscal Officer