

**TRUSTEES**

Cathy Ulrich  
Daniel Unger  
Matt Wahlert

**FISCAL OFFICER**

Jeffrey D. Baker

**ADMINISTRATOR**

Jeff Weckbach

## Regular Meeting of the Board of Trustees - September 10, 2024

1. **Opening of Meeting**
2. **Executive Session 6PM**
3. **Pledge of Allegiance 7PM**
4. **Meditation (Moment of Silence)**
5. **Approval of Minutes**
6. **Presentations**
  - a. Proclamation - John Schwierling
7. **Citizens Address**
8. **Administrative Reports**
9. **Trustees' Report**
10. **New Business**
  - Public Safety**
    - a. Resolution Declaring Nuisance and Ordering Abatement
    - b. Resolution Declaring a Junk Motor Vehicle - 2807 Sheldon Ave. - 1 of 3
    - c. Resolution Declaring a Junk Motor Vehicle - 2840 Sheldon Ave. - 2 of 3
    - d. Resolution Declaring a Junk Motor Vehicle - 3316 Lapland Dr. - 3 of 3
  - Public Services**
  - Development**
    - a. Resolution to APPROVE/DENY Case CZC 24-8: Text Amendment to all Articles of the Colerain Township Zoning Resoution and attached addendums of the updated zoning map.
  - Administration**
    - a. Motion to Set Special Meeting of the Board of Trustees for Capital Budget and Policy Book Work Session for October 22, 2024 at 6PM
11. **Old Business**
12. **Consent Items**
  - a. Donation Acceptance - Department of Fire and EMS - Cincinnati Moose Lodge #2 - \$1,738.79
  - b. Donation Acceptance - Police Department - Cincinnati Moose Lodge #2 - \$1,738.79



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- c. Promotion - Full-Time Firefighter/EMT - Department of Fire and EMS - Nathan Niehaus - \$22.43 per hour
- d. Reclassification of Employee - Part-time Firefighter/Paramedic - Department of Fire and EMS - Linnea Head - \$21.83
- e. New Hire - Part-time Firefighter/EMT - Department of Fire and EMS - Lukas Wilms - \$17.46 per hour
- f. Contract - Duke Energy - Utility Work for Colerain Avenue Sidewalks - \$2,648
- g. Contract - Alta Fiber - Fire Station Loop Connection - \$735
- h. Grant Award Acceptance - Ohio Department of Public Safety - Ohio Emergency Medical Services - \$1,200.00

- 13. **Fiscal Office Report**
- 14. **Executive Session** – if needed
- 15. **Adjournment**



# PRESENTATIONS

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Department: Administration  
Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal:

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Proclamation - John Schwierling

Recommend Adoption of the Proclamation

Rationale:

Former Trustee John Schwierling passed away on August 27th, 2024. The attached proclamation recognizes his years of service to our community and thanks him for the positive impact he will leave behind.

**PROCLAMATION FOR  
JOHN SCHWIERLING  
IN MEMORY OF HIS YEARS OF DEDICATED SERVICE  
AND IMPACT ON COLERAIN TOWNSHIP, OHIO**



- Whereas** John Schwierling served as a Trustee for Colerain Township from 1969 to 1990 and also served as a member of the Hamilton County Board of Zoning Appeals; and
- Whereas** Under John’s leadership, the Board of Trustees worked collaboratively with the community to consolidate the previously independent and separate Dunlap and Groesbeck volunteer Fire Departments to form the Colerain Township Fire Dept.; and
- Whereas** John helped to guide the township through a significant land transformation during the 1970's, including major changes brought about by the completion of Interstate 275, giving Colerain Township direct access to the Interstate Highway system; and
- Whereas** John was Trustee during the construction of Station 103 and the expansion of Station 25; and
- Whereas** In his free time, John was a member of several different charitable clubs and organizations throughout Colerain Township and Hamilton County; and
- Whereas** John passed away on August 27, 2024 at the age of 91. His years of service to improving Colerain Township and making it a better place to live, work, and play will never be forgotten and may he rest in peace.

Therefore, be it resolved, that the Colerain Township Board of Trustees recognizes John Schwierling for his dedication to Colerain Township as a Trustee for over two decades. John has contributed greatly to our community and his legacy will not be lost or forgotten.

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Cathy Ulrich  
Trustee

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Daniel Unger  
Trustee

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Matt Wahlert  
Trustee

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Jeffrey D. Baker  
Fiscal Officer

Date: September 10, 2024

# PUBLIC SAFETY

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Department: Police  
Department Director: Ed Cordie, Police Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

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Resolution Declaring Nuisance and Ordering Abatement  
Recommend ADOPTION of the Resolution.

Rationale:  
This resolution allows for the removal of uncontrolled vegetation and/or refuse at the following properties:

|                   |                  |
|-------------------|------------------|
| 2786 Hazelton Ct  | 510-0041-0302-00 |
| 2470 Impala Dr    | 510-0032-0350-00 |
| 9995 Loralinda Dr | 510-0112-0231-00 |
| 3248 Rinda Ln     | 510-0081-0091-00 |
| 3383 Rocker Dr    | 510-0083-0414-00 |

All properties that are abated by the Township will have their property taxes assessed in order to reimburse the Township for the abatement services. This resolution and the Township's abatement process comport with the Ohio Revised Code for nuisance violations.

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at 7:00 p.m., on the \_\_\_\_ day of \_\_\_\_\_, 202\_, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

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

Trustee \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DECLARING NUISANCE AND ORDERING ABATEMENT**

**WHEREAS** Uncontrolled vegetation and/or refuse and debris were reported at the properties listed below:

| <u>Address</u>    | <u>Book-Page-Parcel No.</u> |
|-------------------|-----------------------------|
| 2786 Hazelton Ct  | 510-0041-0302-00            |
| 2470 Impala Dr    | 510-0032-0350-00            |
| 9995 Loralinda Dr | 510-0112-0231-00            |
| 3248 Rinda Ln     | 510-0081-0091-00            |
| 3383 Rocker Dr    | 510-0083-0414-00            |

**WHEREAS** Ohio Revised Code Section 505.87 provides that, at least seven days prior to providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land; and

**WHEREAS** Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage refuse, or other debris on the same land in the township constitutes a nuisance, at least four days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

**WHEREAS** In accordance with Ohio Revised Code Section 505.87, the Township Trustees have the authority to contract to abate the nuisances and have the costs incurred assessed to the property tax bills.

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

1. That this Board specifically finds and hereby determines that the uncontrolled growth of vegetation and/or the refuse and debris on each of the said properties listed above constitute a nuisance within the

meaning of Ohio Revised Code Section 505.87, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.87;

2. That this Board hereby orders the owners of said property to remove and abate the nuisances within seven days after notice of this order is given to the owners and lienholders of record, and within four days after notice of this order is given to the owners and lienholders of record for properties previously determined to be a nuisance. If said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lienholders of record within four or seven days after notice is given, the Zoning Inspector shall cause the nuisances to be removed, and the Township shall notify the County Auditor to assess such cost plus administrative expense to the property tax bills for the said parcel, as provided in Ohio Revised Code Section 505.87;

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 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

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. That this Resolution shall be effective at the earliest date 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\_\_\_\_\_, Mr. Wahlert\_\_\_\_\_

ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Cathy Ulrich, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Matthew Wahlert, Trustee

ATTEST:

\_\_\_\_\_  
Jeff Baker,  
Colerain Township 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 \_\_\_\_\_, 202\_.

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Jeff Baker  
Colerain Township Fiscal Officer

# PUBLIC SAFETY

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Department: Police  
Department Director: Ed Cordie, Police Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

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Resolution Declaring a Junk Motor Vehicle - 2807 Sheldon Ave. - 1 of 3  
Recommend ADOPTION of the Resolution.

Rationale:

Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property:

2807 Sheldon Ave. Cincinnati, OH 45239

1. (NO TAG), 2010, Tan, Nissan, Altima

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at **7:00** p.m., on the \_\_\_\_ day of \_\_\_\_\_, 202\_ at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

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

Trustee \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_

**RESOLUTION DECLARING VEHICLE LOCATED AT 2807 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0140-00**  
**AS A JUNK MOTOR VEHICLE AND CAUSING FOR THE REMOVAL PURSUANT TO COLERAIN TOWNSHIP RESOLUTION NO. 36-21**

**WHEREAS**, pursuant to Ohio Revised Code § 505.871, the Colerain Township Board of Trustees has authority to determine that a motor vehicle, on either public and private property, is a junk motor vehicle as defined in Ohio Revised Code § 505.173, and has the authority to have that vehicle removed from the property; and,

**WHEREAS**, the Colerain Township Board of Trustees adopted Resolution 36-21, on May 11, 2021, adopting the procedures of Ohio Revised Code § 505.871, to facilitate to the removal of a growing number of junk vehicles throughout the Township, and worked to preserve property values, public health, safety, and morals by eliminating the detrimental effects of junk vehicles; and,

**WHEREAS**, the Board of Trustees has knowledge of a junk motor vehicle located at **2807 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0140-00**

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

1. The Board declares the junk motor vehicle located at **2807 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0140-00** to be inoperable, extensively damages, and at least three model years old:

**A. (NO TAG), 2010, Tan, Nissan, Altima**

2. The Board shall provide for the removal of said junk motor vehicle from the above listed property, not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.
3. The written notice shall contain the following information:



- a. A general description of the vehicle to be removed;
  - b. A statement the Board has determined that the vehicle is a junk motor vehicle.
  - c. A statement that if the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.
  - d. A statement that any expenses and/or costs the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
  - e. A copy of this resolution.
4. The Board shall serve the notice on the property owner, pursuant to the procedure in Colerain Township Resolution 36-21, that a junk vehicle exists on the property and Colerain Township intends to remove, or cause the removal, of the junk motor vehicle.
  5. The Board may utilize any lawful means to collect the expenses incurred in removing or causing to removal of the junk motor vehicle as determined by Colerain Township Resolution 36-21.
  6. 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.
  7. 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.
  8. 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: Ms. Ulrich \_\_\_\_\_, Mr. Unger \_\_\_\_\_ and Mr. Wahlert \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Cathy Ulrich, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Matthew Wahlert, Trustee

ATTEST:

\_\_\_\_\_  
Jeff Baker  
Colerain Township 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 \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Jeff Baker  
Colerain Township Fiscal Officer

# PUBLIC SAFETY

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Department: Police  
Department Director: Ed Cordie, Police Chief

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

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Resolution Declaring a Junk Motor Vehicle - 2840 Sheldon Ave. - 2 of 3

Recommend ADOPTION of the Resolution.

Rationale:

Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property:

2840 Sheldon Ave. Cincinnati, OH 45239

1. (OH), DQM8553, 2002, Tan, Toyota, Avalon

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at **7:00** p.m., on the \_\_\_\_ day of \_\_\_\_\_, 202\_ at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

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

Trustee \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_

**RESOLUTION DECLARING VEHICLE LOCATED AT 2840 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0132-00**  
**AS A JUNK MOTOR VEHICLE AND CAUSING FOR THE REMOVAL PURSUANT TO COLERAIN TOWNSHIP RESOLUTION NO. 36-21**

**WHEREAS**, pursuant to Ohio Revised Code § 505.871, the Colerain Township Board of Trustees has authority to determine that a motor vehicle, on either public and private property, is a junk motor vehicle as defined in Ohio Revised Code § 505.173, and has the authority to have that vehicle removed from the property; and,

**WHEREAS**, the Colerain Township Board of Trustees adopted Resolution 36-21, on May 11, 2021, adopting the procedures of Ohio Revised Code § 505.871, to facilitate to the removal of a growing number of junk vehicles throughout the Township, and worked to preserve property values, public health, safety, and morals by eliminating the detrimental effects of junk vehicles; and,

**WHEREAS**, the Board of Trustees has knowledge of a junk motor vehicle located at **2840 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0132-00**

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

1. The Board declares the junk motor vehicle located at **2840 Sheldon Ave. Cincinnati, OH 45239– Parcel ID 510-0071-0132-00** to be inoperable, extensively damages, and at least three model years old:

A. **(OH), DQM8553, 2002, Tan, Toyota, Avalon**

2. The Board shall provide for the removal of said junk motor vehicle from the above listed property, not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.
3. The written notice shall contain the following information:

- a. A general description of the vehicle to be removed;
  - b. A statement the Board has determined that the vehicle is a junk motor vehicle.
  - c. A statement that if the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.
  - d. A statement that any expenses and/or costs the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
  - e. A copy of this resolution.
4. The Board shall serve the notice on the property owner, pursuant to the procedure in Colerain Township Resolution 36-21, that a junk vehicle exists on the property and Colerain Township intends to remove, or cause the removal, of the junk motor vehicle.
  5. The Board may utilize any lawful means to collect the expenses incurred in removing or causing to removal of the junk motor vehicle as determined by Colerain Township Resolution 36-21.
  6. 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.
  7. 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.
  8. 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: Ms. Ulrich \_\_\_\_\_, Mr. Unger \_\_\_\_\_ and Mr. Wahlert \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Cathy Ulrich, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Matthew Wahlert, Trustee

ATTEST:

\_\_\_\_\_  
Jeff Baker  
Colerain Township 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 \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Jeff Baker  
Colerain Township Fiscal Officer

# PUBLIC SAFETY

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Department: Police  
Department Director: Ed Cordie, Police Chief

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

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Resolution Declaring a Junk Motor Vehicle - 3316 Lapland Dr. - 3 of 3

Recommend ADOPTION of the Resolution.

Rationale:

Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property:

3316 Lapland Dr. Cincinnati, OH 45239

1. (OH), GJN1574, 2003, Silver, Mercury, Grand Marquis
2. (OH), KAW4280, 2007, Gray, Ford, Explorer

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at **7:00** p.m., on the \_\_\_\_ day of \_\_\_\_\_, 202\_ at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

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

Trustee \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_

**RESOLUTION DECLARING VEHICLE LOCATED AT 3316 Lapland Dr. Cincinnati, OH 45239– Parcel ID 510-0081-0128-00**  
**AS A JUNK MOTOR VEHICLE AND CAUSING FOR THE REMOVAL PURSUANT TO COLERAIN TOWNSHIP RESOLUTION NO. 36-21**

**WHEREAS**, pursuant to Ohio Revised Code § 505.871, the Colerain Township Board of Trustees has authority to determine that a motor vehicle, on either public and private property, is a junk motor vehicle as defined in Ohio Revised Code § 505.173, and has the authority to have that vehicle removed from the property; and,

**WHEREAS**, the Colerain Township Board of Trustees adopted Resolution 36-21, on May 11, 2021, adopting the procedures of Ohio Revised Code § 505.871, to facilitate to the removal of a growing number of junk vehicles throughout the Township, and worked to preserve property values, public health, safety, and morals by eliminating the detrimental effects of junk vehicles; and,

**WHEREAS**, the Board of Trustees has knowledge of a junk motor vehicle located at **3316 Lapland Dr. Cincinnati, OH 45239– Parcel ID 510-0081-0128-00**

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

1. The Board declares the junk motor vehicle located at **3316 Lapland Dr. Cincinnati, OH 45239– Parcel ID 510-0081-0128-00** to be inoperable, extensively damages, and at least three model years old:
  - A. **(OH), GJN1574, 2003, Silver, Mercury, Grand Marquis**
  - B. **(OH), KAW4280, 2007, Gray, Ford, Explorer**
2. The Board shall provide for the removal of said junk motor vehicle from the above listed property, not sooner than fourteen (14) days after the Board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land.



3. The written notice shall contain the following information:
  - a. A general description of the vehicle to be removed;
  - b. A statement the Board has determined that the vehicle is a junk motor vehicle.
  - c. A statement that if the owner of the land fails to remove the vehicle within fourteen days after service of the notice, the board may remove or cause the removal of the vehicle.
  - d. A statement that any expenses and/or costs the board incurs in removing or causing the removal of the vehicle may be entered upon the tax duplicate and become a lien upon the land from the date of entry.
  - e. A copy of this resolution.
4. The Board shall serve the notice on the property owner, pursuant to the procedure in Colerain Township Resolution 36-21, that a junk vehicle exists on the property and Colerain Township intends to remove, or cause the removal, of the junk motor vehicle.
5. The Board may utilize any lawful means to collect the expenses incurred in removing or causing to removal of the junk motor vehicle as determined by Colerain Township Resolution 36-21.
6. 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.
7. 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.
8. 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: Ms. Ulrich \_\_\_\_\_, Mr. Unger \_\_\_\_\_ and Mr. Wahlert \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 202\_.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Cathy Ulrich, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Matthew Wahlert, Trustee

ATTEST:

\_\_\_\_\_  
Jeff Baker  
Colerain Township 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 \_\_\_\_\_, 202\_.

\_\_\_\_\_  
Jeff Baker  
Colerain Township Fiscal Officer

# DEVELOPMENT

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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

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Resolution to APPROVE/DENY Case CZC 24-8: Text Amendment to all Articles of the Colerain Township Zoning Resolution and attached addendums of the updated zoning map.

Recommend ADOPTION of the Resolution subject to the following conditions:

1. Article 3 – Land Use Standards, Section 3.1 – General Use Provisions, Subsection 3.1.4-A: Comprehensive Use Permissions – change:

Group Home for Children / Halfway House

from: Approved by right in RER, STR & MUR

to: Approved by right in MUR only, prohibited in all other zones

2. Article 4 – Development Design Standards, Section 4.7.6 (I) (6) – change:

from: "Recreational vehicles or utility trailers which are stored outside must provide setbacks as specified in \_\_\_\_\_."

to: "Recreational vehicles or utility trailers which are stored outside shall provide setbacks of 15 feet from all property lines in the STR zone, 25 feet from all property lines in the RER zone, and shall not block the line of sight of neighboring motorists or pedestrians in any zone."

## Rationale:

Over the past year, staff has worked with KZF and ZoneCo to fully review and revise all articles of the Colerain Township Zoning Resolution to align zoning with the goals of the Imagine Colerain Comprehensive Plan, which is available for review here:

<https://www.colerain.org/DocumentCenter/View/3621/Current-Comprehensive-Plan-Imagine-Colerain?bidId=>.

This resolution update has been slowly reviewed, article by article, by the Zoning Commission over the past several months. The Board of Trustees are expected to have a vote on this resolution at the September meeting.

The full updated resolution can be reviewed online here:

<https://www.colerain.org/DocumentCenter/View/4781/Proposed-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 10<sup>th</sup> day of September, 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 COMPREHENSIVE TEXT AMENDMENT TO ALL ARTICLES OF  
THE COLERAIN TOWNSHIP ZONING RESOLUTION AND MAP**

WHEREAS, under Ohio Revised Code Section 519.12(A), the Colerain Township Board of Trustees may initiate changes to its Zoning Resolution and Map in accordance with the procedures set forth therein; and

WHEREAS, the Board of Trustees desires to amend comprehensively the Zoning Resolution and Map as adopted on August 19, 2006, and subsequently amended from time to time thereafter; and,

WHEREAS, the Board of Trustees desires to conserve and protect property and property values, to secure the most appropriate use of land within Colerain Township, and to facilitate the reasonable improvement and development of said land, all in accordance with the Colerain Township Comprehensive Plan adopted by the Board of Trustees on September 14, 2021; and,

WHEREAS, the Colerain Township Administration conducted a public input and ideation session with residents whereby comments to staff and consultants have been incorporated herein; and,

WHEREAS, the Colerain Township Zoning Commission conducted five (5) separate in-depth discussions allowing for public input on each Article of the proposed Zoning Resolution and Map, including a public hearing on Zoning Commission case CZC-24-8 on August 20, 2024, whereby the Zoning Commission recommended by a vote of 5-0 approval by the Board of Trustees; and,

WHEREAS, the Board of Trustees held a public hearing on Zoning Commission case CZC-24-8 on August 27, 2024, seeking public input on the proposed Zoning Resolution and Map; and,

WHEREAS, the Colerain Township Board of Trustees, after consideration of the recommendation of the Zoning Commission and a public hearing, finds and determines that the adoption of such Comprehensive Amendments to all Articles of the Colerain Township Zoning Resolution, Map, is in keeping with good land use planning and in the best interest of the Township, public health, safety, convenience, prosperity, and general welfare, and thereby voted \_\_\_\_ - \_\_\_\_ to approve the Comprehensive Text Amendment to all Articles of the Colerain Township Zoning Resolution and Map.

**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 a Comprehensive Text Amendment to all Articles of the Colerain Township Zoning Resolution, Map, incorporating therein the modifications to all Zoning Resolution Articles, including restructuring and renaming the zoning districts, the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas that may be occupied, set back building lines, sizes of yards, other open spaces, the density of population, the uses of buildings and other structures, the uses of land for trade, industry, residence, recreation, or other purposes, reasonable signage, lighting, parking, landscaping standards and architectural standards excluding exterior building materials, for all residential and non-residential properties, included hereto as amendments in said Zoning Resolution and Map, for the reason that the Amendments with the incorporation of the conditions included as Exhibit "A" 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, the Colerain Township Zoning Commission, 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 10<sup>th</sup> day of September, 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 10<sup>th</sup> day of September, 2024.

\_\_\_\_\_  
Jeff Baker, Colerain Township Fiscal Officer

Exhibit "A"

1. Article 3 – Land Use Standards, Section 3.1 – General Use Provisions, Subsection 3.1.4-A: Comprehensive Use Permissions – change:

Group Home for Children / Halfway House

*from:* Approved by right in RER, STR & MUR

*to:* Approved by right in MUR only, prohibited in all other zones

2. Article 4 – Development Design Standards, Section 4.7.6 (I) (6) – change:

*from:* "Recreational vehicles or utility trailers which are stored outside must provide setbacks as specified in \_\_\_\_\_."

*to:* "Recreational vehicles or utility trailers which are stored outside shall provide setbacks of 15 feet from all property lines in the STR zone, 25 feet from all property lines in the RER zone, and shall not block the line of sight of neighboring motorists or pedestrians in any zone."

**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 10<sup>th</sup> day of September, 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 COMPREHENSIVE TEXT AMENDMENT TO ALL ARTICLES OF THE COLERAIN TOWNSHIP ZONING RESOLUTION AND MAP**

WHEREAS, under Ohio Revised Code Section 519.12(A), the Colerain Township Board of Trustees may initiate changes to its Zoning Resolution and Map in accordance with the procedures set forth therein; and

WHEREAS, the Board of Trustees desires to amend comprehensively the Zoning Resolution and Map as adopted on August 19, 2006, and subsequently amended from time to time thereafter; and,

WHEREAS, the Board of Trustees desires to conserve and protect property and property values, to secure the most appropriate use of land within Colerain Township, and to facilitate the reasonable improvement and development of said land, all in accordance with the Colerain Township Comprehensive Plan adopted by the Board of Trustees on September 14, 2021; and,

WHEREAS, the Colerain Township Administration conducted a public input and ideation session with residents whereby comments to staff and consultants have been incorporated herein; and,

WHEREAS, the Colerain Township Zoning Commission conducted five (5) separate in-depth discussions allowing for public input on each Article of the proposed Zoning Resolution and Map, including a public hearing on Zoning Commission case CZC-24-8 on August 20, 2024, whereby the Zoning Commission recommended by a vote of 5-0 approval by the Board of Trustees; and,

WHEREAS, the Board of Trustees held a public hearing on Zoning Commission case CZC-24-8 on August 27, 2024, seeking public input on the proposed Zoning Resolution and Map; and,



WHEREAS, the Colerain Township Board of Trustees, after consideration of the recommendation of the Zoning Commission and a public hearing, finds and determines that the adoption of such Comprehensive Amendments to all Articles of the Colerain Township Zoning Resolution, Map, is not in keeping with good land use planning and in the best interest of the Township, public health, safety, convenience, prosperity, and general welfare, and thereby voted \_\_\_\_ - \_\_\_\_ to deny the Comprehensive Text Amendment to all Articles of the Colerain Township Zoning Resolution and Map.

**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 a Comprehensive Text Amendment to all Articles of the Colerain Township Zoning Resolution, Map, incorporating therein the modifications to all Zoning Resolution Articles, including restructuring and renaming the zoning districts, the location, height, bulk, number of stories, and size of buildings and other structures, percentages of lot areas that may be occupied, set back building lines, sizes of yards, other open spaces, the density of population, the uses of buildings and other structures, the uses of land for trade, industry, residence, recreation, or other purposes, reasonable signage, lighting, parking, landscaping standards and architectural standards excluding exterior building materials, for all residential and non-residential properties, included hereto as amendments in said Zoning Resolution and Map, for the reason that the Amendments with the incorporation of the conditions included as Exhibit "A" 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 Commission 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 10<sup>th</sup> day of September, 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 10<sup>th</sup> day of September, 2024.

\_\_\_\_\_  
Jeff Baker, Colerain Township Fiscal Officer

Exhibit "A"

1. Article 3 – Land Use Standards, Section 3.1 – General Use Provisions, Subsection 3.1.4-A: Comprehensive Use Permissions – change:

Group Home for Children / Halfway House

*from:* Approved by right in RER, STR & MUR

*to:* Approved by right in MUR only, prohibited in all other zones

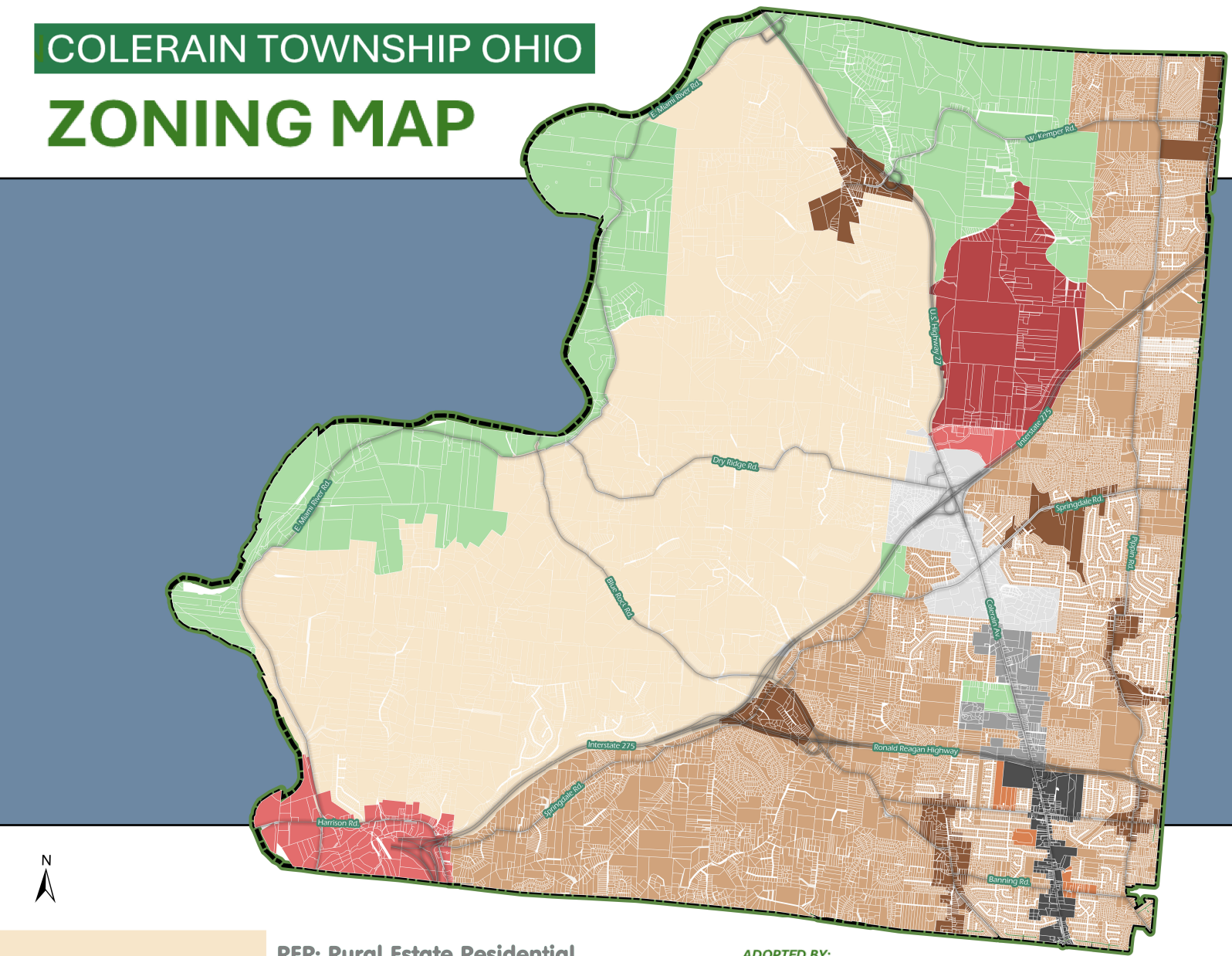
2. Article 4 – Development Design Standards, Section 4.7.6 (I) (6) – change:

*from:* "Recreational vehicles or utility trailers which are stored outside must provide setbacks as specified in \_\_\_\_\_."

*to:* "Recreational vehicles or utility trailers which are stored outside shall provide setbacks of 15 feet from all property lines in the STR zone, 25 feet from all property lines in the RER zone, and shall not block the line of sight of neighboring motorists or pedestrians in any zone."

# COLERAIN TOWNSHIP OHIO

## ZONING MAP



|  |                                                 |
|--|-------------------------------------------------|
|  | <b>RER: Rural Estate Residential</b>            |
|  | <b>STR: Single &amp; Two Family Residential</b> |
|  | <b>MUR: Multi Unit Residential</b>              |
|  | <b>NBM: Neighborhood Business Mixed</b>         |
|  | <b>AMN: Colerain Avenue North</b>               |
|  | <b>AMC: Colerain Avenue Central</b>             |
|  | <b>AMS: Colerain Avenue South</b>               |
|  | <b>LIT: Light Intensity Industrial</b>          |
|  | <b>SLF: Sanitary Landfill</b>                   |
|  | <b>GOR: Green Space</b>                         |

### ADOPTED BY:

Cathy Ulrich, Township Trustee

Dan Unger, Township Trustee

Matt Wahlert, Township Trustee

**EFFECTIVE DATE: October 10, 2024**

Jeff Baker, Fiscal Officer

COLERAIN

0 0.38 0.75 1.5 2.25 3  
Miles



# COLERAIN

TOWNSHIP ~ OHIO



PUBLIC REVIEW DRAFT 7/26/2024

# ZONING RESOLUTION



# Zoning Resolution

Colerain Township, OH



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## Revision Dates

# Article 1 – General Provisions

## SECTION 1.1 – TITLE AND EFFECTIVE DATE

### 1.1.1 – Official Title and References

- A. **Official title.** This Resolution shall be known, and may be cited and referred to as, the “Colerain Township Zoning Resolution,” the “Zoning Resolution,” or this “Resolution,” and all prior versions and amendments thereto are hereby superseded in their entirety.

### 1.1.2 – Effective Date

- A. **Effective date.** This Resolution became effective on  .
- B. **Effective date of amendments.** Any amendments to this Resolution shall be in full force and effect as provided in Section 519.12 of the Ohio Revised Code.

## SECTION 1.2 – AUTHORITY, PURPOSE, AND JURISDICTION

### 1.2.1 – Authority

- A. **Ohio Revised Code authority.** This Resolution has been passed under the authority granted to the Township under Section 519.01 et seq. of the Ohio Revised Code.

### 1.2.2 – Purpose Statement

- A. **Development aspects regulated.** Except as otherwise provided in this Section, in the interest of the public health and safety, the Colerain Township Board of Township Trustees may regulate the use and development of land in the unincorporated territory of the Township by resolution, in accordance with a comprehensive plan:
- (1) The location, height, bulk, number of stories, and size of buildings and other structures, including tents, cabins, and trailer coaches;
  - (2) Percentages of lot areas that may be developed;
  - (3) Building setback lines;
  - (4) Sizes of yards, courts, and other open spaces;
  - (5) The density of population;
  - (6) The uses of buildings and other structures, including tents, cabins, and trailer coaches; and
  - (7) The uses of land for trade, industry, residence, recreation, or other purposes.
- B. **Additional aspects regulated.** Except as otherwise provided in this Section, in the interest of the public convenience, comfort, prosperity, or general welfare, the Board of Trustees by resolution, in accordance with a comprehensive plan, may establish reasonable

landscaping standards and architectural standards excluding exterior building materials in the unincorporated territory of the Township.

- C. Division of land into districts or zones.** For all these purposes, the Board of Trustees may divide all or any part of the unincorporated territory of the Township into districts or zones of such number, shape, and area as the Board of Trustees determines. All such regulations shall be uniform for each class or kind of building or other structure or use throughout any district or zone, but the regulations in one district or zone may differ from those in other districts or zones.
- D. Mining activities.** For any activities permitted and regulated under Chapter 1513 (Coal Surface Mining) or 1514 (Other Surface Mining) of the Ohio Revised Code and any related processing activities, the Board of Township Trustees may regulate under the authority conferred by this section only in the interest of public health or safety.

### **1.2.3 – Jurisdiction**

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

## **SECTION 1.3 – EFFECT OF THIS ZONING RESOLUTION**

### **1.3.1 – Effect on Prior Approvals**

- A. Buildings, structures, signs, lots, and uses.**

- (1)** All buildings, structures, signs, lots, and uses that were legally established before the effective date of this Resolution may continue to be used, maintained, repaired, and/or operated according to an applicable prior approval.
- (2)** Any building, structure, or development for which a building permit was issued prior to the effective date of this Resolution may, at the applicant's option, be completed in conformance with the issued permit and any other applicable permits and conditions, even if such building, structure, or development does not fully comply with provisions of this Resolution. Such building, structure, or development shall be considered a legal nonconforming use upon the issuance of a Certificate of Occupancy from the Hamilton County Department of Building Inspections.
- (3)** If previously approved construction or alteration to a building or structure is not completed within the time allowed under the original building permit or any extension granted thereof, then the building, structure, or development may be constructed, completed, or occupied only in compliance with this Resolution.
- (4)** Any unexpired preliminary development plan that was approved at a public hearing by the Board of Township Trustees but that has not been reviewed as a final development plan by the Zoning Commission prior to the effective date of this Resolution shall

continue to be valid for 2 years after the effective date of this Resolution. After this 2-year period, the approved preliminary development plan shall expire and not be acted upon by the Township. During such a 2-year period, the applicant may submit a final development plan for review to the Zoning Commission. The Zoning Administrator shall submit written recommendations to the Zoning Commission and the applicant prior to the public meeting held by the Zoning Commission where the Zoning Commission shall review the detailed final development plan and determine whether all applicable requirements and the review criteria of Subsection 6.4.2 have been satisfied.

- (5) Changes to properties and development sites that do not have a prior approval after the effective date of this Resolution must comply with all applicable provisions, including changes to properties included within previously approved Planned Districts.

**B. Variances and conditional uses.**

- (1) Variances and conditional uses that were approved before the effective date of this Resolution shall remain in effect notwithstanding the applicable provisions of this Resolution.
- (2) Where the content of previously approved variances and/or conditional uses are permitted by-right after the effective date of this Resolution, such approvals shall be superseded by this Resolution and shall no longer be in effect.

### **1.3.2 – Effect on Pending Applications**

- A. Complete applications.** Complete applications that are duly submitted prior to the effective date of this Resolution shall be reviewed by Colerain Township according to the applicable provisions of the prior Resolution as it existed the day before the effective date of this Resolution.
- B. Incomplete applications.** Incomplete applications that are submitted prior to the effective date of this Resolution shall be returned to the applicant and shall not be acted upon by Colerain Township. The applicant may immediately resubmit an application according to the applicable provisions of this Resolution.

### **1.3.3 – Effect on Private-Party Agreements**

- A. No effect.** The content of this Resolution is not intended to interfere with or abrogate any easements, covenants, or agreements between parties, provided that wherever this Resolution provides for a greater restriction upon the use of buildings or land, upon the location or height of buildings or structures, or upon requirements for open areas than those that are imposed or required by such easements, covenants, or agreements between parties, the provision of this Resolution shall govern.

- B. Enforcement of private-party agreements.** In no case shall the Township be obligated to enforce the provisions of any easements, covenants, or agreements between private parties.

#### **1.3.4 – Effect on Violations**

- A. Violations continue.** Any violation under previous zoning resolutions that applied to the Township prior to the adoption of this Resolution shall continue to be a violation under this Resolution and is subject to penalties and enforcement under Section 6.6 – Enforcement, Penalties, and Remedies, unless the use, development, construction, or other activity complies with the provisions of this Resolution.

#### **1.3.5 – Effect on Nonconformities**

- A. Legal nonconformities continue.** Any legal nonconformity under any previous zoning resolutions of the Township prior to the adoption of this Resolution shall continue to be a legal nonconformity under this Resolution, subject to the provisions of Article 5 – Nonconformities, as long as the situation that resulted in the nonconforming status under the previous resolutions continues to exist.
- B. Conformance established.** If a legal nonconformity under any previous resolutions that applied to the Township prior to the adoption of this Resolution becomes conforming because of the adoption of this Resolution, then the situation will be considered conforming and shall no longer be subject to the nonconforming use regulations.

#### **1.3.6 – Effect on Water Supply and Sewage Disposal Facilities**

- A. Water supply and sewage disposal required.** It shall be unlawful to locate, erect, or construct any building or structure to be used for human habitation without provision of an approved water supply and approved sanitary waste disposal facilities.
- B. On-site sanitary waste disposal.** On-site sanitary waste disposal may be used only when Hamilton County Public Health approves an application to construct or replace a household sewage treatment system or the Ohio Environmental Protection Agency grants a Wastewater Permit to Install (PTI).
- C. On-site private water systems.** On-site private water systems (wells and on-site cisterns) may be used only upon approval of Hamilton County Public Health and the Ohio Department of Health.

#### **1.3.7 – Effect on Unsafe Buildings**

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

## SECTION 1.4 – INTERPRETATION AND CONSTRUCTION OF LANGUAGE

### 1.4.1 – Interpretation

- A. Deference to Township Officials.** Deference shall be given to the Township Zoning Administrator, or Township Zoning Commission, and/or Township Board of Zoning Appeals with respect to the interpretation of the Zoning Resolution and/or decisions made as to the Zoning Resolution.
- B. Resolution as minimum requirements.** For the purposes of interpretation and application, the provisions of this Resolution shall be held to be the minimum requirements for the promotion of public health, safety, convenience, comfort, prosperity, or general welfare.
- C. Intent.** All provisions, terms, phrases, and expressions contained in this Resolution shall be construed according to this Resolution’s stated purpose and intent.
- D. Lists and examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as “including,” “such as,” or similar language are intended to provide examples and not be exhaustive lists of all possibilities.
- E. Public officials and agencies.** All public officials, bodies, and agencies to which references are made in this Resolution are intended to reference such officials, bodies, and agencies of Colerain Township, unless otherwise expressly stated.
- F. Delegation of authority.** Whenever a provision appears requiring the head of a department or another officer or employee of the Township to perform an act or duty, that provision shall be construed as authorizing the department head or officer to delegate the responsibility to subordinates, unless the terms of the provision specify otherwise.
- G. Technical words and phrases.** Technical words and phrases not otherwise defined in this Resolution that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- H. Mandatory and discretionary terms.** The words “shall” and “must” are always mandatory. The words “may” or “should” are always permissive.
- I. Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
  - (1)** “And” indicates that all connected items, conditions, provisions, or events shall apply; and
  - (2)** “Or” indicates that one or more of the connected items, conditions, provisions, or events shall apply.

- J. Tense and usage.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
- K. Gender.** The masculine shall include the feminine, and vice versa.
- L. Defined terms.** For the purpose of this Resolution, words and phrases shall have the meanings set forth in Article 7 – Glossary of Terms.
- M. Undefined terms.** Words and phrases not otherwise defined in this Resolution shall be construed according to the common and approved usage of US English.

#### **1.4.2 – Conflicts with, and References to, Other Laws**

- A. Inconsistency within this Resolution.** When the provisions of this Zoning Resolution are inconsistent with one another or with the provisions found in another adopted resolution, the more restrictive provision shall govern.
- B. Inconsistency with other laws.** Where this Zoning Resolution imposes a greater restriction than imposed or required by other provision of law or by other rules, regulations, or resolution, the provisions of this Zoning Resolution shall control provided it complies with the Ohio Revised Code.
- C. References to other regulations, publications, and documents.** Whenever reference is made to a resolution, statute, regulation, or document, that reference shall be construed as referring to the most recent edition of such regulation (as amended), resolution, statute, or document or to the relevant successor document, unless otherwise expressly stated.

### **SECTION 1.5 – SEVERABILITY AND REPEAL**

#### **1.5.1 – Severability**

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

#### **1.5.2 – Repeal**

- A. Trustee-initiated repeal.** This Resolution may be repealed following the Board of Township Trustees' adoption of such a resolution upon its own initiative.
- B. Petition-initiated repeal.** This Resolution may be repealed following the Board of Township Trustee's adoption of a resolution if presented with a petition, similar in all relevant aspects to that prescribed in Section 519.12 of the Ohio Revised Code, signed by a number of qualified electors residing in the unincorporated area of the Township equal to not less than 158% of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting that the question of whether



or not the Zoning Resolution in effect in the Township shall be repealed be submitted to the electors residing in the unincorporated area of the Township at a special election to be held on the day of the next primary or general election. The resolution adopted by the Board of Township Trustees to cause such question to be submitted to the electors shall be certified to the Hamilton County Board of Elections no later than 75 days prior to the day of election at which said question is to be voted upon. In the event a majority of the vote cast on such question in the Township is in favor of repeal of zoning, then such regulations shall no longer be of any effect. Not more than 1 such election shall be held in any 2 consecutive calendar years.

## **SECTION 1.6 – CALCULATIONS AND MEASUREMENTS**

### **1.6.1 – Percentages and Fractions**

#### **A. Standards for rounding.**

- (1)** When a measurement results in a fractional number, any fraction less of less than  $\frac{1}{2}$  shall be rounded down to the next lower whole number, and any fraction of  $\frac{1}{2}$  or greater shall be rounded up to the next higher whole number.
- (2)** When a calculation or measurement results in a fractional percentage, any percentage ending between .0 and .5 shall be rounded down to the next lower whole number, and any percentage ending in .5 or greater shall be rounded up to the next higher whole number.

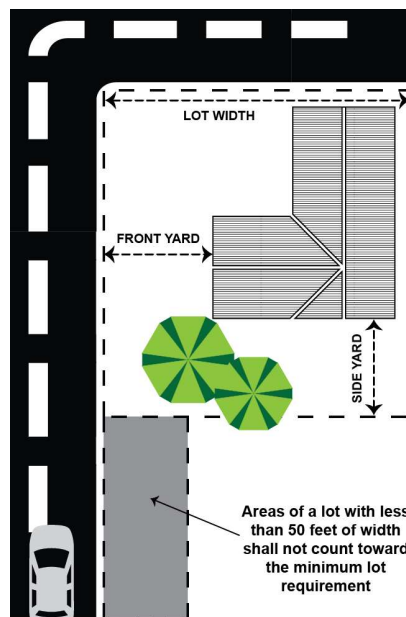
### **1.6.2 – Computation of Time**

- A.** In computing any period of time prescribed or allowed by this Resolution, the date of the application, act, decision, or event, from which the designated period of time begins shall not be included. The last date of the period of time to be computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day, which is not a Saturday, a Sunday, or a legal holiday.
- B.** When the period of time prescribed is less than 7 days, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation (i.e., business days and not calendar days).
- C.** Unless the terms of a specific provision state otherwise (e.g., “business days”), periods of time defined by a number of days shall mean a number of consecutive calendar days including all weekend days, holidays, and other non-business/non-working days.
- D.** When the Township offices are closed to the public for the entire day which constitutes the last day of the period of time or when the offices close before its usual closing time on such day, then such application, act, decision, or event may be performed on the next succeeding day which is not a Saturday, a Sunday, or a legal holiday.

### 1.6.3 – Measurement Methodologies

- A. Distance measurements.** Unless otherwise expressly stated, all distances specified in this Resolution are to be measured as the length of an imaginary straight line joining those points.
- B. Light level.** Light level shall be measured in footcandles with a direct reading of a portable light meter at grade level.
- C. Fence opacity.** Fence opacity shall be measured as the combined surface area of all visible posts and pickets within a representative area divided by the total surface area of the representative area. For example, the opacity of a typical wood picket fence could be measured as the combined surface area of the pickets and posts within a selected 3-foot-by-3-foot area, divided by 9 (the total square footage of the representative area).
- D. Lots: lot area.**
  - (1) The lot area is the total area within the lot lines of a lot, excluding any street right-of-way or other public dedication.
  - (2) Irregular shapes of land, panhandles, and other narrow appendages to lots with less than 50 feet of width at any point shall not be included in the measurement of a lot area or contribute to the minimum lot area requirement of the applicable zoning district, nor shall they contribute to the measurement of any setback for the location of any buildings or structures, as shown in Figure 1.6.3-A: Areas Not Contributing to the Minimum Lot Area Requirement).

*Figure 1.6.3-A: Areas Not Contributing to the Minimum Lot Area Requirement*



**E. Lots: street or lot frontage.**

- (1) Street or lot frontage shall be measured as the total length of a lot line that runs along a right-of-way.
- (2) When a standard is based on the street or lot frontage, the longest street or lot frontage, and not the total street or lot frontage, shall be used.

**F. Lots: lot coverage.**

- (1) The ratio of lot coverage shall be calculated as the total surface area (when viewed from an aerial perspective) of all principal structures, accessory structures, and impermeable surfaces (including paving and driveways) within a given lot divided by the total surface area of the given lot.
- (2) Certain building and property elements shall be excluded from lot coverage calculations as provided in Subsection 1.6.6 – Exceptions from Lot Coverage Calculation.

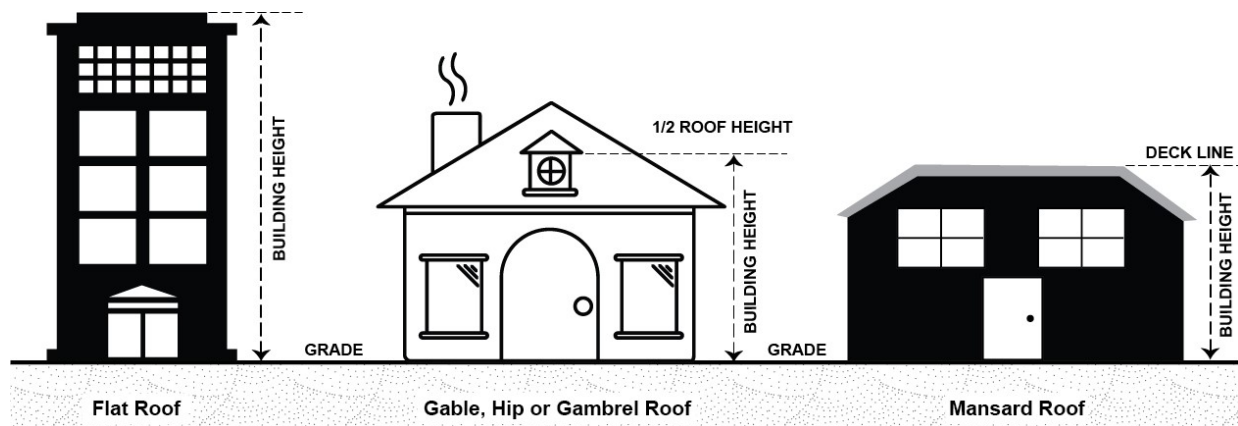
**G. Buildings: building elevation surface area.** Building elevation surface area shall be measured as the total area within a single continuous rectangle or abutting series of rectangles that enclose the outermost limits of a given elevation of a building.

**H. Buildings: building height in stories.** Where specified in stories, building height shall be measured in number of complete stories above the finished grade for any elevation fronting on a public street including attics, half-stories, mezzanines, at-grade structured parking, but excluding features that are greater than one-half story or completely below grade, such as basements, cellars, crawl spaces, subbasements, and underground parking structures.

**I. Buildings: building height in feet.** Where specified in feet, building height shall be measured as the vertical distance from grade at the base of the structure to (see Figure 1.6.3-B: Building Height Measurement by Roof Type):

- (1) The highest point of a flat roof;
- (2) The deck line of a mansard roof; or
- (3) The mean height between the eaves and ridge on gable, hip, or gambrel roofs.

Figure 1.6.3-B: Building Height Measurement by Roof Type



### 1.6.4 – Allowed Height Encroachments

**A. Building and property elements exempted from height calculations.** The following elements of buildings and properties may, where allowed, be erected to any lawful and safe height and shall exempt from height requirements of this Resolution:

- |                                        |                                         |
|----------------------------------------|-----------------------------------------|
| (1) Church spires                      | (11) Fire towers                        |
| (2) Domes                              | (12) Belfries                           |
| (3) Flagpoles                          | (13) Monuments                          |
| (4) Aerials                            | (14) Stacks                             |
| (5) Antennas                           | (15) Derricks                           |
| (6) Wireless telecommunications towers | (16) Conveyors                          |
| (7) Telephone transmitters and towers  | (17) Stage towers or scenery lofts      |
| (8) Chimneys                           | (18) Tanks or water towers              |
| (9) Cooling Towers                     | (19) Silos and farm buildings           |
| (10) Elevator bulkheads                | (20) Necessary mechanical appurtenances |

**B. Modification of maximum height standards.** Public or public service buildings, hospitals (except as otherwise provided), institutions, or educational facilities, when permitted within a given zoning district, may be erected to a height not exceeding 6 stories, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each required yard line at least one foot for each foot of additional building height

above the height limit otherwise provided in the applicable zoning district in which the building is built.

- C. Cell towers and wireless telecommunication towers.** The height of cell towers and other wireless telecommunication towers are subject to the applicable use-specific regulations of this Resolution, as provided in Section 3.4 – Use-Specific Standards.
- D. Use-specified standards.** Standards for allowable heights may be modified by applicable provisions within Section 3.4 – Use-Specific Standards.

### **1.6.5 – Allowed Setback Encroachments**

- A. Unobstructed setbacks required.** Every part of a required yard shall be open to the sky and unobstructed except:
  - (1) As otherwise provided in this section;
  - (2) For accessory buildings in a rear yard;
  - (3) For the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed 3 feet in residential zoning districts, and not to exceed 1 foot in all other districts;
  - (4) Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than 5 feet; and
  - (5) The ordinary projections of chimneys and flues may be permitted by the Hamilton County Building Commissioner when placed so as not to obstruct light and ventilation but not closer than 2 feet to any lot line.
- B. Terraces, porches, and platforms.**
  - (1) Terraces, uncovered porches, platforms, and ornamental features which do not extend more than 3 feet above the floor level of the ground (first) story may project into a required front or rear yard but shall not be closer to any side lot line than the side yard requirement.
  - (2) An open, unenclosed porch, or paved terrace may project into a front yard for a distance not exceeding 10 feet.
- C. Modification to minimum front yard setback requirements.** For new construction on a lot in a residential zoning district where the adjacent lots are already developed with buildings and where buildings within 100 feet of the subject lot (and on the same side of the street as the subject lot) are set back less than the minimum required front yard setback, the minimum front yard setback for the new construction on the subject lot shall be not less than the average depths of the front yards of the 2 buildings on each side and within 100 feet of the such lot.

### **1.6.6 – Exceptions from Lot Coverage Calculation**

**A. Building and property elements exempted from lot coverage calculations.** The following elements of buildings and properties, where allowed, shall not be counted against maximum lot coverage standards of this Resolution:

- (1)** Basketball hoops that are set back at least 10 feet from any street right-of-way;
- (2)** Bird baths;
- (3)** Compost piles or bins that meet the provisions of Subsection 3.4.13 – Compost Piles or Bins;
- (4)** Flag poles;
- (5)** Fountains;
- (6)** Gardens;
- (7)** Noncommercial (amateur) radio antennas that meet the provisions of Subsection 3.4.25 – Noncommercial (Amateur) Radio Antenna;
- (8)** Patios that are not enclosed;
- (9)** Private kennels that meet the provisions of Subsection 3.4.30 – Private Kennel;
- (10)** Roof-mounted solar panels;
- (11)** Satellite dish antennas that are specified as exempt in the provisions of Subsection 3.4.34 – Satellite Dish Antennas;
- (12)** Small wind energy conversion systems (SWECS) that are less than 5 megawatts in capacity and that meet Subsection 3.4.37 – Small Wind Energy Conversion Systems (SWECS);
- (13)** Statues;
- (14)** Swing sets and gym sets;
- (15)** Wood or solid surface decks;
- (16)** Woodpiles, provided the wood is neatly stacked and does not exceed 6 feet in height; and
- (17)** Other structures or uses as permitted by the Zoning Commission.

# Article 2 – Zones, Districts, and Overlays

## SECTION 2.1 – GENERAL PROVISIONS

### 2.1.1 – Purpose of Zones, Districts, and Overlays

- A. Purpose.** The purpose of this Article 2 is to establish zoning districts in order to:
- (1) Realize the purpose set forth in Section 1.2 – Authority, Purpose, and Jurisdiction;
  - (2) Classify, regulate, and restrict the location of industries, residences, recreation, trades, and other land uses and the location of buildings designated for specified uses; and
  - (3) Establish standards for lot sizes, setbacks, building sizes, and lot coverage.

### 2.1.2 – Establishment of Districts, Zones, and Overlays

- A. Districts established.** For the purposes of this Resolution, Colerain Township is hereby divided into separate districts, zones, and overlays as designated in Table 2.1.2-A – Zones Names and Purposes Established.
- B. Relationship among districts, zones, and overlays.** Where a property is classified within an overlay district as well as a non-overlay district or non-overlay zone, the regulations governing development in the overlay district shall apply in addition to the regulations governing the underlying district or zone. In the event of express conflict between the standards set forth in the underlying district and the standards set forth in the overlay district, the standards of the overlay district shall control.
- C. Two-Unit Dwellings.** Two-unit dwellings shall only be located in zones that allow two-unit dwellings and when the following circumstances exist:
- (1) Two-unit dwellings shall only be located on infill lots where other two-unit or multi-unit dwellings are located on adjacent lots, or in newly approved PUDs, or in new subdivisions of greater than 10 lots where any lot containing a two-unit dwelling shall not abut a lot containing an existing single-unit dwelling;
  - (2) Two-unit dwellings in the Single-and Two Unit (STR) zone shall meet the requirements of section 3.2.4 Multi-Unit Dwellings;
  - (3) The gross floor area of any two-unit dwelling shall not be 30% larger than the average of the gross floor area of surrounding single-unit dwellings; and
  - (4) Where attached garages are utilized, the front facade of the structure shall not contain more than two garage doors.

**D. Generally applicable regulations for Zones & Districts**

- (1) Section 4.1 – General Provisions provides performance standards that apply to all uses of land and/or buildings in Colerain Township;
- (2) Section 4.2 – Buildings and Lots provides standards regarding accessory buildings and uses, lot requirements; and
- (3) architectural design standards.

**E. Generally applicable regulations.** Article 4 of this Resolution, and the Sections within, contain general regulations that govern all Zones and Districts, with the exception of Planned Districts.

**F. Governing tables for Zones & Districts.** In case of discrepancy with the content of any excerpt table provided within this Section, the following tables shall govern the following standards:

- (1) Table 3.1.4 A: Comprehensive Use Permissions shall govern the uses allowed within each Zone or District.
- (2) Table 4.2.2 A: Comprehensive Dimensional Standards shall govern the dimensional development standards within each Zone or District.



*Table 2.1.2-A – Zones Names and Purposes Established*

| District Abbreviation | District Name                          | Purpose                                                                                                                                                                            |
|-----------------------|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>ZONES</b>          |                                        |                                                                                                                                                                                    |
| RER                   | Rural-Estate Residential               | The Rural-Estate Residential (RER) district provides standards for residential uses and limited non- residential uses in a rural setting.                                          |
| STR                   | Single- and Two-Unit Residential       | The Single and Two-Unit Residential (STR) District provides standards for different types of residential uses and limited non-residential uses in a suburban setting.              |
| MUR                   | Multi-Unit Residential                 | The Multi-Unit Residential (MUR) District provides for a wide range of residential uses and some limited non-residential uses in first-ring suburban and urban settings.           |
| NBM                   | Neighborhood Mixed                     | The Neighborhood Mixed (NBM) District provides for a variety of non-residential and limited residential uses in first-ring suburban and urban settings.                            |
| LIT                   | Light Intensity Industry               | The Light Intensity Industry (LIT) District provides for industrial and other non-residential uses in industrial park settings.                                                    |
| GOR                   | Greenspace, Open Space, and Recreation | The Greenspace, Open Space, and Recreational (GOR) District provides for recreational uses, limited institutional uses, and limited agricultural uses in sparsely developed areas. |
| <b>DISTRICTS</b>      |                                        |                                                                                                                                                                                    |
| AMN                   | Avenue Mixed – North                   | The Avenue Mixed – North (AMN) District provides for a variety of non-residential and limited residential uses along the north portion of the Colerain Avenue corridor.            |
| AMC                   | Avenue Mixed – Central                 | The Avenue Mixed – Central (AMC) District provides for a variety of non-residential and limited residential uses along the central portion of the Colerain Avenue corridor.        |
| AMS                   | Avenue Mixed – South                   | The Avenue Mixed – South (AMS) District provides for a variety of non-residential and limited residential uses along the south portion of the Colerain Avenue corridor.            |

| District Abbreviation    | District Name                | Purpose                                                                                                                                                                                                                                                                                                                                            |
|--------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SLF                      | Sanitary Landfill            | The Sanitary Landfill (SLF) District provides standards for solid waste disposal facilities and compatible uses that avoid continued expansion of such uses without planning for, and mitigation of, adverse impacts on surrounding properties and neighborhoods.                                                                                  |
| PD                       | Planned District             | The Planned District is established to provide flexibility for unique projects that promote the goals of the Comprehensive Plan, but that cannot be accomplished under a base zoning district, in addition to fostering orderly development that may incorporate a mixture of residential, commercial, and industrial uses at varying densities.   |
| <b>OVERLAY DISTRICTS</b> |                              |                                                                                                                                                                                                                                                                                                                                                    |
| FHO                      | Flood Hazard Overlay         | The Flood Hazard Overlay (FHO) District identifies special flood hazard areas and ground water resources to provide for additional uses or special prohibitions based on the existence of these flood hazards and groundwater resources, including but not limited to the Great Miami Aquifer which is a sole source aquifer in Colerain Township. |
| HDO                      | Hillside Development Overlay | The Hillside Development Overlay (HDO) District restricts the development of land construction of structures in certain environmentally sensitive areas of Colerain Township, ensuring such development is compatible with the environment.                                                                                                        |

### 2.1.3 – Official Zoning Map

- A. Official Zoning Map established.** The boundaries of the established zoning districts are indicated upon the Official Zoning Map for Colerain Township. This Official Zoning Map, together with all explanatory matters thereon, is hereby made a part of this Resolution.
- B. Location of Official Zoning Map.** The Official Zoning Map is properly attested and is on file in the offices of the Colerain Township Zoning Department.
- C. Mapped geographies.** Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map. It is the intent of this Resolution to provide flexibility in its administration to allow for future expansion and amendments.
- D. Interpretation of Official Zoning Map.** Boundaries shown on the Official Zoning Map of Colerain Township shall be interpreted as follows:

- (1) **Boundaries for the FHO district:** The district boundary lines for the Flood Hazard Overlay (FHO) District are intended to follow the special flood hazard area boundaries as designated by the Federal Emergency Management Agency, and there the districts on the map are bounded approximately by such area boundaries, the boundaries are otherwise indicated on the map.
- (2) **Boundaries approximately following streets, alleys, or highways:** Where district boundaries are indicated as approximately following the center line or right-of-way line of streets, the center line or alley line of alleys, or the center line or right-of-way lines of highways, such lines shall be construed to be such district boundaries.
- (3) **Boundaries parallel to right-of-way lines:** Where district boundaries are so indicated that they are approximately parallel to the center lines or right-of-way lines of streets, the center lines or alley lines of alleys, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Zoning Map.
- (4) **Boundaries following lot lines.** Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- (5) **Vacation of public ways.** Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.
- (6) **Lots divided by district boundaries.** Where a district boundary line divides a lot that was in single ownership at the time of passage of this Resolution, the Zoning Commission may permit the extension of the regulations for either portion of the lot beyond the district line into the remaining portion of the lot.

## SECTION 2.2 – OVERLAY DISTRICTS

### 2.2.1 – Flood Hazard Overlay (FHO)

- A. **Purpose.** The Flood Hazard Overlay (FHO) District identifies special flood hazard areas and ground water resources to provide for additional uses or special prohibitions based on the existence of these flood hazards and groundwater resources, including but not limited to the Great Miami Aquifer which is a sole source aquifer in Colerain Township.
- B. **Applicability of FHO standards.**
  - (1) The standards of this Subsection 2.2.1 apply based on the location of a given property in special flood hazard areas as defined in the applicable 2004 Flood Insurance Rate Map (FIRM). Such areas may or may not be mapped on the Official Zoning Map.

- (2) The standards of this Subsection 2.2.1 shall modify specified standards of the underlying district as provided herein.
  - (3) Standards of the underlying district that are not modified by the provisions of this Subsection 2.2.1 shall remain applicable.
- C. Use permissions in floodway areas of Zone AE.** Use permissions for properties that are subject to the FHO and that are within designated floodway areas of Zone AE on the applicable FIRM maps shall be modified from the applicable permissions of Table 3.1.4-A: Comprehensive Use Permissions and shall be limited to the following uses:
- (1) Agricultural use, subject to the use-specific standards of Subsection 3.4.3;
  - (2) Accessory off-street parking;
  - (3) Active park and recreational facility; subject to the use-specific standards of Subsection 3.4.2;
  - (4) Passive park, recreational facility, or conservation area, provided that no structures are constructed within the floodway; and
  - (5) Any residential uses (within the residential use category of Table 3.1.4-A: Comprehensive Use Permissions) permitted within the underlying district that receive certification through a No Rise Form from the Hamilton County Department of Public Works that the proposed use and associated construction will not result in an increase in base flood levels.
- D. Use permissions in the floodway fringe.** Use permissions for properties that are subject to the FHO and that are within designated floodway fringe areas on the applicable FIRM maps shall be modified from the applicable permissions of Table 3.1.4-A: Comprehensive Use Permissions and shall be limited to the following uses:
- (1) Any residential uses (within the residential use category of Table 3.1.4-A: Comprehensive Use Permissions) permitted within the underlying district that receive certification through an Elevation Certificate from the Hamilton County Department of Public Works that the proposed use and associated construction is located above the base flood elevation.

## **2.2.2 – Hillside Development Overlay (HDO)**

- A. Purpose.** The Hillside Development Overlay (HDO) District restricts the development of land construction of structures in certain environmentally sensitive areas of Colerain Township, ensuring such development is compatible with the environment. These standards are intended to:
- (1) Prevent the creation of unstable lands and landslides – based on the finding that steep slopes alone and in combination with Kope Formations create a susceptibility to

landslides, precipitating excessive soil erosion, unstable hillsides, and/or the destruction of natural vegetation and contours thereof;

- (2) Prevent significant damage or destruction of prominent hillsides and the Great Miami River Valley slopes;
- (3) Prevent soil erosion and stream siltation;
- (4) Prevent destruction of natural and/or valuable trees and other vegetation; and
- (5) Promote innovative approaches to development by encouraging open space that maintains development rights while protecting environmentally sensitive areas.

**B. Applicability of HDO standards.**

- (1) The standards of this Subsection 2.2.2 shall modify specified standards of the underlying districts as provided herein.
- (2) Standards of the underlying district that are not modified by the provisions of this Subsection 2.2.2 shall remain applicable.

**C. Areas subject to HDO standards.** The standards of this Subsection 2.2.2 apply over lands that contain the following characteristics. Such areas may or may not be mapped on the Official Zoning Map:

- (1) A natural slope of 20% or greater; and/or
- (2) The existence of Kope Formations.

**D. Identification of HDO areas.** Identification of land where the HDO is applicable may be derived from the latest edition of the Cincinnati Hamilton County Ohio Metropolitan Area topographic map series as furnished by the Office of the Hamilton County Engineer or other applicable mapping available through the Cincinnati Area Geographic Information System (CAGIS).

**E. Density and intensity standards for sloped areas.** For the purposes of calculating the permitted density and intensity of development, the following density/intensity standards shall apply to land with a natural slope of 20% or more, or to land within the Kope Formation. These density/intensity standards shall only apply to those areas within the HDO boundaries and not to the remainder of the given lot that lies outside of HDO boundaries:

- (1) Where the underlying district is a residential zoning district, and where sanitary sewer and centralized water service are not available for a development site, the minimum required lot area shall be modified to be the greater of (A) the lot area requirement of the underlying district, or (B) 3 acres.

- (2) Where the underlying district is a residential zoning district, and where sanitary sewer and centralized water service are available for a development site, the minimum required lot area shall be modified to be the greater of (A) the lot area requirement of the underlying district, or (B) 1 acre.
- (3) Where the underlying district is a nonresidential zoning district, the maximum lot coverage by buildings and impervious surfaces shall be modified to be no greater than 15% of the total lot area.

**F. Density and intensity standards for non-sloped areas.** Where a development site has at least 1 acre of land that is subject to this Subsection 2.2.2, and if the property owner avoids development and disturbance of all land on a development site that has a natural slope of 20% or more, and protects such land from future development through the recording of a deed restriction and/or open space residential development in a form accepted by Colerain Township, then the development permissions of the zoning district that apply to the development site but that lay outside of the HDO geography are modified as follows:

- (1) The minimum required lot area may be decreased by 20% from the underlying standard (e.g., a 6,000-square-foot minimum may be decreased to 4,800 square feet).
- (2) The maximum allowed lot coverage by buildings and impervious surfaces may be increased by up to 15% from the underlying standard (e.g., a 75% maximum may be increased to 90%).
- (3) The maximum allowed number of dwelling units may be increased by 20%, rounded up to the nearest whole unit, from the underlying standard (e.g., a 4-unit maximum may be increased to 5 units).

# Article 3 – Land Use Standards

## SECTION 3.1 – GENERAL USE PROVISIONS

### 3.1.1 – Applicability of Use-Specific Standards

- A. Compliance; modifications of use-specific standards.** Where a use within Table 3.1.4-A: Comprehensive Use Permissions is included within Section 3.4 – Use-Specific Standards, any such applicable provisions shall be construed to be a condition of the use’s approval, except where explicitly modified through the approval of a conditional use permit per Subsection 6.5.3 – Conditional Use.
- B. Use-specific standards may apply to undefined uses.** If the Zoning Administrator determines, per Subsection 3.1.3 – Interpretation of Uses, that a proposed use is functionally the same as a defined use that is subject to use-specific standards in Section 3.4, such use-specific standards shall also apply to the proposed use.

### 3.1.2 - Master Use Plans

- A. Initiation or Alteration of Master Use Plans.** When a change of use for a property is proposed, to assure compliance with the provisions of this Section, applicants shall file a Master Use Plan with the Zoning Administrator to enable determination of the proposed use. If the information listed upon the Master Use Plan is in compliance with this Resolution, a Zoning Certificate will be issued to the applicant. The Master Use Plan shall list the following:
- (1) Cover letter Statement of no less than one page describing the proposed specific activities that will take place upon the site.
  - (2) Statement of compliance with use specific standards and agreement that no illegal use will occur upon the site.
  - (3) Property owner signature upon statement of understanding.
  - (4) Copies of any variances that exist upon the site.
  - (5) A copy of any license or licenses that are required by Colerain Township, Hamilton County, the State of Ohio, or any other legal entity.
  - (6) Use Details. Current uses and floorplan for primary and accessory buildings. Occupancy status of the site, with the last known date that the previous use existed upon the site; Proposed use and floorplan for primary and accessory building or buildings, which must come from Colerain Use Table; Anticipated date of opening; and list of adjacent uses, as determined by the Zoning Administrator.
  - (7) Density Details. Describe any changes to floor area ratio or dwelling units per acre, if applicable.

- (8) Intensity Details.** Any of the following that will apply to the proposed use shall be included upon the plan:
- (i) Days and hours of Operation & maximum number of employees per shift;
  - (ii) Total number of employees that will be physically present on site during an average hour that the business is operational;
  - (iii) Expected daily number of outside customers, visitors or sales representatives;
  - (iv) Daily number of truck trips and expected hours of truck traffic;
  - (v) Description of storage of Hazardous Materials;
  - (vi) Description of any use that will create dust, smoke, noise or light that would impact neighboring properties;
  - (vii) Description of any outside storage of materials or goods and sketch showing the storage area;
  - (viii) Estimated number and size of cans of generated waste per week;
  - (ix) The number of any or all of the following that will apply to the proposed use: Sales floor area, retail storage area, bedrooms, patient beds, dwelling units, service bays, fuel pumps, washing bays, menu boards with speakers, maximum occupancy for events, teachers, pupils, classrooms, rentable rooms, rentable beds, individual stations for personal services, individual theaters, individual escape rooms, bowling lanes, axe throwing lanes, golf course holes, or individual sports playing fields.
- (9) Development Details.** Submit a floorplan detailing the building/unit dimensions, internal layout dimensions, uses, units, seating etc. Square footage. Changes in landscaping, lighting, architectural design standards, or impervious surface ratio shall be described in a statement or upon a graphical plan.
- (10) Parking Details.** Number of current parking spaces, Number of proposed parking spaces. List car spaces, truck spaces, and bicycle spaces. Description of whether the existing parking, aisles or circulation are going to be re-configured. Shared parking agreement, if applicable.
- (11) Signage Details.** Describe any changes that will be made to signage, if applicable. If no Master Signage Plan exists for the site, the applicant shall initiate such plan prior to the date that the new use begins on the site. This shall be a condition placed upon the Change of Use Zoning Certificate. If a Master Signage Plan exists for the site, it shall be modified to reflect new signage that will be installed for the proposed use, if applicable.

### **3.1.3 – Interpretation of Uses**

- A. Interpretation of defined or undefined uses.** The following provisions shall apply to the interpretation of uses:



- (1) Each use type included in Table 3.1.4-A: Comprehensive Use Permissions is defined in Article 7 – Glossary of Terms.
  - (2) A proposed use that is not listed in Table 3.1.4-A: Comprehensive Use Permissions or that is not defined elsewhere in this Resolution may be authorized by the Zoning Administrator as an allowed by-right use, a conditionally allowed use, an allowed accessory use, or an allowed temporary use if they determine that the proposed use is functionally the same as a defined use that is allowed in the same zoning district as the subject property according to the considerations provided within this Subsection 3.1.3.
  - (3) If the Zoning Administrator determines that an undefined proposed use is not functionally the same as a defined use that is allowed in the same zoning district as the subject property, then the proposed use shall be deemed a prohibited use.
- B. Classification of uses.** In determining the classification of a proposed use that is undefined, or in determining if a proposed use qualifies as a principal, accessory, or temporary use, the Zoning Administrator may consider, but shall not be limited to, the following criteria as applicable:
- (1) Information provided by the property owner, including the contents of a Zoning Certificate application;
  - (2) Actual or projected characteristics of the use, their common association with established uses on a given lot, and their effects on permitted uses within the zoning district of the subject property;
  - (3) Amount of floor space and/or equipment that would be provided for the use;
  - (4) Amount of pedestrian, bicycle, and/or vehicular traffic typically associated with the use;
  - (5) Size (including footprint area and height) of the building(s) and/or feature(s) proposed for the use;
  - (6) Location of the building, feature, or use in relation to the location of other buildings and uses on the same lot;
  - (7) Signage located on or proposed for the property;
  - (8) Noise, lighting, dust, and/or odors typically associated with the use;
  - (9) Number of employees on a typical shift;
  - (10) Use and/or storage of hazardous materials; and/or
  - (11) Hours of operation for the use.

### 3.1.4 – Comprehensive Use Permissions

- A. Use permissions.** The use permissions in Table 3.1.4-A: Comprehensive Use Permissions identify for each zoning district the principal uses, temporary uses, and accessory buildings, features, and uses that are allowed by right, allowed through a conditional use certificate, allowed as an accessory use, allowed as a temporary use, or prohibited per the following key:
- (1)** A solid circle identifies a use as allowed through the approval of a Zoning Certificate within a specified zoning district.
  - (2)** A half-filled circle identifies a use that is allowed through the approval of a conditional use permit within a specified zoning district.
  - (3)** A circled letter ‘A’ identifies a building, feature, or use that is allowed as an accessory use within a specified zoning district.
  - (4)** A circled letter ‘T’ identifies a building or use that is allowed as a temporary use within a specified zoning district.
  - (5)** A hyphen identifies a building, feature, or use that is prohibited within a specified zoning district.

|                                                 | Use-Specific Standards Subsection | Rural Estate Residential | Single & Two Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed North | Avenue Mixed Central | Avenue Mixed South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill | Legend               |                           |
|-------------------------------------------------|-----------------------------------|--------------------------|-------------------------------|------------------------|--------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|----------------------|---------------------------|
|                                                 |                                   |                          |                               |                        |                    |                    |                      |                    |                          |                                    |                   | ● = Allowed By-Right | ◐ = Conditionally Allowed |
| 01. Agricultural & Animal Uses                  |                                   | RER                      | STR                           | MUR                    | NBM                | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |                      |                           |
| Agricultural Use                                | 3.4.3                             | ●                        | ●                             | ●                      | ●                  | ●                  | –                    | –                  | ●                        | ●                                  | ●                 |                      |                           |
| Commercial Kennel                               | 3.4.12                            | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |                      |                           |
| Riding Stable                                   | 3.4.32                            | ●                        | –                             | –                      | –                  | –                  | –                    | –                  | –                        | ●                                  | ●                 |                      |                           |
| Veterinary Facility                             | 3.4.42                            | –                        | –                             | ◐                      | ●                  | ●                  | ●                    | ●                  | ●                        | –                                  | ●                 |                      |                           |
| 02. Residential Uses                            |                                   | RER                      | STR                           | MUR                    | NBM                | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |                      |                           |
| Adult Family Home or Small Residential Facility | N/A                               | ●                        | ●                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Adult Group Homes or Large Residential Facility | N/A                               | –                        | –                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Dwelling - Multi-Unit                           | 3.4.24                            | –                        | ◐                             | ●                      | ●                  | ●                  | ●                    | ●                  | –                        | –                                  | –                 |                      |                           |
| Dwelling - One-Unit                             | N/A                               | ●                        | ●                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Dwelling - Two-Unit                             | 3.4.41                            | –                        | ●                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Dwelling - Upper-Floor                          | N/A                               | –                        | –                             | ◐                      | ●                  | ●                  | ●                    | ●                  | –                        | –                                  | –                 |                      |                           |
| Group Home for Children                         | 3.4.19                            | ●                        | ●                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Institutional Housing                           | 3.4.22                            | –                        | –                             | ●                      | –                  | ●                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Open Space Residential Development              | 3.4.27                            | ●                        | ◐                             | –                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |
| Permanently Sited Manufactured Home             | 3.4.29                            | ●                        | ●                             | ●                      | –                  | –                  | –                    | –                  | –                        | –                                  | –                 |                      |                           |

| ● = Allowed By-Right<br>◐ = Conditionally Allowed<br>– = Prohibited Use | Use-Specific Standards Subsection | Rural Estate Residential | Single & Two Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed North | Avenue Mixed Central | Avenue Mixed South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
|-------------------------------------------------------------------------|-----------------------------------|--------------------------|-------------------------------|------------------------|--------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|
|                                                                         |                                   | RER                      | STR                           | MUR                    | NBM                | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |
| 03. Automotive Uses                                                     |                                   |                          |                               |                        |                    |                    |                      |                    |                          |                                    |                   |
| Automotive Body Repair                                                  | 3.4.5                             | –                        | –                             | –                      | –                  | ◐                  | ●                    | –                  | ●                        | –                                  | –                 |
| Automotive Charging Service                                             | N/A                               | –                        | –                             | ◐                      | ●                  | ●                  | ●                    | ●                  | ●                        | –                                  | ●                 |
| Automotive Fuel Service                                                 | 3.4.6                             | –                        | –                             | ●                      | ●                  | ●                  | ●                    | ◐                  | ●                        | –                                  | –                 |
| Automotive Sales or Rental                                              | 3.4.7                             | –                        | –                             | –                      | –                  | –                  | ●                    | –                  | ●                        | –                                  | –                 |
| Automotive Service                                                      | N/A                               | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Automotive Wash                                                         | N/A                               | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Automotive Wrecking, Salvage, or Junk Facility                          | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ◐                        | –                                  | –                 |
| Commercial Vehicle & Equipment Parking Area                             | N/A                               | ●                        | ◐                             | –                      | –                  | –                  | –                    | ◐                  | ●                        | –                                  | –                 |
| Drive-Through Facility                                                  | 3.4.15                            | –                        | –                             | ◐                      | ●                  | ●                  | ●                    | ●                  | ◐                        | –                                  | –                 |

| <div>● = Allowed By-Right</div> <div>◐ = Conditionally Allowed</div> <div>– = Prohibited Use</div> | Use-Specific Standards Subsection | Rural Estate Residential | Single & Two Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed North | Avenue Mixed Central | Avenue Mixed South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
|----------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------|-------------------------------|------------------------|--------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|
|                                                                                                    |                                   | RER                      | STR                           | MUR                    | NBM                | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |
| 04. Commercial & Office Uses                                                                       |                                   |                          |                               |                        |                    |                    |                      |                    |                          |                                    |                   |
| Alternative Financial Service                                                                      | 3.4.4                             | –                        | –                             | –                      | ●                  | –                  | –                    | –                  | –                        | –                                  | –                 |
| Bank or Financial Institution                                                                      | N/A                               | –                        | –                             | ●                      | ●                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Banquet Hall                                                                                       | N/A                               | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Bar or Tavern                                                                                      | 3.4.8                             | –                        | –                             | ●                      | ●                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Bed and Breakfast Establishment                                                                    | 3.4.9                             | ◐                        | ◐                             | ◐                      | ●                  | –                  | –                    | –                  | –                        | –                                  | –                 |
| Brewery                                                                                            | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ●                        | –                                  | –                 |
| Broadcasting Studio                                                                                | N/A                               | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Club                                                                                               | N/A                               | –                        | –                             | –                      | ◐                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Contractor or Construction Sales                                                                   | 3.4.14                            | –                        | –                             | –                      | –                  | ●                  | ●                    | ●                  | ●                        | –                                  | –                 |
| Day Care Center                                                                                    | N/A                               | –                        | –                             | ●                      | ●                  | ●                  | ●                    | ●                  | ◐                        | –                                  | –                 |
| Distillery                                                                                         | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ●                        | –                                  | –                 |
| Distribution Facility                                                                              | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ●                        | –                                  | –                 |
| Fireworks Manufacturing                                                                            | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ◐                        | –                                  | –                 |
| Fireworks Retail Sales                                                                             | N/A                               | –                        | –                             | –                      | –                  | –                  | –                    | –                  | ◐                        | –                                  | –                 |

| 04. Commercial & Office Uses <i>cont'd</i>      |        | RER | STR | MUR | NBM | AMN | AMC | AMS | LIT | GOR | SLF |
|-------------------------------------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Funeral Service                                 | 3.4.17 | —   | —   | —   | —   | ●   | ●   | ●   | ●   | —   | —   |
| Hotel or Motel                                  | N/A    | —   | —   | —   | —   | ●   | ●   | ●   | ●   | —   | —   |
| Industrial Use - Heavy                          | 3.4.20 | —   | —   | —   | —   | —   | —   | —   | ◐   | —   | ●   |
| Industrial Use - Light                          | N/A    | —   | —   | —   | —   | ●   | ●   | ●   | ●   | —   | —   |
| Laboratory                                      | N/A    | —   | —   | —   | —   | ●   | ●   | ●   | ●   | —   | —   |
| Massage Parlor                                  | N/A    | —   | —   | —   | —   | —   | —   | —   | —   | —   | —   |
| Massage Therapy                                 | N/A    | —   | —   | —   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Medical Marijuana                               | N/A    | —   | —   | —   | —   | —   | —   | —   | —   | —   | —   |
| Micro-Brewery                                   | N/A    | —   | —   | ◐   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Micro-Distillery                                | N/A    | —   | —   | ◐   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Mobile Food Service                             | 3.4.23 | ◐   | ◐   | ◐   | ●   | ◐   | ◐   | ◐   | ●   | —   | —   |
| Music, Art, or Photographic Studio or Classroom | N/A    | —   | —   | ◐   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Nursery                                         | N/A    | —   | —   | —   | —   | ●   | ●   | ●   | ●   | —   | —   |
| Personal Services                               | N/A    | —   | —   | ◐   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Professional or Business Office                 | N/A    | —   | —   | ◐   | ●   | ●   | ●   | ●   | ●   | —   | —   |
| Radio Antenna, Commercial                       | N/A    | ◐   | ◐   | ◐   | ◐   | ◐   | ◐   | ◐   | ◐   | ◐   | ◐   |
| Recreational Marijuana                          | N/A    | —   | —   | —   | —   | —   | —   | —   | —   | —   | —   |

| 04. Commercial & Office Uses <i>cont'd</i>      |        | RER | STR | MUR | NBM | AMN | AMC | AMS | LIT | GOR | SLF |
|-------------------------------------------------|--------|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Restaurant                                      | N/A    | –   | –   | ◐   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Retail Commercial Use                           | N/A    | –   | –   | ◐   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Service Commercial Use                          | N/A    | –   | –   | –   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Sign - Off-Premises                             | 3.4.26 | –   | –   | –   | –   | ●   | ●   | ●   | ●   | –   | ●   |
| Small Cellular Telecommunications Facility      | 3.4.35 | ●   | ●   | ●   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Storage Facility                                | N/A    | –   | –   | ●   | –   | –   | –   | –   | ●   | –   | ●   |
| Telecommunications Tower                        | 3.4.40 | ●   | ●   | ●   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Theater                                         | N/A    | –   | –   | ◐   | ●   | ●   | –   | –   | ●   | –   | –   |
| Transient Vacation Rentals & Short Term Rentals | 3.4.34 | –   | –   | ◐   | ●   | ●   | ●   | ●   | –   | –   | –   |
| Type-A Family Day Care Home                     | N/A    | –   | –   | –   | ●   | –   | –   | –   | –   | –   | –   |
| Type-B Family Day Care Home                     | N/A    | ●   | ●   | ●   | ●   | ●   | ●   | ●   | –   | –   | –   |
| Vape Retail Sales                               | N/A    | –   | –   | –   | –   | –   | –   | –   | –   | –   | –   |
| Vendor Market                                   | 3.4.43 | –   | –   | –   | ●   | ●   | ●   | ●   | ●   | –   | –   |
| Warehouse                                       | N/A    | –   | –   | –   | –   | –   | –   | –   | ●   | –   | ●   |
| Wholesale Commercial Use                        | N/A    | –   | –   | ◐   | –   | ●   | –   | –   | ●   | –   | –   |

| ● = Allowed By-Right<br>◐ = Conditionally Allowed<br>— = Prohibited Use | Use-Specific Standards Subsection | Rural Estate Residential | Single & Two Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed North | Avenue Mixed Central | Avenue Mixed South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
|-------------------------------------------------------------------------|-----------------------------------|--------------------------|-------------------------------|------------------------|--------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|
|                                                                         |                                   |                          |                               |                        |                    |                    |                      |                    |                          |                                    |                   |
| 05. Institutional & Public Uses                                         |                                   | RER                      | STR                           | MUR                    | NBM                | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |
| Active Park & Recreational Facility                                     | 3.4.2                             | ◐                        | ◐                             | ◐                      | ●                  | ●                  | ●                    | ●                  | ●                        | ●                                  | ●                 |
| Cemetery                                                                | 3.4.10                            | ●                        | —                             | —                      | ●                  | ●                  | ●                    | ●                  | ●                        | —                                  | —                 |
| Educational Facility - Higher Learning                                  | 3.4.16                            | —                        | —                             | ◐                      | ◐                  | ●                  | ●                    | ●                  | —                        | —                                  | —                 |
| Educational Facility - Non-Higher Learning                              | 3.4.16                            | ◐                        | ◐                             | ◐                      | ◐                  | ●                  | ●                    | ●                  | —                        | —                                  | —                 |
| Essential Service or Utility                                            | N/A                               | ●                        | ●                             | ●                      | ●                  | ●                  | ●                    | ●                  | ●                        | —                                  | —                 |
| Government & Public Use                                                 | N/A                               | ●                        | ●                             | ●                      | ●                  | ●                  | ●                    | ●                  | ●                        | ●                                  | ●                 |
| Hospital                                                                | N/A                               | —                        | —                             | —                      | ◐                  | ●                  | ●                    | ●                  | —                        | —                                  | —                 |
| Indoor Recreational Facility                                            | N/A                               | —                        | —                             | —                      | ◐                  | ●                  | ●                    | ●                  | ●                        | —                                  | —                 |
| Passive Park, Recreational Facility, or Conservation                    | N/A                               | ●                        | ●                             | ●                      | ●                  | ●                  | ●                    | ●                  | ●                        | ●                                  | ●                 |
| Private Recreational Facility                                           | N/A                               | ◐                        | ◐                             | ◐                      | ◐                  | ●                  | ●                    | ●                  | —                        | ◐                                  | —                 |
| Religious Place of Worship                                              | 3.4.31                            | ◐                        | ◐                             | ◐                      | ◐                  | ●                  | ●                    | ●                  | ●                        | —                                  | —                 |
| Solid Waste Facility                                                    | N/A                               | —                        | —                             | —                      | —                  | —                  | —                    | —                  | —                        | —                                  | ●                 |



| Ⓐ = Allowed as Accessory Use<br>Ⓣ = Allowed as Temporary Use<br>– = Prohibited Use |        | Use-Specific Standards Subsection | Rural Estate Residential | Single & Two Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed North | Avenue Mixed Central | Avenue Mixed South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
|------------------------------------------------------------------------------------|--------|-----------------------------------|--------------------------|-------------------------------|------------------------|--------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|
|                                                                                    |        |                                   |                          |                               |                        |                    |                    |                      |                    |                          |                                    |                   |
| 06. Accessory Buildings, Features & Uses <sup>(1)</sup>   Section 3.2              |        | RER                               | STR                      | MUR                           | NBM                    | AMN                | AMC                | AMS                  | LIT                | GOR                      | SLF                                |                   |
| Accessory Dwelling Unit                                                            | 3.4.1  | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | –                  | –                        | –                                  |                   |
| Accessory Off-Street Parking                                                       | N/A    | –                                 | –                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | –                        | –                                  |                   |
| Compost Piles or Bins                                                              | 3.4.13 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Electric Vehicle Charging Stations                                                 | 3.4.17 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Home Occupation                                                                    | 3.4.21 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | –                  | –                        | –                                  |                   |
| Kennel, Private                                                                    | 3.4.30 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | –                      | –                  | –                  | –                    | –                  | –                        | –                                  |                   |
| Radio Antenna - Noncommercial (Amateur)                                            | 3.4.25 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Roadside Stand                                                                     | 3.4.33 | Ⓐ                                 | –                        | –                             | –                      | –                  | –                  | –                    | –                  | –                        | –                                  |                   |
| Satellite Dish Antenna                                                             | 3.4.34 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Solar Panels                                                                       | 3.4.38 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Small Wind Energy Conversion System                                                | 3.4.37 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | Ⓐ                  | Ⓐ                        | Ⓐ                                  |                   |
| Swimming Pool, Lake, or Bathhouse                                                  | 3.4.39 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | Ⓐ                      | Ⓐ                  | Ⓐ                  | Ⓐ                    | –                  | Ⓐ                        | –                                  |                   |
| Wood Furnace (Outdoor)                                                             | 3.4.44 | Ⓐ                                 | Ⓐ                        | Ⓐ                             | –                      | –                  | –                  | –                    | –                  | –                        | –                                  |                   |
| 07. Temporary Buildings & Uses   Section 3.3                                       |        | RER                               | STR                      | MUR                           | NBM                    | AMN                | AMC                | AMS                  | LIT                | GOR                      | SLF                                |                   |
| Charitable Donation Container                                                      | 3.4.11 | –                                 | –                        | –                             | Ⓣ                      | Ⓣ                  | Ⓣ                  | Ⓣ                    | Ⓣ                  | –                        | –                                  |                   |
| Temporary Entertainment Building                                                   | N/A    | –                                 | –                        | –                             | Ⓣ                      | Ⓣ                  | Ⓣ                  | Ⓣ                    | –                  | Ⓣ                        | –                                  |                   |
| Temporary Incidental Construction Buildings                                        | N/A    | Ⓣ                                 | Ⓣ                        | Ⓣ                             | Ⓣ                      | Ⓣ                  | Ⓣ                  | Ⓣ                    | Ⓣ                  | Ⓣ                        | Ⓣ                                  |                   |
| Temporary Storage Container                                                        | N/A    | –                                 | –                        | –                             | –                      | Ⓣ                  | Ⓣ                  | Ⓣ                    | Ⓣ                  | Ⓣ                        | Ⓣ                                  |                   |
| Temporary Tent for Outdoor Displays or Sales                                       | N/A    | –                                 | –                        | –                             | Ⓣ                      | Ⓣ                  | Ⓣ                  | Ⓣ                    | Ⓣ                  | –                        | –                                  |                   |

|                                                                                                                                                                                                                                                                                              |                                   |                          |                                  |                        |                    |                      |                        |                      |                          |                                    |                   |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------|----------------------------------|------------------------|--------------------|----------------------|------------------------|----------------------|--------------------------|------------------------------------|-------------------|
| <p>● = Allowed By-Right</p> <p>⦿ = Conditionally Allowed</p> <p>Ⓐ = Allowed as Accessory Use</p> <p>Ⓣ = Allowed as Temporary Use</p> <p>– = Prohibited Use</p>                                                                                                                               | Use-Specific Standards Subsection | Rural-Estate Residential | Single- and Two-Unit Residential | Multi-Unit Residential | Neighborhood Mixed | Avenue Mixed - North | Avenue Mixed - Central | Avenue Mixed - South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
| Name of Use                                                                                                                                                                                                                                                                                  |                                   | RER                      | STR                              | MUR                    | NBM                | AMN                  | AMC                    | AMS                  | LIT                      | GOR                                | SLF               |
| <p><b>Table Notes:</b></p> <p>(1) Includes all accessory buildings and features that are not separately identified with permissions within this table, subject to the provisions of Subsection 3.1.3– Interpretation of Uses, and Section 3.2 – Accessory Buildings, Features, and Uses.</p> |                                   |                          |                                  |                        |                    |                      |                        |                      |                          |                                    |                   |

## **SECTION 3.2 – ACCESSORY BUILDINGS, FEATURES, AND USES**

### **3.2.1 – Applicability**

- A. Zoning certificate required.** Except where exempted in Subsection 6.3.2 – Zoning Certificate, accessory buildings and uses shall require an approved Zoning Certificate.
- B. Dimensional standards.** In addition to dimensional standards provided within this Subsection, accessory buildings, features, and uses shall be subject to any dimensional standards that apply to principal buildings and principal uses on the lot, except where the accessory building, feature, or use is explicitly exempted.
- C. Use-specific standards.** All accessory buildings, features, and uses shall be subject to the applicable use-specific standards provided in Section 3.4 – Use-Specific Standards.
- D. Interpretation of undefined accessory buildings and uses.** A proposed accessory building, feature, or use that is not defined within this Resolution shall be interpreted by the Zoning Administrator according to the provisions of Subsection 3.1.3 – Interpretation of Uses.
- E. Nonconforming accessory buildings and uses.** Nonconforming accessory buildings, features, and uses shall be subject to the provisions of Article 5 – Nonconformities.

### **3.2.2 – General Provisions for Accessory Buildings, Features, and Uses**

- A. Uses restricted.** Accessory buildings, features, and uses shall only be allowed on a lot if they are classified as being customarily associated with the established uses and/or buildings on the lot per the provisions of Subsection 3.1.3 – Interpretation of Uses.
- B. Locations restricted.** All accessory buildings, features, and uses:
  - (1)** Shall be located within a rear yard, except where explicitly exempted from this standard;
  - (2)** May be located within a side yard of corner lots;
  - (3)** May be located in the front yard of a double frontage lot where such yard abuts the rear elevation of the principal building on the lot;
  - (4)** Shall be located on the same lot as the associated principal use;
  - (5)** Shall not be located in any open space area that is preserved by covenant including, but not limited to, open spaces in any Planned District or open space residential development; and
  - (6)** Shall not block required parking.
- C. Exemptions from location restrictions.** The following exemptions from the location restrictions apply to specified accessory buildings, features, and uses:

- (1) Detached garages may be located in a side yard provided they shall not protrude further into the front yard than the front building line of the principal building on the lot.
  - (2) Accessory buildings, features, and uses may be located in any yard where such building, feature, or use is set back at least 200 feet from a street right-of-way exclusive of panhandles.
- D. Size restricted.** Any individual accessory building, feature, and/or use:
- (1) Shall not occupy more surface area of a given lot than the associated principal use;
  - (2) Shall not, in combination with others on the lot, collectively occupy more than 30% of the surface area of lot, except where specific accessory buildings and uses are explicitly exempted from counting towards this standard;
  - (3) Shall not be larger in floor area or taller in height than the principal building; and
  - (4) Shall be subordinate in purpose to the principal building or principal use.

### **3.2.3 – Reclassification of Accessory Buildings to Principal Buildings**

- A. Applicable dimensional standards.** If an accessory building is reclassified as a principal building or as part of a principal building, such building shall be required to comply with applicable dimensional standards of the zoning district. A Zoning Certificate shall not be approved if alterations would create a non-compliant principal building.
- B. Construction of enclosed, connecting addition.** An accessory building shall be reclassified as part of a principal building if the former accessory building is connected to the principal building by a permanently enclosed porch, enclosed walkway, enclosed breezeway, or similar enclosed structure.
- C. Demolition of principal building.** An accessory building shall be reclassified as a principal building if the former principal building on a given lot is demolished and not rebuilt or destroyed and not repaired with such rebuilding or repairing activities commencing within 1 year from the date of demolition or destruction.
- D. Construction of addition.** A building or feature that is defined as accessory shall instead be considered an attached expansion of a principal building if the proposed building or feature is an integral part of the principal building. An integral part of a principal building includes any portions of the building that are contiguous or abutting and that are not separated by unimproved land, an open porch, an open walkway, an open breezeway, or other similar open structure.

### **3.2.4 – Permissions for Accessory Buildings, Features, and Uses**

- A. Comprehensive use table.** Accessory buildings, features, and uses shall be allowed as provided per Subsection 3.1.4 – Comprehensive Use Permissions.

**B. Swimming Pools.** For the purposes of this Resolution, swimming pools shall be considered accessory uses and shall be subject to the following regulations:

- (1) All pools shall be located in the rear yard only.
- (2) All pools shall be set back a minimum of 10' from the side lot line and 25' from the rear lot line. Pool setbacks are measured from the property line to the closest extent of water within the pool.
- (3) No part of the pool, pool enclosures, deck, deck handrails, etc. may exceed 6' in height above grade.
- (4) Pools shall not be built over septic tanks or leach fields.
- (5) All in-ground pools and above ground pools taller than 24' shall have an enclosure surrounding the pools area, and the enclosure shall not extend less than 4 feet above the ground. All gates shall be self-closing and self-latching with the latches placed at least 4 feet above the ground.
- (6) At least one means of egress shall be provided to the pool. Treads of steps and ladders shall have slip-resistant surfaces and handrails.

**C. Decks, Porches, & Patios.** For the purposes of this Resolution, decks, porches, and patios shall be subject to the following regulations:

- (1) Patios may be built to the property line, so long as all applicable impervious surface ratio requirements are met.
- (2) Decks or porches in rear yards that are not attached to a primary or accessory structure, whether covered or uncovered, shall be considered accessory structures and shall meet the applicable accessory structure requirements of this Resolution.
- (3) Decks or porches in side or rear yards that are uncovered and attached to a primary or accessory structure shall be considered accessory structures and shall meet the applicable accessory structure requirements of this Resolution.
- (4) Decks or porches in side or rear yards that are covered and attached to a primary or accessory structure shall be considered additions and shall meet the applicable site development standards of this Resolution.
- (5) Decks or porches that are built on the front of a primary structure shall not protrude further than ten feet into the front yard of the property and shall meet the applicable site development standards of this Resolution.
- (6) Decks or porches in front or side yards that are not attached to a primary structure are prohibited.

- D. Carports.** For the purposes of this Resolution, carports shall be subject to the following regulations:
- (1) Carports which are permanently affixed to the principal structure shall be located in the rear or side yards, but outside of the required rear or required side yards.
  - (2) Carports which are not permanently affixed to the principal structure shall be located in the rear yard only.
  - (3) Carports must be constructed of a rigid material.
  - (4) Carports attached to the existing principal structure must be architecturally compatible with said principal structure.
  - (5) Carports shall be prohibited in commercial districts or upon commercially used lots in residential districts.
- E. By-right uses as accessory uses.** Uses that are allowed by-right per the provisions of Table 3.1.4-A: Comprehensive Use Permissions may also be allowed as accessory uses on a given lot if the Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses.
- F. Exempted uses as accessory uses.** Uses that are exempt from requiring a zoning certificate per Subsection 6.3.2 – Zoning Certificate may also be allowed as accessory uses on a given lot if the Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses.
- G. Conditional uses as accessory uses.** Uses that are identified as being conditionally allowed per Table 3.1.4-A: Comprehensive Use Permissions within a given zoning district shall only be permitted as an accessory building, feature, or use if:
- (1) The Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses; and
  - (2) The use receives approval of a conditional use permit per the provisions of Subsection 6.5.3 – Conditional Use.
- H. Prohibited accessory buildings and uses.** Uses that are prohibited per Table 3.1.4-A: Comprehensive Use Permissions within a given zoning district shall not be allowed as accessory buildings, features, or uses. Additionally, Quonset huts, steel arch buildings, inflatable garages, and portable garages, temporary garages, portable carports, temporary carports, portable containers, converted storage or shipping containers, and converted semi tractor trailers (with or without wheels) are prohibited in all residential and commercial districts. All carports shall be prohibited in commercial districts.

## **SECTION 3.3 – TEMPORARY BUILDINGS AND USES**

### **3.3.1 – Applicability**

- A. Zoning certificate required.** Except where exempted in Subsection 6.3.2 – Zoning Certificate, temporary buildings and uses shall require an approved Zoning Certificate.
- B. Exemptions.** Outdoor displays or sales, and outdoor storage – whether permanent, seasonal, or temporary – shall be exempt from this Section 3.3 – Temporary Buildings and Uses and shall be regulated by the provisions of Subsection 3.4.28 – Outdoor Display, Sales, and Storage.
- C. Use-specific standards.** Charitable donation containers shall be regulated as a temporary use and shall be subject to the provisions of this Section 3.3 and the provisions of Subsection 3.4.11 – Charitable Donation Containers.

### **3.3.2 – Time Limits**

- A. General duration limits.** Temporary buildings and uses may only be allowed to be established on a given lot for a period not to exceed 30 consecutive calendar days unless extended by the Zoning Administrator after review of a requested extension. Each lot may be allowed up to one temporary building and up to one temporary use per calendar year except where explicitly provided otherwise within this Subsection 3.3.2 – Time Limits.
- B. Use-specific duration limits.** The following types of temporary buildings and uses shall be exempt from the general duration limit provided above and may instead be allowed per (or restricted by) the following provisions:
  - (1)** Temporary buildings incidental to construction activities shall be allowed in place through the duration of the construction work. Such temporary buildings shall be removed within 14 calendar days of completion or abandonment of the construction work.
  - (2)** Temporary entertainment buildings associated with festivals, circuses, concerts, and similar uses shall be allowed for no more than 14 consecutive days.
  - (3)** Temporary tents for outdoor displays or sales may be allowed for no more than 14 consecutive days once every 90 calendar days.
  - (4)** Temporary storage containers or refuse containers over 32 gallons shall only be allowed for a period not to exceed 14 consecutive days. Such containers shall not be attached to a foundation and shall not otherwise meet the qualifications of a permanent structure for an accessory use or a principal use.

### **3.3.3 – Permissions for Temporary Buildings and Uses**

- A. Comprehensive use table.** Temporary buildings and uses shall be allowed as provided per Subsection 3.1.4 – Comprehensive Use Permissions.

- B. By-right uses as temporary uses.** Uses that are allowed by-right per the provisions of Table 3.1.4-A: Comprehensive Use Permissions may also be allowed as temporary uses on a given lot if:
  - (1) The Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses; and
  - (2) The use received approval of a Zoning Certificate per Subsection 6.3.2 – Zoning Certificate.
- C. Exempted uses as temporary uses.** Uses that are exempt from requiring a Zoning Certificate per Subsection 6.3.2 – Zoning Certificate may also be allowed as temporary uses on a given lot if the Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses.
- D. Conditional uses as temporary uses.** Uses that are identified as being conditionally allowed per Table 3.1.4-A: Comprehensive Use Permissions within a given zoning district shall only be permitted as a temporary use if:
  - (1) The Zoning Administrator determines such use is customarily associated with the principal use per Subsection 3.1.3 – Interpretation of Uses; and
  - (2) The use receives approval of a conditional use permit per the provisions of Subsection 6.5.3 – Conditional Use.
- E. Prohibited accessory buildings and uses.** Uses that are prohibited per Table 3.1.4-A: Comprehensive Use Permissions within a given zoning district shall not be allowed as a temporary use.

## SECTION 3.4 – USE-SPECIFIC STANDARDS

### 3.4.1 – Accessory Dwelling Units

- A. Allowed location and number of accessory dwelling units.** Up to one accessory dwelling unit shall be allowed per lot in residential zoning districts or in commercial zoning districts.
- B. Prohibited locations.** Accessory dwelling units are prohibited in the following zoning districts:
  - (1) Light Intensity Industry (LIT);
  - (2) Greenspace, Open Space, Recreation (GOR); and
  - (3) Sanitary Landfill (SLF).
- C. Residential zoning districts.** Accessory dwelling units within residential zoning districts:



- (1) May be created through new construction, conversion of an existing structure, addition to an existing structure, or conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site;;
  - (2) Are exempt from the residential density standards of this Zoning Resolution; and
  - (3) Shall not have a separate address from the principal dwelling unit on the lot.
- D. Commercial zoning districts.** Accessory dwelling units within commercial zoning districts:
- (1) Shall be located on the same lot as the principal use; and
  - (2) May be located in a separate building from the principal building.

### **3.4.2 – Active Parks and Recreational Areas**

- A. Minimum setbacks.** For active parks and recreational areas, all buildings or structures other than fences shall be located a minimum of 100 feet from all lot lines.

### **3.4.3 – Agricultural Uses**

- A. Applicability.** The provisions of this Subsection 3.4.3 – Agricultural Uses shall apply to those agricultural uses that are not exempt from review pursuant to Subsection 6.3.2 – Zoning Certificate of this Resolution and meet the definition of an agricultural use.
- B. Minimum setbacks.** All buildings, exterior storage, refuse, or supplies associated with agricultural uses shall be set back a minimum of 100 feet from all lot lines.
- C. Limit on the number of animals.** Agricultural uses shall be limited to a maximum of one animal unit per acre for a given property.

### **3.4.4 – Alternative Financial Service**

- A. Township-wide limitation on the number of such uses.** The number of alternative financial service uses operating within the township shall not exceed 1 such use per 10,000 inhabitants residing in the township. The applicant of a Zoning Certificate for an alternative financial service shall demonstrate that the issuance of an approved Zoning Certificate would not increase the number of alternative financial services uses operating within the township at the time of application above this threshold and may rely on the most recent decennial census.
- B. Minimum separation required.**
- (1) Alternative financial services shall not be located within 1,000 feet from any lot containing a separate alternative financial service.
  - (2) Alternative financial services shall not be located on lots that are less than 200 feet from any lot within a residential zoning district.

### **3.4.5 – Automotive Body Repair**

- A. Enclosure required.** An automotive body repair use, where allowed, shall operate all activities related to the use within a completely enclosed structure.

### **3.4.6 – Automotive Fuel Services**

- A. Applicability.** Automotive fuel services shall be subject to the following:
  - (1)** All fuel pumps and service islands shall meet the site development standards of the applicable zoning district.
  - (2)** The outermost edges of all protective canopies shall comply with all yard and setback requirements of the applicable zoning district.
- B. Minimum setbacks.** Where a proposed fuel pump or service island abuts a lot with a dwelling, the minimum setback shall be 50 feet from such abutting lot lines.

### **3.4.7 – Automotive Sales or Rental**

- A. Minimum lot size.** The minimum lot size for an automotive sales or rental use is 5 acres.
- B. Sales office building required.** A sales office building must be located on the same lot as the automotive sales or rental use, having a minimum floor area of 1,000 square feet, and being built on a permanent foundation to commercial building standards.
- C. Parking surface standards.** All vehicles must be parked on a solid paved surface of concrete or asphalt with perimeter curbing, buffering, landscaping, parking lot striping, and other similar aesthetic and/or safety requirements.
- D. Inoperable and junk equipment prohibited.** Inoperable or junk motor vehicles, boats, recreational vehicles, and trailers are not permitted on site. All repair and detailing beyond washing shall be completed in an enclosed building or off site.
- E. Parking standards apply.** Parking for the display of vehicles for sale or lease must conform to the standards for off-street parking as provided in Section 4.7 – Parking, Loading, and Circulation. Parking provided to meet the requirements of Figure 4.7.5-A – Sight Triangle shall not be used for parking display vehicles for sale or lease.

### **3.4.8 – Bars and Taverns**

- A. Minimum setbacks.** Bars and taverns may be allowed in the Neighborhood Mixed (NBM) Zone when there is a minimum setback of 50 feet from all lot lines that are adjacent to a residential zoning district. Such a setback shall apply to all parking areas and structures, except fences.

### **3.4.9 – Bed and Breakfast Establishments**

- A. Owner occupancy requirement.** Bed and breakfast establishments shall be within an owner-occupied unit, or the owner may live on an adjacent lot.
- B. Limit on the number of guest rooms.** Bed and breakfast establishments shall be limited to a maximum of 4 guest rooms.
- C. Minimum vehicular parking spaces.** Bed and breakfast establishments shall provide a minimum of 2 parking spaces for the owners of the property and an additional parking space for each guest room. On-street parking spaces may not count toward the required owner or guest parking.
- D. Signage allowance.** In addition to other permitted signage, bed and breakfast establishments may install 1 ground-mounted sign with a maximum sign area of 4 square feet and a maximum height of 4 feet. Such signage may be illuminated from an external light source.

### **3.4.10 – Cemeteries**

- A. Minimum lot area.** Cemeteries shall have a minimum lot area of 20 acres.
- B. Minimum setbacks.** All chapels, mausoleums, accessory structures, or other structures associated with cemeteries shall be located a minimum of 100 feet from all lot lines in or abutting a residential zoning district.
- C. Setbacks apply to gravestones and grave markers.** Gravestones or grave markers shall meet applicable setback requirements.

### **3.4.11 – Charitable Donation Containers**

- A. Regulated as temporary use.** Charitable donation containers shall be regulated as a temporary use and shall be subject to the provisions of Section 3.3 – Temporary Buildings and Uses and the provisions of this Subsection 3.4.11, in addition to other applicable provisions of this Resolution.
- B. Allowed districts.** Charitable donation containers may be allowed in any non-residential zoning districts. Charitable donation containers may be allowed in any residential zoning district on lots that have an approved conditional use permit for a religious places of worship use.
- C. Zoning certificate standards.** The following standards apply to the issuance of a Zoning Certificate for charitable donation containers:
  - (1)** A Zoning Certificate for a charitable donation container shall be valid from the date of issuance through December 31<sup>st</sup> of the same year unless a shorter timeframe is specified in the approved Zoning Certificate.

- (2) A Zoning Certificate may be renewed for re-issuance the following year. Prior to the expiration of a Zoning Certificate, any owner or operator who intends to continue to maintain a charitable donation container shall obtain a valid Zoning Certificate for the next 12-month period to start on January 1<sup>st</sup>. A grace period of 30 calendar days from the expiration date of a Zoning Certificate for a charitable donation container may be granted by the Zoning Administrator.
  - (3) The Zoning Administrator shall not issue a Zoning Certificate to any owner, operator, or applicant of a charitable donation container, or to a property owner for a charitable donation container, which does not operate and maintain a tax-exempt organization under Title 26 of U.S.C. §501(c)(3).
  - (4) Fees for the renewal of a Zoning Certificate for a charitable donation container may be waived if the Zoning Administrator determines there have been no violations of this Resolution upon the property.
- D. Setbacks required.** Charitable donation containers shall be subject to all applicable setback requirements of the zoning district within which it is located.
- E. Quantity restricted.** Generally, no more than 2 charitable donation containers shall be permitted at one time on a given lot, combined lot, development site, complex, or planned district. If the lot, combined lots, development site, complex, or planned district site exceeds 10 acres in size, then an additional charitable donation container may be added per each additional 5 acres of lot size, up to a total maximum of 4 charitable donation containers. At no point shall more than 4 charitable donation containers be located upon any lot, combined lot, development site, complex, or planned district.
- F. Dimensional standards.** A charitable donation container shall not exceed 78 inches in height – as measured from grade level, 60 inches in width, or 60 inches in depth.
- G. Required labeling.** Charitable donation containers shall have the following information affixed to the exterior of the container in a conspicuous and easily readable location. The following information shall be maintained in a legible fashion and shall remain updated in the event such information changes:
- (1) The name, address, and contact telephone number of the organization or company accepting donated items;
  - (2) The name, address, and contact telephone number of the company or organization operating, servicing, or maintaining the charitable donation container;
  - (3) The name, address, and contact telephone number of the property owner, or registered agent of the property owner, granting permission to the placement of the charitable donation container upon their property, if different from above; and

- (4) The current zoning certificate number issued by Colerain Township Planning and Zoning.
- H. **Signage.** Any signage, displays, images, or graphics on a charitable donation container shall maintain compliance with Section 4.8 – Signage.
- I. **Vacant lots and buildings prohibited.** Charitable donation containers shall not be permitted on a vacant lot, on a lot that contains a vacant primary building, or on a lot that contains a primary building of which a majority of the building is vacant.
- J. **Exterior collection prohibited.** The collection, accumulation, or storage of other materials, including but not limited to appliances, mattresses, or furniture, which is not contained completely within the charitable donation container is prohibited.
- K. **Regular maintenance required.** Charitable donation containers shall be emptied regularly and within 48 hours of notice by Colerain Township Planning and Zoning, Code Enforcement, or Public Services to the primary contact affixed on the container. Failure to comply with any such notification from Colerain Township shall constitute a violation and shall be grounds for immediate revocation of the Zoning Certificate and required removal of the charitable donation container or other remedies specified in Section 6.6 – Enforcement, Penalties, and Remedies.
- L. **Cause for revocation of approval.** In addition to other provisions specified above, if any owner, operator, or applicant of a charitable donation container, or a property owner for a charitable donation container is found to be in violation of any provision of this Resolution 2 3 or more times within a 12-month period, Colerain Township Planning and Zoning may revoke the Zoning Certificate for the charitable donation container.
- M. **Property owner responsibility.** The property owner(s) of the lot upon which a charitable donation container is approved for placement shall be responsible for complying with the above conditions. In the event of violations, such parties will be responsible for the required penalties provided in Section 6.6 – Enforcement, Penalties, and Remedies.

### 3.4.12 – Commercial Kennels

- A. **Minimum lot area.** There shall be a minimum lot area of 5 acres required for commercial kennels.
- B. **Minimum setbacks.** All structures other than fences, exterior storage, refuse, or supplies associated with commercial kennels shall provide a setback that is a minimum of 100 feet from all lot lines.

### 3.4.13 – Compost Piles or Bins

- A. **Location.** Compost piles or bins shall be located in a rear yard.
- B. **Minimum setbacks.**

- (1) Compost piles or bins shall provide a minimum setback of 5 feet from all lot lines.
  - (2) Compost piles or bins shall provide a minimum setback of 20 feet from all dwellings on the given lot and/or abutting lots.
- C. Maximum area.** On a given lot, compost piles or bins shall not collectively be larger than 24 square feet.
- D. Maximum height.** Compost piles or bins shall not exceed 6 feet in height.

#### **3.4.14 – Contractor or Construction Sales**

- A. Enclosure required for certain zoning districts.** Contractor or construction sales uses may only be allowed in the Avenue Mixed – North (AMN) District, the Avenue Mixed – Central (AMC) District, and the Avenue Mixed – South (AMS) District when all activities related to the use are located within a completely enclosed structure.

#### **3.4.15 – Drive-Through Facilities**

- A. Authorized as accessory use.** Drive-through facilities may be allowed as an accessory use to restaurants, pharmacies, financial institutions, and other uses as authorized by the Zoning Commission.
- B. Applicability.**
- (1) All drive-through facilities shall comply with the site development standards of the applicable zoning district.
  - (2) The outermost edges of all protective canopies shall comply with all yard requirements of the applicable zoning district.
  - (3) Drive-through facilities shall comply with all related standards as established in Section 4.7 – Parking, Loading, and Circulation.

#### **3.4.16 – Educational Facilities**

- A. Minimum setbacks.**
- (1) All buildings, activity areas, and parking areas associated with educational facilities shall be set back a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.
  - (2) Parking areas that are not adjacent to a residential zoning district may be located no closer than 5 feet from side and/or rear lot lines.
- B. Buffer requirement.** Educational facilities shall meet the buffer requirements of uses within the Avenue Mixed Central (AMC) Zoning District, per Table 4.3.3-A - Required Buffer Yards by District.

### **3.4.17 – Electric Vehicle Charging Stations**

- A.** Any off-street parking space may be equipped with an electric vehicle charging station.
- B.** The presence of an electric vehicle charging station does not impact the principal use of a lot, and
- C.** An electric vehicle charging station shall be considered an accessory use of a parking lot, a parking structure, or a side yard or rear yard parking pad.

### **3.4.18 – Funeral Services**

- A. Minimum setbacks.**
  - (1)** Generally, no part of a parking area associated with funeral services shall be closer than 5 feet to a side and/or rear lot line unless it is adjacent to a residential zoning district.
  - (2)** Parking areas associated with funeral services shall be set back at least 50 feet from any property lines adjacent to a residential zoning district.

### **3.4.19 – Halfway Houses or Community Residential Centers**

- A. Uniformity.** Except as expressly permitted under section 5119.34 of the Ohio Revised Code, the standards contained in this section (3.4.18) shall apply to Group Homes for Children, Adult Group Homes, and Adult Family Homes in a uniform manner and must be in accordance with Section 2967.14 and Section 3722 of the Ohio Revised Code.
- B. Allowed districts.** Shall only be permitted in the MUR Multi-Unit Residential district.
- C. Building character.** All buildings in which this use is established shall be residential in character.
- D. Dwelling unit designation.** Each dwelling unit in which a Halfway House or Community Residential Center is established shall be deemed to be a separate Halfway House or Community Residential Center.
- E. Spacing requirements.** A Dwelling Unit in which a Halfway House or Community Residential Center is established shall not be closer than 600 feet to the next closest Dwelling Unit used as a Halfway House or Community Residential Center.
- F. Proof of permitting and code compliance.** The Colerain Township Planning and Zoning Department, Code Department, Police Department, and Fire Department shall have the ability to request the custodial contract permitting the Halfway House or Community Residential Center for each individual resident. The owner/operator of a Halfway House or Community Residential Center must be able to provide proof that building and fire codes

are adequately met and maintained. If the owner/operator is unable to provide this documentation within 14 days, the Zoning Administrator shall have the ability to revoke the Zoning Certificate granting allowance for the Halfway House or Community Residential Center. Township Staff shall have the ability to, upon request, inspect the interior of the property for compliance.

- G. Violations.** Any violations to the Colerain Township Zoning Resolution, including the inability to provide proof of documentation, shall be subject to penalties as described in Article 5: Violations and Penalties.

### **3.4.20 – Heavy Industrial Uses**

- A. Conditional use review.** The Board of Zoning Appeals may hear and conditionally permit heavy industrial uses in the Light Intensity Industry (LIT) District pursuant to Subsection 6.5.3 – Conditional Use.
- B. Conditions required for approval.** As part of the conditional use review for heavy industrial uses, the Board of Zoning Appeals may require the installation, operation, and maintenance, in or in connection with the proposed use, of such devices and methods of operation as may, in the opinion of the Board, be reasonably required to prevent or reduce odor, dust, smoke, gas, noise or similar nuisances, and may impose such conditions regarding the extent of open space between it and surrounding properties as will tend to prevent or reduce the injury which might result from the proposed use to surrounding properties and neighborhoods.

### **3.4.21 – Home Occupations**

- A. Purpose and intent.** The permissions and restrictions provided herein for home occupations are intended to secure flexibility in support of nonresidential activities that are very limited in scale, scope, and intensity. These permissions and restrictions shall not be construed to allow deviations from the essential residential character of residential zoning districts in terms of use and appearance.
- B. Residency requirement.** Home occupations shall only be allowed on the same property as the operators' dwelling that serves as their primary residence.
- C. Subordination required.** Home occupations shall be clearly incidental and subordinate to the use of the lot for residential purposes by its occupants. Except for Type-B Family Day Care Homes, home occupations shall not occupy more than 20% of the gross floor area of the associated dwelling.
- D. Exterior alterations limited.** Except for permissions explicitly granted within this Subsection 3.4.21, there shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.



- E. Employment limited.** Home occupations shall not employ any person on the premises other than occupants of the dwelling.
- F. Performance restrictions.** Home occupations shall not utilize mechanical, electrical, or other equipment which produces noise, produces electrical or magnetic interference, or causes fluctuation in line voltage, vibration, heat, glare, or other nuisances outside of the dwelling unit in which the home occupation is located.
- G. Traffic generation restrictions.** Home occupations shall not generate pedestrian or vehicular traffic beyond that which is reasonable or normal to the zoning district in which it is located.
- H. Parking restrictions.** Off-street parking shall not be expanded to accommodate home occupations. Home occupations shall not create additional burdens to vehicular parking in the nearby vicinity. Parking associated with home occupations shall meet the applicable standards of Subsection **Error!**
- I. Exterior displays prohibited.** No commodity or stock in trade shall be sold, displayed, or stored outside or inside the premises.
- J. Visits from carrier vehicles limited.** Home occupations shall not require an excessive use of common carrier vehicles for delivery of materials to or from the premises above a level that is reasonable or normal to the district in which it is located.
- K. Separate entrance prohibited.** The dwellings in which home occupations are operated shall not be altered to have a separate exterior entrance between the dwelling unit and the home occupation.
- L. Use of accessory buildings prohibited.** No accessory building or space outside of the principal building shall be used in conjunction with home occupations.
- M. Prohibited types of home occupations.** The following types of home occupations shall be prohibited:
  - (1)** Home occupations where the dwelling serves as a gathering point for employees who are engaged in business that takes place outside of the property that contains the home occupation. Such home occupations include, but are not limited to, landscaping business offices, construction offices, or trucking businesses where drivers or employees gather at the dwelling before being dispatched from the home for the purposes of the home occupation;
  - (2)** Home occupations that require fire safety inspections, precautions, or permits, or that required other regulatory inspections or permits beyond those required by this Resolution;

- (3) Home occupations that require the use of mechanical ventilation systems to exhaust the by-products of the home occupation; and
- (4) Home occupations that involve the use of controlled substances.

### 3.4.22 – Institutional Housing

- A. Maximum density.** The maximum density of institutional housing shall be 7 dwelling units or 7 beds per acre, whichever is less.
- B. Limit on units and beds.** Within a residential zoning district, there shall be a maximum of 21 dwelling units or beds per site of institutional housing.
- C. Minimum setbacks.** For institutional housing uses:
  - (1) All buildings shall be setback 50 feet from all lot lines.
  - (2) Parking areas shall provide a setback that is a minimum of 50 feet from property lines adjacent to a residential district. Parking areas that are not adjacent to a residential district shall be setback a minimum of 5 feet from side and/or rear lot lines.
- D. Qualifications for institutional housing.** All units shall be rented or sold to the elderly or people with disabilities to qualify as institutional housing. Mixed development, such as a retirement village with some independent living, shall be built under the multi-household dwelling regulations or as part of a Planned District.

### 3.4.23 – Mobile Food Services

- A. Zoning Certificate application and review.** 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 3.4.22 (B), through 3.4.22 (Q), in addition to all other applicable elements of this Zoning Resolution.
- B. Altering location after approval.** Upon receiving an approved Zoning Certificate, mobile food services shall be authorized to operate at the approved location only. Should a mobile food service operator desire to relocate to another location within an approved zoning 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. Required licenses and approvals.** 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 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. Location and setback requirements.** 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 a restaurant, or outdoor dining area, shall be a minimum of one hundred (100), during business hours. Mobile food services may be located closer than one hundred (100) feet with written authorization from the impacted restaurant owner.
  - (2) Front Yard Setback:
    - (i) The mobile food vending service shall not be in any required sight distance triangle, buffer, or right-of-way.
    - (ii) If right-of-way has not been established, then a setback of thirty (30) feet from the centerline of the road shall be required.
    - (iii) 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.
    - (iv) 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 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; Friday and Saturday, 7:00 am to 12:00 am
- F. Special events.** For special events, temporary 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.

- G. Accessory advertising devices prohibited.** No balloons, banners, streamers, inflatables, or similar devices to attract customers are permitted.
- H. Trash receptacles required.** 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.
- I. Screening.** 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.
- J. Alcohol sales prohibited.** There shall be no distribution of alcoholic beverages by a Mobile Food Service operation without a valid alcoholic beverage license.
- K. Licensure.** 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.
- L. Cease of operations upon notice.** 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.
- M. No negative impact.** 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.
- N. Adherence to all statutes.** 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).
- O. Period of Validity.** 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.
- P. Revocation of zoning certificate.** 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 **Section 6.6** of this Zoning Resolution.

### **3.4.24 – Multi-Unit Dwellings**

- A. Restrictions in STR zone.** Multi-Unit Dwellings within the Single- and Two-Unit Residential (STR) Zone shall be subject to the following standards:
- (1) There shall be a maximum of 4 units per structure.
  - (2) Each unit shall have a separate exterior entrance.
  - (3) Individual dwelling units shall be attached by a common wall.
  - (4) No part of a parking area shall be closer than 5 feet to the side and rear lot lines unless the parking area is adjacent to a residential district where it shall be set back at least 50 feet from the property line adjacent to the residential district.
  - (5) Setbacks around all parking areas shall be landscaped with grass and planting areas and shall be well maintained.
  - (6) Accessory Dwelling Units (ADU) are prohibited on multi-unit lots.

### **3.4.25 – Noncommercial (Amateur) Radio Antenna**

- A. Maximum height.** The maximum allowed height of amateur radio antennas shall not be less than 60 feet. The height of amateur radio antennas shall not exceed the lesser of:
- (1) 100 feet; or
  - (2) The total width or total depth of the property, as measured in the shortest distance between opposing lot lines wherein the amateur radio antenna is proposed.

**B. Minimum setbacks.** The following standards apply to setbacks:

- (1) Amateur radio antennas that are 45 feet or less in height shall provide a minimum setback of 10 feet from all lot lines.
- (2) Amateur radio antennas that are taller than 45 feet in height shall provide a minimum setback of 10 feet plus an additional foot for every 3 feet of antenna height above 45 feet (e.g., a 46-foot-tall antenna shall provide an 11-foot setback; a 49-foot-tall antenna shall provide a 12-foot setback).

### 3.4.26 – Off-Premises Signs (Billboards)

- A. Zoning certificate required.** A Zoning Certificate shall be required for off-premises signs.
- B. Additional or accessory uses prohibited.** Off-premises signs shall not be located on a lot that contains another principal use or structure. Accessory uses shall not be permitted on lots that contain an off-premises sign.
- C. Exemptions.** Off-premises signs shall be allowed on agricultural land that is exempt from the provisions of this Resolution per Subsection 6.3.2 – Zoning Certificate.
- D. Dimensional and design standards.** Off-premises signs shall be subject to the provisions of Table 3.4.26-A: Off-Premises Signs Standards.

Table 3.4.26-A: Off-Premises Signs Standards

| Type of Standard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Requirement                                                                                                                                                                               |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of Off-Premises Signs (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1 per lot <sup>(1)</sup>                                                                                                                                                                  |
| Sign Area (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Bulletin – 672 sq. ft.<br>Poster – 220 sq. ft.<br>Junior Poster – 72 sq. ft.                                                                                                              |
| Sign Height (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 40 feet                                                                                                                                                                                   |
| Sign Setback (min.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 300 feet from any recorded subdivision or lot less than 1 acre in size within a residential zoning district <sup>(2)</sup>                                                                |
| Spacing between Signs (min.) <sup>(4)</sup>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 2000 feet when adjacent to any Freeway or Expressway <sup>(2)</sup><br>1,500 feet when adjacent to any Major Arterial, Minor Arterial, Major Collector, or Minor Collector <sup>(3)</sup> |
| <b>Table Notes:</b> <ol style="list-style-type: none"> <li>(1) A single sign structure may support a single-face sign or a back-to-back sign.</li> <li>(2) Additional property line setbacks apply. The off-premises sign shall additionally meet the minimum setback requirements of the applicable zoning district.</li> <li>(3) Off-Premise signs located along a federal or state highway may be subject to additional requirements.</li> <li>(4) Roadway classifications, definitions and specific road designations can be found in the Hamilton County Thoroughfare Plan.</li> </ol> |                                                                                                                                                                                           |

- E. Landscaping.** The base of all Off-Premise signage shall include landscaping at the base of all sign structures having a radius of no less than 5 feet length. This area/s shall be effectively landscaped with living plant material and with the use of permanent shrubs, groundcover, or other ornamental plantings. Annuals and perennials are permitted in combination with permanent plant materials. The average initial height of the plantings shall be 24" minimum.
- F. Lighting.** Lighting of off-premises signs shall be prohibited except:
  - (1) Where such lighting is effectively shielded to prevent direct or indirect casting of light on any portion of the street or highway; and
  - (2) Where such lighting is of low intensity or brilliance as to not cause glare or impair the vision of a driver or otherwise interfere with a driver's operation of a motor vehicle.
- G. Electrically activated off-premises signs.** Electrically activated off-premises signs are prohibited.

### **3.4.27 – Open Space Residential Developments**

- A. Purpose.** Open space residential developments provide for and encourage flexible and creative development techniques aimed toward providing a healthy and safe, natural, and built environment. The development of open space residential developments is encouraged within the Colerain Township Comprehensive Plan to conserve and protect the natural environment and rural character of the Township.
- B. Property requirements.** Open space residential development is subject to the following:
  - (1) Open space residential developments are permitted where the subject lot(s) contains a minimum of 20 contiguous acres, not separated by a road or other right-of-way prior to development;
  - (2) The development owner(s) must own in fee simple or have an option to purchase all lands within the open space residential development;
  - (3) Any lawful ownership arrangement including, but not limited to, fee simple lots is permitted is allowed in an open space residential development; and
  - (4) The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district or as modified in this Subsection 3.4.27.
- C. Maximum allowed density.** The maximum number of housing units allowed in an open space residential development is determined using the minimum lot area required in the zoning district and is calculated per the following:
  - (1) Maximum allowed density =  $TSA / MLA \times 90\%$ . When this formula produces a fractional value, the output shall be rounded to the nearest whole number.



- (2) TSA = Total site area in acres, excluding any area within existing public right-of-way or land that is subject to an existing conservation easement. The total site area also does not include any area occupied by lakes or ponds that are greater than 1 acre in size.
- (3) MLA = Minimum lot area in acres required in a given zoning district. For areas subject to the Hillside Development Overlay regulations, the density calculations in Subsection 2.2.2 – Hillside Development Overlay (HDO) shall apply.
- (4) 90% is the factor to account for public or private right-of-way required in a development.

**D. Allowable uses.**

- (1) The uses allowed in an open space residential development are those permitted uses listed in the applicable zoning district.
- (2) Multi-unit dwellings are prohibited in open space residential developments.

**E. Private roads allowed.** Private roads connecting one residence to another and/or for means of ingress and egress for an open space residential development are allowed, subject to the following conditions:

- (1) The private roads shall be designed and constructed to meet Hamilton County Engineering requirements for design, materials, and construction.
- (2) The length, location, distance, and other relevant siting factors must comply with all Hamilton County requirements for subdivision roads.

**F. Modifications to area and height regulations.**

- (1) **Applicability.** Minimum lot area requirements contained in the applicable zoning districts are modified in an open space residential development to provide for required open space and allow for flexibility in design. Unless specifically modified hereunder, area and height regulations contained in the applicable zoning district apply.
- (2) **Lot area requirements.** Dwelling units in open space residential developments are not required to be on individual lots and there are no required minimum lot sizes. However, when lots are included in a development plan, such lots shall be of sufficient size and shape to accommodate dwelling units in compliance with the spacing and yard requirements defined herein.
- (3) **Minimum yard depths and setbacks.** Individual buildings within an open space residential development shall be subject to the applicable minimum setback requirements provided in Table 3.4.27-A: Minimum Setbacks for Open Space Residential Developments.



*Table 3.4.27-A: Minimum Setbacks for Open Space Residential Developments*

| Type of Standard                                                                                                              | Requirement |
|-------------------------------------------------------------------------------------------------------------------------------|-------------|
| <b>Principal Buildings</b>                                                                                                    |             |
| Setback from Internal Roadways (min.)                                                                                         | 15 feet     |
| Setback from Township or County Roads (min.)                                                                                  | 35 feet     |
| Setback from Boundary Lines of Open Space Residential Development (min.)                                                      | 50 feet     |
| Separation between the Rear Elevations of Two Principal Buildings (min.)                                                      | 60 feet     |
| Separation between the Front Elevation of a Principal Building and the Rear Elevation of a separate Principal Building (min.) | 60 feet     |
| Separation between the Side Elevations of Two Principal Buildings (min.)                                                      | 20 feet     |
| <b>Accessory Buildings and Uses</b>                                                                                           |             |
| Setback from any Lot Line (min.)                                                                                              | 10 feet     |

- G. Sewage disposal.** Open space residential developments shall be served by individual or public sewage disposal structures consistent with applicable State or County regulations. Individual sewage disposal systems shall comply with all applicable regulations of the Hamilton County General Health District and may be located within the required open space.
- H. Required protection of natural areas in open space residential developments.** For all open space residential developments:
- (1) Wetlands found within a site proposed to be developed shall remain in a natural state. No on-site or off-site mitigation of wetland alteration or destruction, temporary or permanent, shall be permitted.
  - (2) Areas with a natural slope of 20% or more shall be undisturbed. No on-site or off-site mitigation of sloped area alteration or destruction, temporary or permanent, shall be permitted.
- I. Mandatory open space requirements.** All open space residential developments shall include a minimum of 50% of the total site acreage as required open space. In a phased development, open space shall be provided in a proportional manner with the development area (e.g., if a 100-acre site is to be developed in two phases of 50 acres each, then 25 acres of open space – being 50% of the first phase – shall be provided with the first phase; the other 25 acres shall be provided in the second phase). The following areas shall not count toward the minimum open space requirements:
- (1) Private roads, public roads, and associated rights-of-way;
  - (2) Public or private parking areas, access ways, and driveways;

- (3) Required setbacks between buildings, parking areas, and project boundaries;
  - (4) Required setbacks between buildings and streets;
  - (5) Required minimum spacing between buildings and parking areas;
  - (6) Private yards, including front, back, sides;
  - (7) Land that is subject to preexisting conservation easements or similar limitations on development; and
  - (8) Above-ground buildings, pipes, apparatus, and other equipment for community or individual septic or sewage disposal systems.
- J. Use of required open space.** Open space shall be designed and intended for the use and/or enjoyment of residents of the proposed development and the general public. Areas designated for required open spaces shall be preserved in their natural state except for the following:
- (1) They are designated to be utilized for farming when authorized in a conservation easement or in a homeowner’s association’s covenants and restrictions; or
  - (2) They are designated to be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities; or
  - (3) They are designated to be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; or
  - (4) They are designated to be used as active recreation areas designed and intended for the use and/or enjoyment of residents of the development, or the public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, shall be of a useable size and shape for the intended purpose, and shall be limited to 20% of the total acreage devoted to required open space. Such uses shall not include structures under a roof.
- K. Reclamation of disturbed open space.** Any areas to be designated as required open space that are disturbed during construction or otherwise not preserved in their natural state shall be landscaped with vegetation which appeared in those respective areas of the required open space immediately prior to being disturbed during construction or otherwise not preserved in their natural states.

**L. Future subdivision and development of open space.**

- (1) All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Colerain Township and duly recorded in the office of the Hamilton County Recorder.
- (2) Subject to permanent restrictions as set forth above, required open space in an open space residential development shall be owned by a Homeowners Association, Colerain Township (with its consent), a land trust or other conservation organization recognized by Colerain Township, or by a similar entity. The ownership of common open space that is on a single-parcel development may be retained by the sole owner of the development.
- (3) Required open space may be held by the individual members of a Homeowners Association as tenants-in-common or may be held in common ownership by a Homeowners Association, Community Association, or other similar legal entity.
- (4) To obtain Township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations require that membership in the association shall be mandatory for all purchasers of lots in the development. Such documents must also require that the association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

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

**N. Development plan submission requirements.**

- (1) All proposed open space residential developments shall provide a site analysis and a development plan to document compliance with all requirements of this Subsection.
- (2) A site analysis and development plan together with any required application forms shall be transmitted in a form and number as prescribed by the Zoning Commission.

- (3) The site analysis and development plan shall be submitted to and reviewed by the Zoning Administrator in the manner described herein.
- O. Review of open space residential developments.** Within 10 days after receiving an application, site analysis, and development plan, the Zoning Administrator shall review submitted material to determine that the application includes all the items required in this Subsection. If the application is deemed complete and the application fee is paid, the Zoning Administrator shall officially accept the application on that date. Review of the proposed open space residential development shall be accomplished in coordination with review procedures and requirements of all government agencies with jurisdiction over the development, and in the following manner:

  - (1) **Distribution of submitted material.** Once the application is determined to be complete, the Zoning Administrator shall distribute copies of submitted materials to Colerain Township’s legal counsel and appropriate Colerain Township administrative departments, and to such other regulatory agencies that have statutory authority to subsequently review and comment on any aspect of the development, including but not limited to, the Hamilton County Regional Planning Commission, the Hamilton County General Health District, the Hamilton County Engineer, the Hamilton County Public Works Department, the Ohio Environmental Protection Agency, FEMA, U.S. Army Corps of Engineers, consultants retained by the Township, and Board of Township Trustees.
  - (2) **Review by Zoning Administrator.** Within 45 days after the date that a complete application is made, the Zoning Administrator shall review materials submitted and approve the application or deny approval of the application.
  - (3) **Zoning Administrator approval.** The Zoning Administrator may approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this Resolution.
  - (4) **Zoning Administrator denial of approval.** The Zoning Administrator may deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this Subsection. A decision to deny the application and proposed development plan may be appealed to the Board of Zoning Appeals in accordance with the applicable provisions of Section 6.5 – Quasi-Judicial Applications.
- P. Time limits.** The development plan shall be valid for 2 years. If the applicant has not begun construction within the 2 years, the development shall be voided and any new development shall require a new application for approval.

**Q. Amendments to an approved open space residential development.**

- (1) After an open space residential development has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested.
- (2) Changes, as defined herein, are allowed, and may be approved by the Zoning Administrator, provided such requests conform to applicable standards provided in this Subsection.
- (3) Amendments shall require the submittal of a revised development plan to the Zoning Administrator. The Township may establish a minor resubmittal fee as part of their adopted fee schedule.

**3.4.28 – Outdoor Display, Sales, and Storage**

- A. Purpose and intent.** The purpose of this Subsection 3.4.28 is to ensure the orderly use of land for outdoor displays, sales, and storage to minimize impacts on surrounding property owners and uses.
- B. Applicability.** The provisions of this Subsection 3.4.28 apply to all lots that incorporate outdoor displays, sales, and storage, except for the following lots or uses on a lot:
- (1) Automotive sales or rental;
  - (2) Greenhouses;
  - (3) Outdoor displays, sales, and storage areas approved as part of a site plan or final development plan prior to the effective date of this Resolution;
  - (4) Roadside stands that meet the provisions of Subsection 3.4.33– Roadside Stand and that are accessory to agricultural uses permitted pursuant to Section 519.21 of the Ohio Revised Code;
  - (5) Similar uses as determined by the Board of Zoning Appeals.
- C. Prohibited locations, generally.** Outdoor display, sales, and storage shall be prohibited in the following locations:
- (1) Any required setback, parking and circulation area, right-of-way, or required landscaping or buffer area;
  - (2) Lots where the primary use is a one-unit dwelling;
  - (3) Lots where the primary use is a two-unit dwelling;
  - (4) Lots that do not have an operating commercial primary use; and
  - (5) Vacant lots, unless approved in advance by the Zoning Commission.

- D. Prohibited locations for outdoor storage.** Outdoor storage shall be prohibited in front yards.
- E. Zoning certificate standards.** All outdoor sales, display, and storage areas shall require a Zoning Certificate. An application for a Zoning Certificate shall include a site plan indicating the location and extent of the proposed outdoor sales, display, and/or storage areas.
- F. Design, location, and operation standards.** The following standards apply to the design, location, and operation of all outdoor sales, display, and storage areas:
- (1) Outdoor sales, display, and storage areas shall be limited to 5% of the gross floor area of the principal structure, up to a maximum area of 2,500 square feet;
  - (2) Only those goods and materials associated with the existing on-site use may be displayed, sold, or stored in an outdoor display, sales, or storage area;
  - (3) Outdoor displays or sales of bulk or large products that exceed 20 pounds, including but not limited to mulch (bag or bulk), concrete, salt, or other similar products that cannot be easily carried into a store for purchase shall be treated as outdoor storage;
  - (4) Outdoor storage of any goods or materials shall not exceed 6 feet in height;
  - (5) Outdoor storage shall be screened from view of the public right-of-way by a 6-foot-tall fence;
  - (6) Outdoor sales, display, and storage areas shall provide a minimum pathway that allows for the flow of pedestrian traffic outside of designated vehicular traffic drives. Such pathways shall have a minimum clearance width of 5 feet, or the width required to meet the minimum standards of the Americans with Disabilities Act, Hamilton County Building Department, whichever is greater;
  - (7) Outdoor sales, display, and storage areas shall be prohibited if they will create any safety hazards for pedestrians; and
  - (8) All outdoor sales, display, and storage areas shall be maintained free of garbage and other debris.
- G. Outdoor cafés and food service areas.** Outdoor cafés and outdoor food service areas, a subset of outdoor displays or sales, shall meet the following standards:
- (1) Outdoor cafés and outdoor food service areas may be located along a sidewalk or between a building and a parking area;
  - (2) Outdoor cafés and outdoor food service areas wider than 4 feet shall be surrounded by railings that separate the eating area from sidewalk or vehicular traffic;

- (3) Umbrellas that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions; and
- (4) Enclosing outdoor cafes or food service areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a Zoning Certificate.
- (5) **Screening standards.** Fencing and screening associated with outdoor sales, display, and storage areas shall meet the following standards:
  - (i) Where screening or security fencing is provided or required, decorative cast iron, aluminum, wood, or materials used in the principal building shall be used for the fencing.
  - (ii) Chain link fencing, barbed wire fencing, and other wire mesh fencing shall be permitted only where the fencing is not visible from any public right-of-way.
  - (iii) Screening of outdoor storage shall not be required if the outdoor storage area is located out of view from any public right-of-way.

### 3.4.29 – Permanently Sited Manufactured Homes

- A. Applicability of zoning requirements.** Permanently sited manufactured homes shall be permitted where they meet the following provisions:
- (1) They meet the definition of a permanently sited manufactured home; and
  - (2) They comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- B. Prohibited structures.** Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, and that do not qualify as a permanently sited manufactured home shall be prohibited.

### 3.4.30 – Private Kennels

- A. Location.** Exterior enclosures of private kennels for household pets shall be located in the rear yard.
- B. Minimum setback.** Exterior enclosures of private kennels for household pets shall provide a minimum setback of 20 feet from all lot lines.

### 3.4.31 – Religious Places of Worship

- A. Minimum setbacks.**
- (1) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.
  - (2) Parking areas that are not adjacent to a residential zoning district may be setback no closer than 5 feet from side and/or rear lot lines.
- B. Buffer requirement.** Religious places of worship shall meet the buffer requirements of uses within the Avenue Mixed Central (AMC) Zoning District, per Table 4.3.3-A - Required Buffer Yards by District.

### 3.4.32 – Riding Stables

- A. Minimum setbacks.** All buildings, exterior storage, refuse, and supplies shall be set back a minimum of 100 feet from all lot lines.
- B. Limit on the number of animals.** A maximum of one animal unit shall be allowed per acre for a given property.



### 3.4.33 – Roadside Stand

- A. Operation limits.** A use shall only qualify as a roadside stand if 50% or more of the gross income received from the stand is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
- B. Maximum size.** The structure from which a roadside stand operates shall not exceed 800 square feet in area.
- C. Required setbacks.** The structure and any parking associated with a roadside stand shall be set back at least 60 feet from all lot lines.

### 3.4.34 – Satellite Dish Antennas

- A. Exemption from zoning certificate.** The following categories of satellite dish antennas shall be exempt from all zoning requirements, shall not count against maximum lot coverage of accessory buildings, and shall not require a Zoning Certificate:
  - (1) Satellite dish antennas within a nonresidential zoning district that are 2 meters (78.74 inches) or less in diameter; or
  - (2) Satellite dish antennas within a residential zoning district that are 1 meter (39.37 inches) or less in diameter.
- B. Applicability.** Satellite dish antennas that are not exempt from all zoning requirements shall meet the applicable provisions of this Subsection. Ground-mounted satellite dish antennas that are not exempt shall count against maximum lot coverage of accessory buildings.
- C. Zoning certificate application requirements.** In addition to other information required in Subsection 6.3.2 – Zoning Certificate, a zoning certificate application for a satellite dish antenna shall require the following information:
  - (1) Proposed height, diameter, location, and setbacks of the satellite dish antenna; and
  - (2) Proposed foundation details, landscaping, and screening associated with a ground-mounted satellite dish antenna.
- D. Location.** The following standards apply to the locations of satellite dish antennas:
  - (1) Wall- or roof-mounted satellite dish antennas shall be prohibited on the front elevation of the principal building.
  - (2) In residential zoning districts, ground-mounted satellite dish antennas shall only be located in the rear yard.
  - (3) In nonresidential zoning districts, ground-mounted satellite dish antennas may be located in either the rear yard or a side yard.

- E. Setbacks.** The following standards apply to the setbacks of satellite dish antennas:
- (1) Wall- or roof-mounted satellite dish antennas shall not project into any required front, side, or rear setback.
  - (2) Ground-mounted satellite dish antennas shall provide a minimum setback of 15 feet from side and rear lot lines.
- F. Landscaping.** Ground-mounted antennas shall be screened from view by use of landscaping, berms, and similar measures, subject to approval by the Zoning Administrator.
- G. Maximum diameter.** The following standards apply to the sizes of satellite dish antennas:
- (1) In residential zoning districts, satellite dish antennas shall not exceed 2 meters (78.74 inches) in diameter.
  - (2) In nonresidential zoning districts, satellite dish antennas shall not exceed 3 meters (118.11 inches) in diameter.
- H. Maximum height.** The following standards apply to the heights of satellite dish antennas:
- (1) In residential zoning districts, ground-mounted satellite dish antennas shall not exceed 12 feet in height above grade level.
  - (2) In nonresidential zoning districts, ground-mounted satellite dish antennas shall not exceed 15 feet in height above grade level.
- I. Number of satellite dish antennas limited.** Up to 1 satellite dish antenna shall be allowed for each principal building on a given lot.

### **3.4.35 – Short-Term Rentals & Transient Vacation Rentals**

- A. Registration Requirements.** All prospective short-term rental owners must register their property with the township accordingly through the “Rental Registration” form under “Service Requests” on the Township website ([www.Colerain.org](http://www.Colerain.org)). No property owner may execute the use of a short-term rental prior to registration with the Township. All the standards addressed within this section must be appropriately met and maintained for the rental registration to remain valid.
- B. Short-Term Rental Registration.** The provisions of all short-term rentals shall be adequately addressed by the Township Administrator or a represented designee, including the enactment of a rental registration fee.

### 3.4.36 – Small Cellular Telecommunication Facilities

#### A. Applicability.

- (1) Small Cellular Telecommunication Facilities shall be permitted within a right-of-way, a utility easement, or on private property, provided the criteria of this Subsection are met.
- (2) Small Cellular Telecommunication Facilities that do not meet all applicable criteria shall be prohibited.

#### B. General location restrictions. The location of Small Cellular Telecommunication Facilities shall be limited as follows:

- (1) Small Cellular Telecommunication Facilities shall not be permitted where all utilities are underground, except where the facilities are co-located on existing mast arm signals.
- (2) Small Cellular Telecommunication Facilities shall be located within 100 feet of an existing overhead utility line.
- (3) Small Cellular Telecommunication Facilities shall be located along principal arterials, minor arterials, or major collector roads, as defined by the Hamilton County Thoroughfare Plan. If there is not a practical location available in such an area, documentation shall be provided regarding the efforts that have been exhausted in siting the Small Cellular Telecommunication Facility in these locations.
- (4) Small Cellular Telecommunication Facilities shall be located on existing utility poles where practical. If a new utility pole is required, the new pole should to the extent reasonably practicable be located on the same side of the road as existing utility poles. If the new utility pole is required on the opposite side of the road as existing utility poles, but there are no other overhead wires crossing the road, the crossover wires related to the Small Cellular Telecommunication Facilities shall be located underground, where practical. If the requirements of this paragraph are determined not to be practical, documentation shall be provided with the reasons stated.

#### C. Location outside of a right-of-way. Small Cellular Telecommunication Facilities up to 30 feet in height shall be permitted outside of a right-of-way and outside of a recorded utility easement, in areas where overhead utilities are present, subject to the following requirements:

- (1) Small Cellular Telecommunication Facilities shall provide a setback from all principal structures on surrounding properties that is, at minimum, a distance equal to the overall height of the Small Cellular Telecommunication Facilities.

- (2) If the Small Cellular Telecommunication Facility is located within a recorded subdivision and is at least 100 feet from any overhead utilities, all wiring and cable associated with the Small Cellular Telecommunication Facility shall be buried underground.
  - (3) If the Small Cellular Facility is located on a tower, it shall be mounted onto a decorative pole with the equipment disguised or screened from view.
- D. General standards.** In addition to other applicable standards, Small Cellular Telecommunication Facilities shall meet the standards below:
- (1) If the location of a Small Cellular Telecommunication Facility requires a new utility pole, the pole shall be designed to accommodate the primary user’s antenna and a comparable antenna for at least one additional user.
  - (2) Any ground-mounted equipment shall be completely screened with landscaping providing year-round screening.
  - (3) Small Cellular Telecommunication Facilities shall not obstruct adequate sight distance at intersections.
  - (4) Lighting shall not be permitted on Small Cellular Telecommunication Facilities, except where such lighting is integrated as a light pole that matches other light poles in the vicinity.
  - (5) Small Cellular Telecommunication Facilities shall not emit noise.
- E. Appearance standards along local roadways.** In all areas along local roadways, as defined by the Hamilton County Thoroughfare Plan, Small Cellular Telecommunication Facilities shall be designed to be consistent and complementary with the surrounding environment in terms of height, materials, color, scale, and design. The Zoning Administrator is hereby authorized to determine whether a deviation from the consistent design is in the best interest of the public.
- F. Appearance standards along principal arterials, minor arterials, and major collector roads.** In all areas along principal arterials, minor arterials, and major collector roads as defined by the Hamilton County Thoroughfare Plan, Small Cellular Telecommunications Facilities shall adhere to stealth design principles and shall be subject to the following requirements:
- (1) All stealth designs shall utilize the latest technology that is available for the purpose of blending the structure into the environment.
  - (2) A completed stealth design shall render the Small Cellular Telecommunications Facility minimally visible to the casual observer.

- (3) A Small Cellular Telecommunications Facility may be attached to an existing structure if it is designed to integrate seamlessly into the structure to which it is attached regarding the structure’s architectural style, exterior materials, color and finish, and similar aspects. The overall design shall not substantially increase the height of the structure on which it is located, nor shall it substantially project off the face of the structure.
  - (4) The Small Cellular Telecommunications Facility may be constructed as a new freestanding structure if it is designed to be consistent and complementary to the surrounding structures and area with similar architecture, materials, color, height, scale, and related aspects.
  - (5) The Small Cellular Telecommunications Facility may be constructed as a new freestanding structure that mimics other features that are present in the immediate vicinity, such as street lights or trees. Such construction shall be virtually identical to the feature that it is mimicking and shall maintain the same height, size, pole diameter, fixture type, tree species, and/or other related aspects.
  - (6) All equipment, electrical boxes, conduit, wiring, mounting equipment, and similar features associated with the Small Cellular Telecommunications Facility shall not be visible.
- G. Pre-approval document required.** Prior to approval of the location of a Small Cellular Telecommunication Facility, the applicant shall provide documentation confirming that:
- (1) The proposed Small Cellular Telecommunication Facility has been reviewed and has been determined not to be a hazard by the Federal Aviation Administration (FAA) or other federal or state authority, as applicable.
  - (2) If the Small Cellular Telecommunication Facility is on leased property, the owner of the property has granted an easement or entered into a lease for the proposed Small Cellular Telecommunication Facility.
- H. Location, co-location, or shared use.** The following measures are required to minimize Small Cellular Telecommunication Facility proliferation:
- (1) The applicant shall provide documentation that depicts an existing Small Cellular Telecommunication Facility does not meet the designed coverage or capacity objective, or that all commercially reasonable efforts have been exhausted to share space on an existing Small Cellular Telecommunication Facility. This shall include, but not be limited to, a certified mail announcement to all other Small Cellular Telecommunication Facility users in the vicinity stating siting needs and/or sharing capabilities. Applicants shall not be denied, nor shall they deny space on an existing

Small Cellular Telecommunication Facility, unless available space, structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, comparative costs of colocation versus new construction and any Federal Communications Commission limitations on Small Cellular Telecommunication Facility sharing preclude co-location.

- (2) The applicant shall provide a signed statement indicating that the applicant agrees to allow for the potential co-location of another antenna and/or Small Cellular Telecommunication Facilities to the extent possible until said Small Cellular Telecommunication Facility has reached full antenna capacity.
- I. **Abandonment and demolition.** Any Small Cellular Telecommunication Facilities are deemed abandoned by operation of law if they are not used for telecommunication purposes for 12 consecutive months. Any Small Cellular Telecommunication Facilities deemed abandoned shall be demolished, along with all Small Cellular Telecommunication Facilities equipment buildings and other associated structures by the owner or agent of the owner within 180 days of abandonment. All costs associated with demolition of the Small Cellular Telecommunication Facility equipment buildings, and other associated structures shall be borne by property owner of record, lessor, lessee, and/or operator of the Small Cellular Telecommunication Facility.

### 3.4.37 – Small Wind Energy Conversion Systems (SWECS)

- A. **Capacity limit.** Small wind energy conversion systems (SWECS) less than 5 megawatts in capacity shall be allowed subject to the provisions herein. Wind power systems that are 5 megawatts in capacity or greater are regulated by the Ohio Public Utilities Commission (PUCO).
- B. **Types of wind energy systems.** Allowable SWECS shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System Turbines (BTPs). All SWECS shall be subject to the provisions of Table 3.4.37-A: SWECS Dimensional Standards.

Table 3.4.37-A: SWECS Dimensional Standards

| Standard                   | HAWTs                                      | VAWTs                                      | BTPs                                            |
|----------------------------|--------------------------------------------|--------------------------------------------|-------------------------------------------------|
| <b>Lot Size (min.)</b>     | 5 acres                                    | 5 acres                                    | 10,500 square feet                              |
| <b>Tower Height (max.)</b> | <i>Lots 6 acres or less: 150 feet</i>      | <i>Lots 6 acres or less: 150 feet</i>      | <i>Ground-mounted: 48 feet</i>                  |
|                            | <i>Lots over 6 acres: Regulated by FAA</i> | <i>Lots over 6 acres: Regulated by FAA</i> | <i>Roof-mounted: 15 feet above the roofline</i> |

| Standard                                                                                                                                                                                                                                                                                                                                                                                       | HAWTs                                                                               | VAWTs                                                                               | BTPs                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|
| <b>Turbine Clearance Above Grade Level (min.)</b><br>(1)                                                                                                                                                                                                                                                                                                                                       | 20 feet                                                                             | 20 feet                                                                             | <i>Ground-mounted:</i><br>20 feet<br><br><i>Roof-mounted:</i><br>N/A                                               |
| <b>Rotor/Turbine Dimensional Requirements</b>                                                                                                                                                                                                                                                                                                                                                  | <i>Rotor diameter (max.):</i><br>43 feet                                            | <i>Rotor height (max.):</i><br>20 feet less than tower height                       | <i>Rotor diameter (max.):</i><br>6 feet<br><br><i>Turbine diameter (max.):</i><br>12 feet                          |
| <b>Rotor/Tower Setbacks (min.)</b>                                                                                                                                                                                                                                                                                                                                                             | <i>Tower:</i><br>Greater of (A) 200 feet; or (B) height of the tower <sup>(2)</sup> | <i>Tower:</i><br>Greater of (A) 200 feet; or (B) height of the tower <sup>(2)</sup> | <i>All equipment:</i><br>Greater of (A) 10 feet; or (B) the minimum side setback of the applicable zoning district |
| <b>Table Notes:</b><br>(1) This standard applies to all portions of a turbine including rotor blades. This standard does not apply to generators of VAWTs that are located on the ground at the base of the system.<br>(2) No part of HAWTs or VAWTs may extend closer than 25 feet to a property line, including but not limited to guy wire anchors and ground-mounted conversion equipment. |                                                                                     |                                                                                     |                                                                                                                    |

- C. Limitations on sound.** SWECS shall generally not exceed 55 dbA measured 5 feet above grade level at the nearest property line. This level may be exceeded during short-term events such as utility outages and/or severe windstorms with sustained winds of 58 miles per hour or 50 knots.
- D. Automatic over-speed controls.** SWECS shall be equipped with manual (electronic or mechanical) and automatic over-speed controls to limit the blade rotation speed to within the design limits of the SWECS.
- E. Utility notification.** No SWECS shall be installed until evidence has been provided as part of a Zoning Certification application that the electrical utility company has been informed of, and has approved, the applicant's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- F. Tower color and advertising.** Tower colors shall be white, off-white, gray, or neutral subdued tones including earth tones of green or brown. Towers shall not be finished in bright or vivid colors, nor shall the tower be used for advertising of any kind.
- G. Multiple towers.** Multiple SWECS are allowed on any site, provided all minimum standards are met and the total wattage is less than 5 megawatts.
- H. Lighting.** SWECS shall not be artificially illuminated, except as required by the FAA.

- I. **Climb prevention.** SWECS shall not be climbable between grade level and 15 feet above grade level.
- J. **Compliance with other regulations.** The applicant shall be responsible for acquiring all necessary approvals from other applicable agencies, including but not limited to the FAA.
- K. **Maintenance.** SWECS shall be maintained in working order, structurally sound, and with any surface treatments intact.
- L. **Abandoned facilities.** Any SWECS that are not operated on a functional basis for a period of 6 consecutive months shall be deemed abandoned. The Zoning Administrator may order the repair or removal of said SWECS in accordance with these provisions. The property owner shall repair or remove the same within 60 days of receipt of notification by certified mail. If said facility is not either operational or removed after 60 days, the Township may remove the SWECS at the owner’s expense.
- M. **Meteorological tower.**
  - (1) A meteorological tower may be installed for a time period up to six months to measure winds prior to the construction of SWECS.
  - (2) If desired, a request to install a meteorological tower must be included in the application to install SWECS.

### 3.4.38 – Solar Panels

- A. **Location.** Solar energy equipment shall be located in the least visibly obtrusive location where panels would be functional.
- B. **Removal of nonfunctioning equipment.** Nonfunctioning solar energy equipment shall be disassembled and stored within an enclosed building or otherwise removed within 3 months of the equipment becoming nonfunctional.
- C. **Roof-mounted solar panels.** Roof-mounted solar panels shall be subject to the following standards:
  - (1) Solar panels that simulate asphalt shingles, clay tiles, or similar roofing material present on the associated building are encouraged.
  - (2) Solar panels shall be installed in a manner that matches the plane of the underlying roof (i.e., flush mounted) or in a manner that is camouflaged by the roof design (e.g., utilizing capping or framing compatible with the color of the roof or structure).
  - (3) Solar panels shall not extend above the ridgeline of the roof.
  - (4) All exterior electrical lines shall be in conduit.
  - (5) All exposed electrical lines and plumbing lines shall be painted or finished in a color scheme that closely matches the color of underlying materials (e.g., conduit on walls



shall be painted or finished in the same color as the wall; conduit on roofs shall be painted or finished in the same color as the roof).

**D. Ground-mounted solar panels.** Ground-mounted solar panels shall be subject to the following standards:

- (1)** Solar panel arrays shall collectively not exceed the footprint area of the associated principal structure.
- (2)** Solar panels shall not exceed 15 feet in height.
- (3)** All exterior electrical lines shall be in conduit.
- (4)** All associated plumbing lines shall be buried underground.

### **3.4.39 – Swimming Pools, Lakes, and Bathhouses**

- A. Exemption for certain indoor swimming pools.** The provisions of this Subsection 3.4.39 shall not apply to indoor pools that are within an enclosure that is attached to the principal building.
- B. Perimeter barrier required.** The swimming pool, lake, or entire property on which said pool or lake is located shall be walled or fenced in accordance with the requirements of the Hamilton County Building Department.
- C. Barrier for above-ground pools.**
- (1)** Above-ground pools that have a wall height of less than 4 feet shall have a barrier surrounding the pool or property. Such barrier may be located on the outer pool wall.
  - (2)** Above-ground pools that have a wall height of 4 feet or higher shall not be required to have a perimeter barrier around the pool or the property.
- D. Pools at multi-unit dwellings.** Swimming pools at multi-unit dwellings shall meet the structural and sanitary requirements of the Ohio Department of Health.

### **3.4.40 – Telecommunications Towers**

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

**B. Goals, guidelines, and objectives.**

- (1) Existing telecommunications tower sites should be used to the fullest, even if this necessitates the reconstruction or the expansion of existing telecommunications towers.
- (2) Telecommunications towers and other related facilities to be constructed in areas zoned for residential use shall not include lights except where warranted by clear and convincing evidence.
- (3) Telecommunications towers and related facilities should be designed and constructed to minimize visual impact. Towers with a greater visual impact (e.g., taller, lighting required, larger ground spaced used, etc.) should be permitted only when the greater visual impact of the tower is mitigated by limiting the need for additional towers.
- (4) Creative approaches to design, location, and camouflage are encouraged to minimize visual impact.

**C. Required notifications.** Any person who plans to construct a telecommunications tower in a residential zoning district shall provide both by certified mail written notices to the Board of Township Trustees and to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed. The notice to the Board shall include verification that the person has complied with the notification requirements of this Subsection. The notice shall state all the following in clear and concise language:

- (1) The person's intent to construct the tower;
- (2) A description of the property sufficient to identify the proposed location; and
- (3) The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Township Trustees requesting that the Board of Zoning Appeals review the telecommunications tower pursuant to the authority granted by Sections 519.02 to 519.25 of the Ohio Revised Code as they apply to the proposed location of the tower.

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

**E. Responses to notification.**

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

**F. Review by Board of Zoning Appeals.** The Board of Zoning Appeals shall review the application for a telecommunications tower as a conditional use where such review is requested by a notified property owner or the Board of Township Trustees pursuant to Subsection 6.5.1 – Quasi-Judicial Review Procedures and Subsection 6.5.3 – Conditional Use. A preapplication conference may be held in accordance with the procedure identified in Subsection 6.4.1-B, except that the informal initial concepts meeting would be held with the Board of Zoning Appeals instead of the Zoning Commission. The application shall include the following:

- (1) A map showing the location of all of the applicant's and other providers' existing telecommunications towers and antennas within the Township and contiguous political subdivisions or within a 3-mile radius, whichever is greater;
- (2) The general location(s) of the applicant's planned future telecommunications towers in the Township and contiguous political subdivisions; and
- (3) For each location shown on the plans, there must be a schedule showing the type and size of the proposed telecommunications tower, the type of equipment located or proposed on each tower, the space available on the telecommunications tower for additional equipment, the ground network, if any, served by the telecommunications tower, and a site plan showing the parcel on which any existing telecommunications tower is located.

**G. Conditional use approval criteria.** The Board of Zoning Appeals shall approve a telecommunications tower as a conditional use if the Board of Zoning Appeals finds that the applicant has satisfied all of the following standards, in addition to the general standards for a conditional use as established in Subsection 6.5.3 – Conditional Use:

- (1) Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
- (2) The applicant shall demonstrate by clear and convincing evidence that its tower antennae cannot be located on any other communication tower or facility in the vicinity, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the “clustering” of towers within an area. In the event of the construction of new facilities by the applicant, the applicant shall agree to the use of such facilities by other cellular communications companies, telephone, radio, television companies, etc. upon payment of reasonable fees for such use.
- (3) An application shall be denied unless the applicant demonstrates that technically suitable and feasible sites are not available in a non-residential district and that the site is in the least restrictive district that includes a technically suitable and feasible site.
- (4) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures.
- (5) Pole, tower and/or structure placement shall be established on a lot meeting the minimum square footage requirements of the applicable zoning district and shall maintain a minimum setback of 100 feet from every lot line.
- (6) For reasons of aesthetics and public safety, such facilities shall be effectively screened on each side which adjoins premises in any residence district. Screening shall consist of a solid masonry wall or solid fence, not less than 4 or more than 6 feet in height, or a tight screen or hardy evergreen shrubbery, or a natural or existing screening not less than 4 feet in height.
- (7) The use of razor wire or barbed wire shall be prohibited.
- (8) Screening walls and fences shall be located not less than 30 feet from each lot line.

- (9) Spaces between any screening device and adjacent lot lines shall be buffered using landscape plant materials including grass, hardy shrubs, evergreen ground cover. All screening devices and landscape materials shall be maintained in good condition and in compliance with the standards of Section 4.3 – Landscaping and Buffering.
- (10) The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give written notice of such ceasing of operation to the Zoning Commission. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a Zoning Certificate from the Zoning Commission.
- H. Revocation of conditional use permit.** Any conditional use permit issued under this Subsection shall be revocable and may be revoked after notice and hearing if any continuing condition of the certificate has been violated and is not remedied within 30 days of written notice from the Zoning Commission.
- I. Expert review authorized.** If, in the opinion of the Board of Zoning Appeals and/or the Zoning Administrator, expert review of technical data submitted by an applicant for a telecommunications tower in an area zoned for residential use is needed for purposes of evaluation, the applicant shall reimburse Colerain Township for the actual cost of such review. One or more experts may be selected by the Zoning Administrator for such a review. Such experts may include, but are not limited to, engineering services and legal services.
- J. Micro antennas.** Micro antennas are permitted in all Districts. A micro antenna may be located as a matter of right on existing buildings, poles, or other existing support structures or on newly erected structures provided that the new structure has a significant purpose other than support of the micro antenna. Supporting equipment for a micro antenna shall be (a) hidden inside the support structure to which the antenna is attached; (b) hidden underground; or (c) enclosed in a structure that is otherwise permitted in the zone where the micro antenna is erected and is designed to blend in with the neighborhood where the micro antenna is erected.

### **3.4.41 – Veterinary Facilities**

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

### **3.4.42 – Vendor Markets**

- A. Applicability.** A Zoning Certificate is required wherever two or more transient vendors are to be located on one parcel or business site.

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

**C. Dimensional requirements.** The site plan of the use shall conform to the following:

- (1) Vendor markets may be located indoors, outdoors, or a combination of indoors and outdoors.
- (2) At no time shall any merchandise be displayed within 10 feet of the public right-of-way.
- (3) The layout of the vendor booths shall be in accordance with Subsection 3.4.28 – Outdoor Display, Sales, and Storage regarding pedestrian and/or shopper access and safety.
- (4) Temporary sanitary facilities, if used, shall be located at the rear of the property and a minimum of 20 feet setback from all property lines.

**D. Parking requirements.**

- (1) Parking shall be provided at a rate of 4 spaces per 1,000 square feet of selling and display area, with a minimum of 2 spaces designated for the vendor market.
- (2) All required parking shall be provided on site, or in accordance with Subsection 4.7.7 – Parking Requirements in Non-Residential Zones.
- (3) The location of outdoor vendors shall not reduce the available parking for the principal business(es) on the site to a number below what is required in Figure 4.7.5-A – Sight Triangle, except as modified by application provisions within Section 4.7 – Parking, Loading, and Circulation.
- (4) All vendor vehicles and trailers shall be parked on the site during market hours. Vendors shall not park on the surrounding streets or in any way restrict access to neighboring properties. No vendor or shopper shall park on any grassy area.

**E. Allowed merchandise.** Vendors may sell or take orders for the following:

- (1) Locally grown fresh farm produce, including fruits, vegetables, field crops, herbs, nuts, berries, sprouts, and grains;
- (2) Honey, maple syrup;
- (3) Live, cut, or dried flowers or garden plants;
- (4) Food products, including baked and canned goods, egg and meat products, dairy products, and prepared food or meals;
- (5) Handcrafted items; and/or

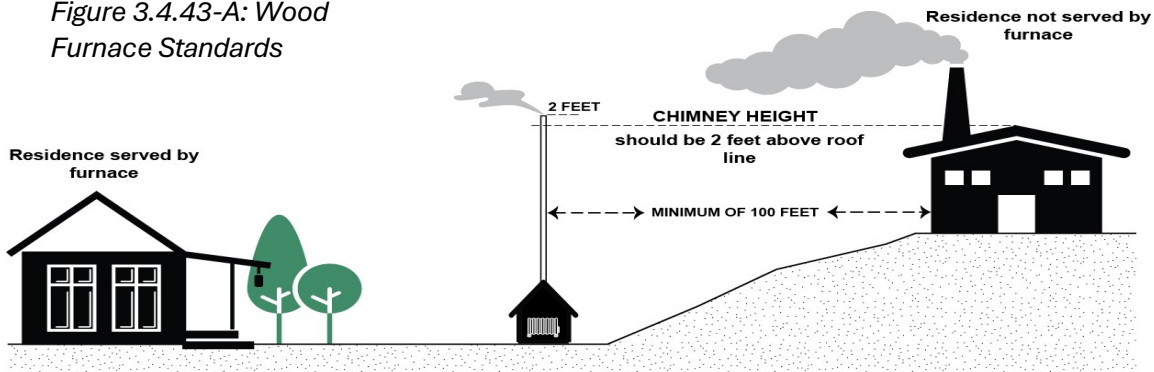
- (6) Home repair or remodeling work or products. Vendors may take orders for future work or delivery of such products only. Small-scale sample products may be displayed.
- F. **Prohibited merchandise.** The following products shall not be offered for sale at a vendor market:
  - (1) Overripe, spoiled, or unusable products;
  - (2) Garage sale, rummage sale, antiques, or “flea market” items;
  - (3) Live animals;
  - (4) Motor vehicles;
  - (5) Construction equipment;
  - (6) Firearms;
  - (7) Fireworks; and/or any illegal product or merchandise.
- G. **Beverages.** Soft drinks may be sold for consumption on site by shoppers and vendors. No alcoholic beverages shall be offered for consumption on site.
- H. **Maintenance requirements.** The market area shall be kept clean of all litter, debris, and refuse. Receptacles shall be provided for shopper use during market hours and shall be removed from the market area and stored in accordance with Section 4.9 – Waste Receptacles. At no time, except for scheduled trash pickup, shall any waste receptacles be placed in the front setbacks.

### **3.4.43 – Wood Furnaces (Outdoor)**

- A. **Construction and maintenance requirements.** Wood furnaces shall be constructed, established, installed, operated, and maintained in conformance with the manufacturer’s instructions and the requirements of all applicable agencies, including but not limited to Ohio EPA regulations regarding emissions and equipment labeling.
- B. **Fuel requirements.** Fuel burned in any new or existing wood furnace shall be only natural untreated wood, wood pellets, corn products, or other listed fuels specifically permitted by the manufacturer’s instructions such a fuel oil, natural gas, or propane backup, except where such list conflicts with the list of prohibited fuels within this Subsection.
- C. **Prohibited fuels.** The following materials are prohibited from being from being burned as fuel or otherwise used in new or existing wood furnaces:
  - (1) Wood that has been painted, varnished, or coated with similar material, and/or has been pressure treated with preservatives, and/or contains resins or glues as in plywood or other composite wood products.

- (2) Rubbish or garbage including but not limited to food wastes, food packaging, and food wraps.
- (3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
- (4) Rubber including tires or other synthetic rubber-like products.
- (5) Newspaper, cardboard, or any paper with ink or dye products.
- (6) Any other items not specifically allowed by the manufacturer or the provisions of this Subsection.

*Figure 3.4.43-A: Wood Furnace Standards*



**D. Required setbacks.**

- (1) Wood furnaces shall be located a minimum of 25 feet from all lot lines.
- (2) Wood furnaces shall be located a minimum of 100 feet from any dwelling that is not served by the wood furnace, as shown in Figure 3.4.43-A: Wood Furnace Standards.

**E. Chimney height standards.** Maximum height limitation standards within this Resolution may be modified per the following:

- (1) A chimney associated with a wood furnace shall extend to a height that is the greater of (A) 20 feet above grade level, or (B) 2 feet above the highest roofline of any dwelling within 300 feet of the wood furnace, as shown in Figure 3.4.43-A: Wood Furnace Standards.
- (2) The owner of a wood furnace shall be required to further extend the height of the chimney associated with the wood furnace if new construction of a dwelling establishes a higher roofline within 300 feet of the wood furnace. Such extension shall be required to be complete within 30 days after construction of the dwelling is complete..

**F. Enclosing structure required.** All wood furnaces shall include an integral enclosing structure or shall be enclosed by a structure and shall not have open flames.



# Article 4 – Development Design Standards

## SECTION 4.1 – GENERAL PROVISIONS

### 4.1.1 – Performance Standards

- A. Applicability.** All uses established or placed into operation on or after the effective date of this Resolution shall comply with the performance standards in this Subsection 4.1.1. No use in existence prior to the effective date of this Resolution shall be altered or modified in a manner that conflicts with these standards.
- B. General standards.** All uses shall conform to the standards of the Ohio Environmental Protection Agency regarding glare, heat, exterior light, liquid or solid wastes, vibrations, and noise.
- C. Glare, heat, and exterior light.** Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and shall not be visible beyond any lot line bounding the subject lot.
- D. Liquid or solid waste.** No use shall discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment.
- E. Vibrations and noise.** No uses shall be located – and no equipment shall be installed – in such a way as to produce intense, earth-shaking vibrations which are discernible without instruments at or beyond the property line of the subject lot.

## SECTION 4.2 – BUILDINGS AND LOTS

### 4.2.1 – General Provisions

- A. Modifications to parking standards.** The provisions of this Section 4.2 may be modified by the provisions in Section 3.4 – Use-Specific Standards.
- B. Minimum lot width and frontage requirement.**
  - (1)** All portions of every lot, including panhandle lots, shall have a minimum width of 20 feet at every point in the lot, including the street frontage, unless a reduction is permitted in accordance with the Hamilton County Subdivision Regulations.
  - (2)** In addition, all lots must meet the minimum site development standards established for each zoning district.

- C. Building setback lines.** For any irregularly shaped or situated lots where front, side, or rear lot lines are not apparent within the definitions and diagrams provided in this Resolution, building setback lines indicating such front, side, and rear setbacks shall be reviewed by the Zoning Administrator. If approved, these setbacks shall be a part of, and recorded with a plat that designates, the division of land.

#### **4.2.2 – Dimensional Standards for Buildings and Lots**

- A. Comprehensive dimensional standards.** The standards in Table 4.2.2-A: Comprehensive Dimensional Standards apply to all lots and all principal and accessory structures unless otherwise specified.
- B. Modification of standards based on lot type or private drive.** The standards in Table 4.2.2-A: Comprehensive Dimensional Standards may be modified by the provisions of Subsection 4.2.4 Lot Requirements by Lot Type or Subsection 4.2.5– Setback Requirements from Private Drives.
- C. Certain encroachments allowed.** Specified types of buildings and elements may encroach into required setbacks per the provisions of Subsection 1.6.4 – Allowed Height Encroachments.
- D. Maximum residential impervious lot coverage.** The following standards apply to lots improved with a one-unit dwelling or a two-unit dwelling, as specified herein:
  - (1)** The maximum impervious surface coverage in the front yard on residential lots with a width of 70 feet or greater, and on panhandle lots, is 35%.
  - (2)** On lots with a width of 50 - 70 feet, the maximum impervious surface coverage in the front yard is 40%.
  - (3)** On lots less than 50 feet in width or on irregular-shaped lots with reduced frontage at the end of a cul-de-sac, the maximum impervious surface coverage in the front yard is 50%.

Table 4.2.2-A: Comprehensive Dimensional Standards

| Standards                                                                   | Rural-Estate Residential                                                                  | Single- and Two-Unit Residential                   | Multi-Unit Residential                                            | Neighborhood Mixed                                                | Avenue Mixed-North | Avenue Mixed-Central | Avenue Mixed-South | Light Intensity Industry                           | Greenspace, Open Space, Recreation                 | Sanitary Landfill |
|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|----------------------------------------------------|-------------------------------------------------------------------|-------------------------------------------------------------------|--------------------|----------------------|--------------------|----------------------------------------------------|----------------------------------------------------|-------------------|
|                                                                             | RER                                                                                       | STR                                                | MUR <sup>(1)</sup>                                                | NBM <sup>(1)</sup>                                                | AMN                | AMC                  | AMS                | LIT                                                | GOR                                                | SLF               |
| <b>Lot Size Standards</b>                                                   |                                                                                           |                                                    |                                                                   |                                                                   |                    |                      |                    |                                                    |                                                    |                   |
| <b>Lot Area (min.) <sup>(2)</sup></b>                                       | Without sewer: 1 acre <sup>(3)</sup><br><br>With sewer: 20,000 square feet <sup>(3)</sup> | 7,500 square feet <sup>(3)</sup>                   | 6,000 square feet <sup>(3)</sup>                                  | 10,000 square feet                                                | 1 acre             | 1 acre               | 1 acre             | 1 acre                                             | 1 acre                                             | 2 acres           |
| <b>Lot Width (min.)</b>                                                     | Without sewer: 150 feet<br><br>With sewer: 110 feet                                       | Lesser of (A) 60 ft. or (B) 80% of context average | Lesser of (A) 50 ft. or (B) 80% of context average                | Lesser of (A) 50 ft. or (B) 80% of context average                | 75 feet            | 75 feet              | 75 feet            | 75 feet                                            | 75 feet                                            | 150 feet          |
| <b>Yard Setback Standards</b>                                               |                                                                                           |                                                    |                                                                   |                                                                   |                    |                      |                    |                                                    |                                                    |                   |
| <b>Front Yard Setback (min.) <sup>(4)</sup></b>                             | 50 feet                                                                                   | Lesser of (A) 30 ft. or (B) 80% of context average | Lesser of (A) 30 ft. or (B) 80% of context average <sup>(4)</sup> | Lesser of (A) 30 ft. or (B) 80% of context average <sup>(4)</sup> | 0 feet             | 0 feet               | 0 feet             | Lesser of (A) 50 ft. or (B) 80% of context average | Lesser of (A) 50 ft. or (B) 80% of context average | 100 feet          |
| <b>Side Yard Setback per Side, Abutting Non-Residential District (min.)</b> | Without sewer: 25 feet<br><br>With sewer: 15 feet                                         | 7.5 feet                                           | 7.5 feet                                                          | 0 feet                                                            | 0 feet             | 0 feet               | 0 feet             | 0 feet                                             | 0 feet                                             | 0 feet            |

| Standards                                                               | Rural-Estate Residential                                        | Single- and Two-Unit Residential | Multi-Unit Residential                                  | Neighborhood Mixed                                      | Avenue Mixed-North | Avenue Mixed-Central | Avenue Mixed-South | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill |
|-------------------------------------------------------------------------|-----------------------------------------------------------------|----------------------------------|---------------------------------------------------------|---------------------------------------------------------|--------------------|----------------------|--------------------|--------------------------|------------------------------------|-------------------|
|                                                                         | RER                                                             | STR                              | MUR <sup>(1)</sup>                                      | NBM <sup>(1)</sup>                                      | AMN                | AMC                  | AMS                | LIT                      | GOR                                | SLF               |
| <b>Side Yard Setback per Side, Abutting Residential District (min.)</b> | <i>Without sewer: 25 feet</i><br><br><i>With sewer: 15 feet</i> | 7.5 feet                         | 7.5 feet                                                | 5 feet                                                  | 5 feet             | 5 feet               | 5 feet             | 5 feet                   | 5 feet                             | 5 feet            |
| <b>Rear Yard Setback, Abutting Non-Residential District (min.)</b>      | <i>Without sewer: 60 feet</i><br><br><i>With sewer: 35 feet</i> | 30 feet                          | 20 feet                                                 | 0 feet                                                  | 0 feet             | 0 feet               | 0 feet             | 0 feet                   | 0 feet                             | 0 feet            |
| <b>Rear Yard Setback, Abutting Residential District (min.)</b>          | <i>Without sewer: 60 feet</i><br><br><i>With sewer: 35 feet</i> | 30 feet                          | 20 feet                                                 | 15 feet                                                 | 15 feet            | 15 feet              | 15 feet            | 15 feet                  | 15 feet                            | 15 feet           |
| <b>Building Size Standards <sup>(5)</sup></b>                           |                                                                 |                                  |                                                         |                                                         |                    |                      |                    |                          |                                    |                   |
| <b>Principal Building Height (max.)</b>                                 | 3 stories                                                       | 3 stories                        | Greater of (A) 6 stories or (B) 120% of context average | Greater of (A) 6 stories or (B) 120% of context average | 60 feet            | 60 feet              | 60 feet            | 60 feet                  | 60 feet                            | 60 feet           |
| <b>Principal Building Size (min.)</b>                                   | 900 square feet                                                 | 900 square feet                  | N/A                                                     | N/A                                                     | N/A                | N/A                  | N/A                | N/A                      | N/A                                | N/A               |

| Standards                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Rural-Estate Residential | Single- and Two-Unit Residential | Multi-Unit Residential | Neighborhood Mixed    | Avenue Mixed-North    | Avenue Mixed-Central  | Avenue Mixed-South    | Light Intensity Industry | Greenspace, Open Space, Recreation | Sanitary Landfill     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|----------------------------------|------------------------|-----------------------|-----------------------|-----------------------|-----------------------|--------------------------|------------------------------------|-----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | RER                      | STR                              | MUR <sup>(1)</sup>     | NBM <sup>(1)</sup>    | AMN                   | AMC                   | AMS                   | LIT                      | GOR                                | SLF                   |
| <b>Principal Building Length and Width (min.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 22 feet                  | 22 feet                          | N/A                    | N/A                   | N/A                   | N/A                   | N/A                   | N/A                      | N/A                                | N/A                   |
| <b>Accessory Building Size (min.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 400 square feet          | 400 square feet                  | N/A                    | N/A                   | N/A                   | N/A                   | N/A                   | N/A                      | N/A                                | N/A                   |
| <b>Accessory Building Length and Width (min.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 12 feet                  | 12 feet                          | N/A                    | N/A                   | N/A                   | N/A                   | N/A                   | N/A                      | N/A                                | N/A                   |
| <b>Lot Coverage Standards</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                          |                                  |                        |                       |                       |                       |                       |                          |                                    |                       |
| <b>Lot Coverage by Buildings and Impervious Surfaces (max.) <sup>(6)</sup></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 75% of total lot area    | 75% of total lot area            | 75% of total lot area  | 75% of total lot area | 75% of total lot area | 75% of total lot area | 75% of total lot area | 75% of total lot area    | 75% of total lot area              | 75% of total lot area |
| <b>Table Notes:</b><br>(1) For buildings in the MUR or NBM districts that are within 100 feet of an RER or STR district boundary, each floor of the building above the second story must provide a minimum 10-foot setback from the exterior wall of the floor below for those walls of the building that are nearest to and roughly parallel to the RER or STR district boundary. The effect of this requirement shall be that the upper floors (above the second floor) of buildings are stepped back successively further from property zoned RER or STR.<br>(2) All corner lots and panhandle lots created after the effective date of this Resolution must have a minimum lot area that is at least 150% of the minimum lot area required for non-corner lots or non-panhandle lots, as applicable by zoning district.<br>(3) Minimum lot area for the RER, STR, and MUR zoning districts shall be applied per dwelling unit on a lot within such zoning district.<br>(4) Buildings in the MUR or NBM districts that have 3 or more stories shall provide a minimum setback of 20 feet (for stories above the second floor) from the street-facing elevation(s) of the first and second floors.<br>(5) Dimensional standards for accessory buildings are further regulated by the provisions of Subsection 4.2.3.<br>(6) These standards may be modified by Subsection 4.2.2-D. |                          |                                  |                        |                       |                       |                       |                       |                          |                                    |                       |

### **4.2.3 – Accessory Buildings and Uses**

- A. Allowed accessory buildings and uses.** Accessory uses or structures will be allowed provided:
- (1) The building or use is incidental to and customarily found in connection with a principal building or principal use approved and established on the lot;
  - (2) It is subordinate to and serves the principal building or use on the lot;
  - (3) It is subordinate in size, height, area, and extent to the principal building or use on the lot;
  - (4) It is located on the same lot as the principal use which it serves;
  - (5) It receives all required permits prior to establishment and/or operation;
  - (6) The cumulative footprints of all accessory buildings on a given lot shall not occupy more than 100% of the footprint of the principal building, except that in the RER zoning district, the cumulative footprints of all accessory buildings on a given lot that is greater than 2 acres in size shall not occupy more than 150% of the footprint of the principal building;
  - (7) The cumulative footprints of accessory buildings on a given lot shall not occupy more than 30% of the rear yard of such lot; and
  - (8) All accessory buildings and uses comply with applicable district-specific and use-specific standards.
- B. Location of accessory buildings and uses restricted.**
- (1) Unless otherwise explicitly provided, detached accessory buildings and uses may only be located in the rear yard of a lot.
  - (2) Accessory buildings are prohibited in any open space areas that are preserved by covenant including, but not limited to, open spaces in any Planned District or open space residential development.
- C. Exceptions to accessory location restrictions.** Certain standards of Subsection 4.2.3-B may be modified for specific types of lots, accessory buildings, and accessory uses, as follows:
- (1) On a corner lot, accessory buildings and uses may be located in a side yard as illustrated in Figure 4.2.4-A - Yard Classification for Corner Lots.
  - (2) On a double frontage lot, accessory buildings and uses may be located in the front yard located to the rear of the building as illustrated in Figure 4.2.4-B - Yard Classification for Double Frontage Lots.

- (3) Detached garages may be located in the side yard of any lot provided they are set back from the front building line of the principal building.
- (4) An accessory building or use may be located in any yard where such building or use is set back 200 feet or more from a right-of-way exclusive of panhandles.

**D. Attached versus detached accessory buildings.** Accessory buildings shall be considered attached and subject to the site development standards of the applicable zoning district rather than the provisions of this Subsection when such buildings meet any of the following criteria:

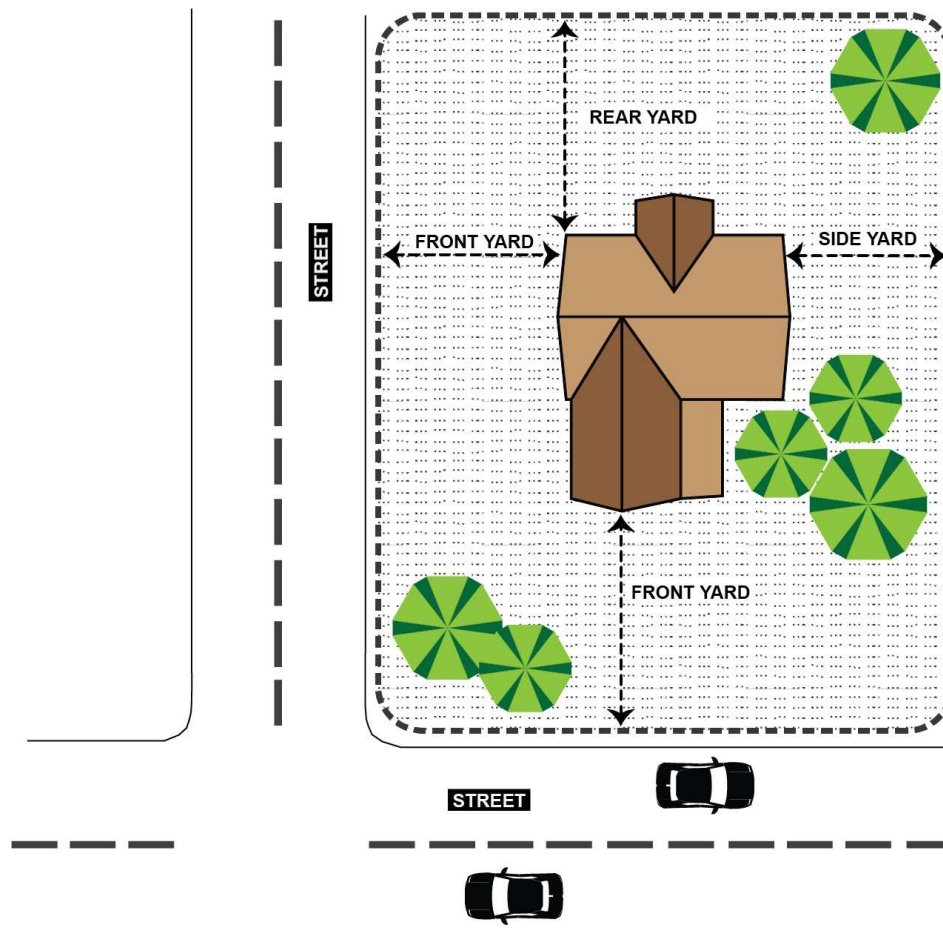
- (1) The building is an integral part of the principal building and is not separated by an open porch, walkway, breezeway, or other similar open structure; or
- (2) The building is connected by a permanently enclosed porch, walkway, breezeway, or other similar enclosed structure.

## 4.2.4 – Lot Requirements by Lot Type

**A. Corner lots.** For corner lots, minimum setback requirements and the classification of specific lot lines shall be as follows and as shown in Figure 4.2.4-A - Yard Classification for Corner Lots:

- (1) Where a lot is considered a corner lot, the required minimum front yard setback shall be provided from each lot line, or portion thereof, that abuts a right-of-way.
- (2) The narrowest lot line opposite the public right-of-way shall be classified as the rear lot line. Applicable minimum rear yard setbacks shall be applied to such lot line.
- (3) The longest lot line opposite the public right-of-way shall be the side lot line and the minimum side yard setback shall be applied.

Figure 4.2.4-A - Yard Classification for Corner Lots

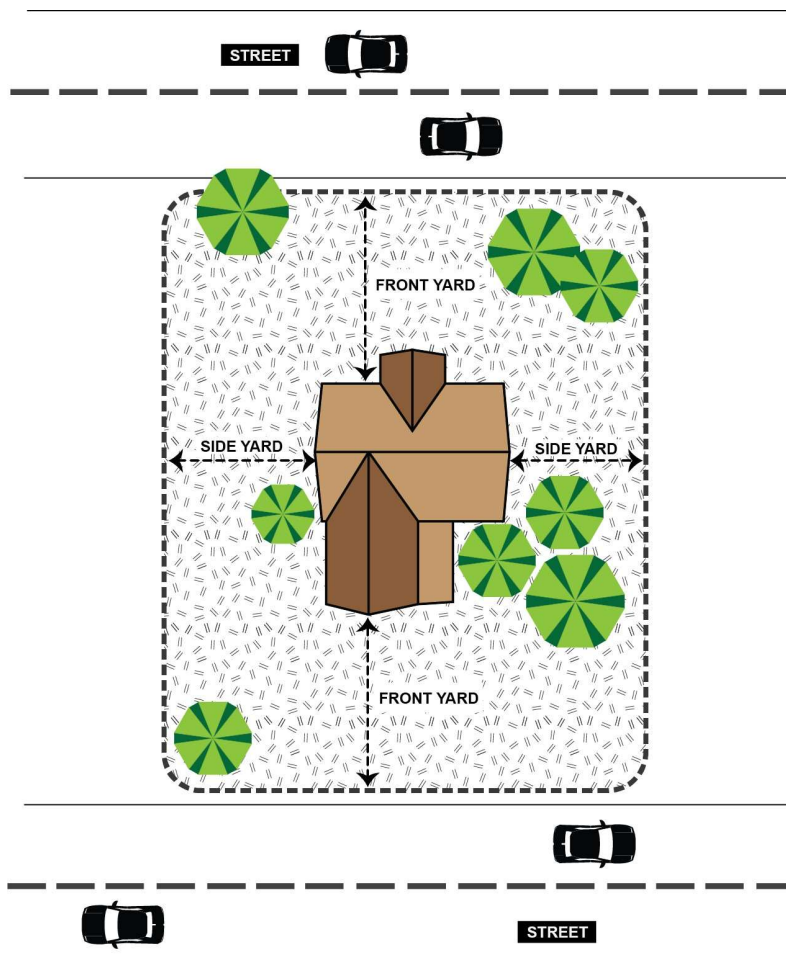




**B. Double frontage lots.** For double frontage lots, minimum setback requirements and the classification of specific lot lines shall be as follows and as shown in Figure 4.2.4-B - Yard Classification for Double Frontage Lots:

- (1) Where a lot is considered a double frontage lot, the required minimum front yard setback shall be provided on both streets.
- (2) The remaining lot lines not abutting a right-of-way shall be classified as side lot lines and shall have the required minimum side yard setback apply to each side lot line.

*Figure 4.2.4-B - Yard Classification for Double Frontage Lots*



**C. Panhandle lots.** For panhandle lots, minimum setback requirements and the classification of specific lot lines shall be as follows and as shown in Figure 4.2.4-C - Yard Classification for Panhandle Lot and Setbacks from Private Drives:

- (1) The panhandle portion of the lot shall have a minimum frontage as regulated by the Hamilton County Subdivision Regulations.

- (2) Flag or panhandle lots shall not be used to avoid the construction of a street.
- (3) The minimum front yard setback requirement shall be measured from the lot line that creates the rear lot line of the adjacent lot, as shown in Figure 4.2.4-D - Panhandle Lots not Subject to Private Drive Provisions.
- (4) For panhandle lots that are not subject to the panhandle regulations of Subsection 4.2.5, there shall be no front yard setback requirement from the driveway or private drive that accesses less than 3 lots.
- (5) The panhandle portion of a panhandle lot shall not be used for storage, nor shall any structures be allowed in such portion of the lot.

*Figure 4.2.4-C - Yard Classification for Panhandle Lot and Setbacks from Private Drives*

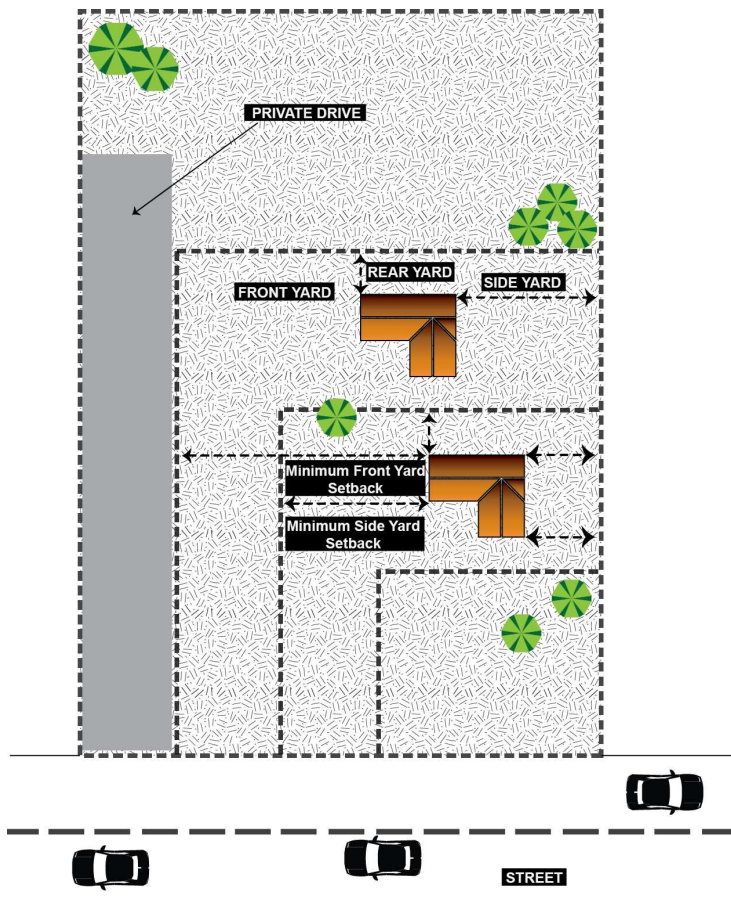
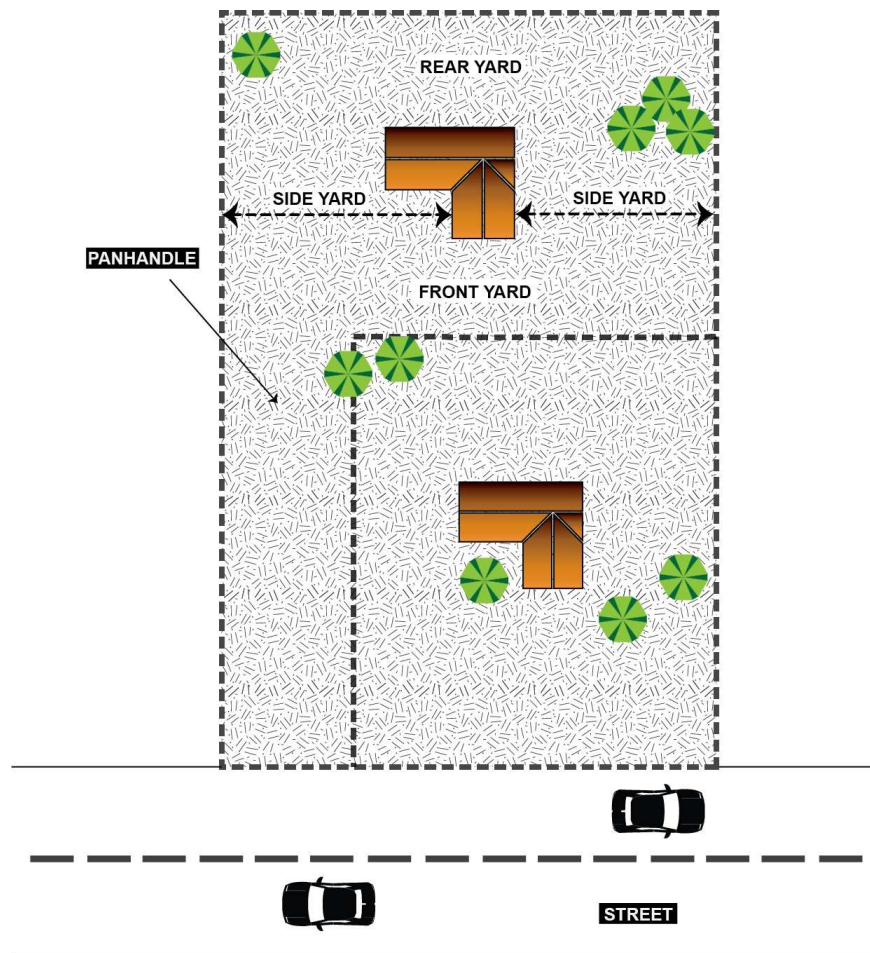


Figure 4.2.4-D - Panhandle Lots not Subject to Private Drive Provisions



## 4.2.5 – Setback Requirements from Private Drives

### A. Applicability for certain types of private drives.

- (1) Private drives that provide access to 3 or more lots shall be considered rights-of-way for the purposes of establishing minimum setbacks and yard requirements. All lots gaining access from such a private drive shall be subject to the setback provisions of this Subsection 4.2.5.
- (2) Corner lots with one private drive frontage and one public street frontage shall not be included in the calculation for the purposes of determining the number of lots served by the private drive. Such lots shall not be subject to the requirements of this Subsection 4.2.5 unless the principal use gains primary vehicular access from the private drive.

**B. Setback standards from private drives.**

- (1) There shall be a minimum setback, equal to the minimum front yard setback of the applicable zoning district, between the edge of pavement of a private drive and the principal building, as shown in Figure 4.2.4-C - Yard Classification for Panhandle Lot and Setbacks from Private Drives.
- (2) There shall be a minimum setback, equal to the side yard setback of the applicable zoning district, between the principal building and the side lot line, as shown in Figure 4.2.4-C - Yard Classification for Panhandle Lot and Setbacks from Private Drives.
- (3) In all cases, the area between the building and the private drive shall be considered the front yard, as shown in Figure 4.2.4-C - Yard Classification for Panhandle Lot and Setbacks from Private Drives.
- (4) The creation of a private drive or a public street shall be designed to ensure that the minimum setback requirements of any existing buildings shall be maintained, and the new drive or street shall not create nonconforming setbacks.

## **SECTION 4.3 – LANDSCAPING AND BUFFERING**

### **4.3.1 – General Landscaping and Buffering Provisions**

**A. Purpose.** The purpose of this Section is to:

- (1) Promote and protect public health, safety, and welfare through orderly standards and required maintenance of trees, shrubs, and other plants within the Township;
- (2) Require buffering between incompatible land uses to reduce noise pollution, air pollution, air temperature, and artificial light glare; and
- (3) Require orderly landscaping, including the preservation or replacement of trees that are affected by development, which will enhance quality of life and quality of place within the Township.

**B. Applicability.** Except where explicitly exempted, this Section applies to the following scenarios or when the following types of work are proposed:

- (1) New construction of a principal building.
- (2) 100% redevelopment of a lot or site (including demolition and construction of principal buildings).
- (3) Expansion of structures and expansion of parking or vehicular use areas.
- (4) Change in use of a building or lot to a more intense use.

- C. Exemption for one-unit and two-unit dwellings.** A lot that has a principal use of a one-unit dwelling or a two-unit dwelling shall be exempt from the provisions of this Section 4.3.
- D. Parking lot landscaping.** Landscaping in parking lots and vehicular use areas shall be subject to the provisions of Section 4.7 – Parking, Loading, and Circulation and shall be exempt from the provisions of this Section 4.3 except where otherwise explicitly stated.
- E. Landscaping and buffer plan requirements.** Any property to which this Section applies shall provide – as part of an application for a Zoning Certificate – an illustration of all proposed landscaping and buffering on a site plan and the following supplemental information:
  - (1) A table listing the existing plant material that will be retained and all proposed plant materials within the landscaping and buffer areas; and
  - (2) Details showing the proper planting of trees, shrubs, and ground cover within the landscaping and buffer areas.
- F. Approval of buffer plan.** The criteria for the approval of a buffer plan shall be as follows:
  - (1) No Zoning Certificate shall be issued without approval of a landscaping and buffer plan.
  - (2) Failure to implement the buffer plan within 12 months of the issuance of a Zoning Certificate shall be deemed a violation of this Resolution.
- G. Maintenance of landscaping materials.** The following standards apply to this Section 4.3, to Section 4.7 – Parking, Loading, and Circulation, and to all other landscaping materials planted or installed within the Township:
  - (1) All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued proper maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
  - (2) Plants that are required as part of this Section 4.3 and that become unhealthy or that die must be replaced by the earliest of either one calendar year from their death or by the next planting season.
  - (3) Violation of these maintenance practices shall be a violation of this Zoning Resolution.

#### **4.3.2 – Landscaping Standards**

##### **A. Existing landscape material.**

- (1) Except where otherwise stated, existing landscape material in healthy condition may be used to satisfy the requirements of this Section in whole or in part.

- (2) Existing vegetation shall be preserved as much as possible in accordance with acceptable nursery industry standards.
- B. Planting in easements restricted.** No landscaping materials shall be planted or installed within the easements of underground or overhead utilities, or within drainage easements, without the consent of the utility provider, easement holder, and/or the Township, as applicable.
- C. Allowed landscape materials.** The following items are suitable for landscaping materials used individually or in combination with each other, subject to review and approval by the Zoning Administrator:
  - (1) Walls and fences;
  - (2) Plants; and
  - (3) Earth mounds.
- D. Walls and fences as landscape materials.**
  - (1) When walls or fences are used to fulfill screening requirements, they shall be detailed in any submitted plan(s).
  - (2) Walls or fences must be constructed of weatherproof materials and must meet all applicable standards of Section 4.4.
- E. Plants as landscape materials.** Plant materials used in conformance with these provisions shall conform to the American Association of Nurserymen and shall have passed any inspection required under state regulations. All trees shall be balled and burlapped or in containers. Shrubs, vines, and ground covers can be planted as bare root or balled and burlapped or be placed in a container. Once minimum landscape requirements have been met, any size plant may be installed on a lot to supplement the minimum requirements. The following provisions apply to specified types of plants:
  - (1) **Deciduous trees.** Deciduous trees shall have a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Section shall be used to create a dense buffer.
  - (2) **Evergreen trees.** Evergreen trees shall be a minimum of 6 feet in height at the time of planting. Evergreen plantings shall be planted at a maximum distance of 20 feet on center to provide an effective buffer.
  - (3) **Ornamental trees.** Ornamental trees shall have a minimum height of 5 feet or a minimum caliper of at least 2.5 inches DBH conforming to acceptable nursery industry procedures at the time of planting.



- (4) **Shrubs and hedges.** Shrubs and hedges shall be at least 36 inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective buffer of at least 5 feet within a period of 4 years after planting.
  - (5) **Grass and ground cover.** Grass shall be planted in species normally grown in permanent lawns in Hamilton County, Ohio. In swales or other areas subject to erosion, solid sod shall be sown for immediate protection until complete coverage is otherwise achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one foot on center to provide 75% complete coverage after 2 growing seasons.
- F. Plant species diversity.** Plants provided in the scenarios below must include a variety of species according to the following provisions:
  - (1) When fewer than 40 trees are required on a site, at least 2 different species shall be utilized, in roughly equal proportions.
  - (2) When 40 or more trees are required on a site, at least 3 different species shall be utilized, in roughly equal proportions.
  - (3) Required shrubs shall utilize the same species diversity requirements.
  - (4) Nothing in this subsection shall be construed so as to prevent the utilization of a larger number of different species than specified above.
- G. Earth mounds as landscape materials.** Earth mounds may be used as buffers, however, differences in natural elevation between areas requiring a buffer does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall meet the following standards:
  - (1) Earth mounds shall conform with the grading requirements of the authority having jurisdiction.
  - (2) Berms and earth forms shall be designed with physical variations in height and alignment throughout its length.
  - (3) Landscaping plant materials may be installed on berms and earth mounds and shall be arranged in an irregular pattern to accentuate the physical variation of such berms or earth mounds and achieve a natural appearance.
  - (4) Berms and earth mounds shall be located and designed to minimize the disturbance of existing trees located on the site or adjacent thereto.
  - (5) Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.
- H. Grade changes.** In cases where grading is necessary that results in a parking lot lower in elevation than the surrounding area or adjacent right-of-way, the resulting embankment

shall be planted with low shrubs and shade or ornamental trees according to the following provisions:

- (1) The type and variety of plantings shall be based on the steepness of the slope, utilizing plants with root structures that will prevent erosion of the embankment.
- (2) A maximum slope of 1:2.5 shall be provided for landscaping between the lot line and the parking lot.

#### **4.3.3 – Buffering Standards**

- A. Prohibited buffer materials.** The following materials will not be counted towards, and are prohibited from being installed within, required buffers:
  - (1) Chain link fences with or without wooden or synthetic slat material; and
  - (2) Mound wastewater treatment systems and other similar on-site wastewater treatment systems.
- B. Streetscape buffers.** A streetscape buffer that is a minimum of 15 feet wide is required for all applicable properties that are not exempt from the provisions of this Section 4.3. The following standards apply to buffer areas provided along a right-of-way:
  - (1) A minimum of 1 canopy tree shall be provided for every 35 lineal feet of lot street frontage. Such trees may be planted in an irregular pattern but must be located along the street frontage in a manner that will not interfere with overhead utilities upon full growth.
  - (2) If overhead wires restrict the placement of canopy trees, ornamental trees can be substituted but at a ratio of one ornamental tree per 25 lineal feet of street frontage.
  - (3) A minimum of 10 square feet of landscaped area including flowers, shrubs, or ground covers shall be provided for every 100 square feet of streetscape buffer.
- C. Minimum buffer yard required.** Buffers between lots along the boundary line of different zoning districts shall be required according to the standards of



- D. Table 4.3.3-A - Required Buffer Yards by District.** Where any activity or land falls under more than one of the listed categories, the most stringent requirements shall be applied. Where the minimum setback for the applicable zoning district differs from the required buffer yard, the more restrictive standards shall apply.

*Table 4.3.3-A - Required Buffer Yards by District*

| Abuts<br>When                     | Minimum Required Buffer Yard (feet) |     |     |     |     |     |     |     |     |     |
|-----------------------------------|-------------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|-----|
|                                   | RER                                 | STR | MUR | NBM | AMN | AMC | AMS | LIT | GOR | SLF |
| <b>RER</b>                        | 0                                   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   |
| <b>STR</b>                        | 0                                   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   |
| <b>MUR</b>                        | 25                                  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 25  | 0   |
| <b>NBM</b>                        | 25                                  | 25  | 20  | 0   | 0   | 0   | 0   | 0   | 40  | 0   |
| <b>AMN</b>                        | 30                                  | 30  | 40  | 10  | 0   | 0   | 0   | 0   | 50  | 0   |
| <b>AMC</b>                        | 30                                  | 30  | 40  | 10  | 0   | 0   | 0   | 0   | 50  | 0   |
| <b>AMS</b>                        | 30                                  | 30  | 40  | 10  | 0   | 0   | 0   | 0   | 50  | 0   |
| <b>LIT</b>                        | 100                                 | 100 | 100 | 30  | 10  | 10  | 10  | 0   | 50  | 0   |
| <b>GOR</b>                        | 25                                  | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   | 0   |
| <b>SLF</b>                        | 500                                 | 500 | 500 | 100 | 100 | 100 | 100 | 80  | 500 | 0   |
| <b>Table Notes:</b><br>[Reserved] |                                     |     |     |     |     |     |     |     |     |     |

- E. Planting requirements for buffers.** At a minimum, buffer yards other than streetscape buffers shall include:

- (1) A 6-foot-tall fence or wall, or an earth mound, or an earth berm; and
- (2) 1 evergreen tree and 2 shrubs for every 20 lineal feet of lot line requiring a buffer.

- F. Alternative requirements for buffers.** In lieu of a fence, wall, or earth mound or earth berm, a natural buffer made of the following may be provided:

- (1) 1 evergreen tree for every 10 lineal feet of lot line requiring a buffer, planted in an offset manner to provide a solid buffer; and
- (2) 1 shrub for every 6 lineal feet of lot line requiring a buffer.

- G. Increased standards for wide required buffers.** For buffers with a minimum width requirement of 50 feet or more, the minimum tree and shrub planting requirements in Subsection 4.3.3-D and/or Subsection 4.3.3-E shall be doubled.

- H. Buffer design standards.** Buffer yards must meet the following design standards:

- (1) Buffers shall not be located on any portion of an existing, dedicated, or reserved public right-of-way or private ingress/egress easement;
- (2) Required buffers shall be installed on those properties that are applicable per Subsection 4.3.1 and per the provisions of Table 4.3.3-A - Required Buffer Yards by District;
- (3) The location(s) of buffers may be adjusted along sloped areas to maximize their effectiveness at screening the uses on the associated lot;
- (4) No construction shall be permitted within a required buffer other than a wall, fence, or berm, or a driveway in the front yard connecting a parking area on the lot to a right-of-way or to an abutting lot;
- (5) A driveway in the side yard that connects a parking area on the lot to the street shall not encroach into the buffer area; and
- (6) Subsurface constructions are permitted beneath a buffer, provided that no subsurface construction protrudes above the ground surface and that the required buffer is placed above said subsurface constructions.

**I. Buffer requirements and adjacent lots.**

- (1) When 2 or more adjacent lots are owned and being developed at the same time by the same owner, the buffer may be placed on either adjoining lot or astride the boundary. If one property remains vacant, a buffer shall be provided between the lots.
- (2) When adjacent lots have different owners, the buffer shall be placed on the lot being developed. However, a buffer that meets the requirements of both lots may be placed astride the boundary if a written agreement signed by both property owners is filed within the Colerain Township Zoning Commission.

**J. Buffer requirements and existing development or landscape materials.**

- (1) When the adjoining parcel has an existing fence, wall, or berm adjacent to a developing lot boundary, the existing landscape material on the adjacent lot may not be used toward the requirements for the boundary buffer required for that boundary edge.
- (2) Where a principal building or an accessory building already exists on the subject lot, a buffer shall be established as a condition of any new development. The property owner shall provide the maximum buffer possible under the standards of this Section, given the location of any existing and legally established buildings and driveways.

## **SECTION 4.4 – FENCING**

### **4.4.1 – General Fence Provisions**

- A. Applicability.** The provisions of this Section apply to all required and voluntarily provided fences.

**B. Prohibited fence elements.**

- (1) Razor wire fencing is prohibited in all zoning districts.
- (2) Electric or barbed wire fences are prohibited for all uses except for agricultural land uses and are prohibited in all zoning districts except for the LIT district.
- (3) In the LIT district, electric or barbed wire fences are prohibited in front yards.
- (4) Chain link fencing, cyclone fencing, or similar appurtenances shall be prohibited in the front yard.
- (5) Except for the use as backing of a split-rail fence/Kentucky board fence, mesh fencing, chicken wire fencing and welded wire fencing shall not be permitted within residential districts.
- (6) No chain link (other than fences surrounding tennis courts) over 60 inches or split-rail/Kentucky board fence over 48 inches shall be permitted in the rear or side yard within residential and commercial districts.

**C. Maintenance of land outside of a fence.** The property owner of a lot upon which there is a fence shall be responsible for the maintenance of any lands between the fence on their property and their property line.

**D. Number of fences.** Only one fence may be located on any one property adjacent to any given property line. Adjoining property owners may install separate, adjacent fences.

**4.4.2 – Fence Design and Location Standards**

**A. Applicable dimensional standards.** Specified types of fences must meet the dimensional and location standards provided in Table 4.2.2-A.

Table 4.4.2-A - Fence Standards by Type of Fence

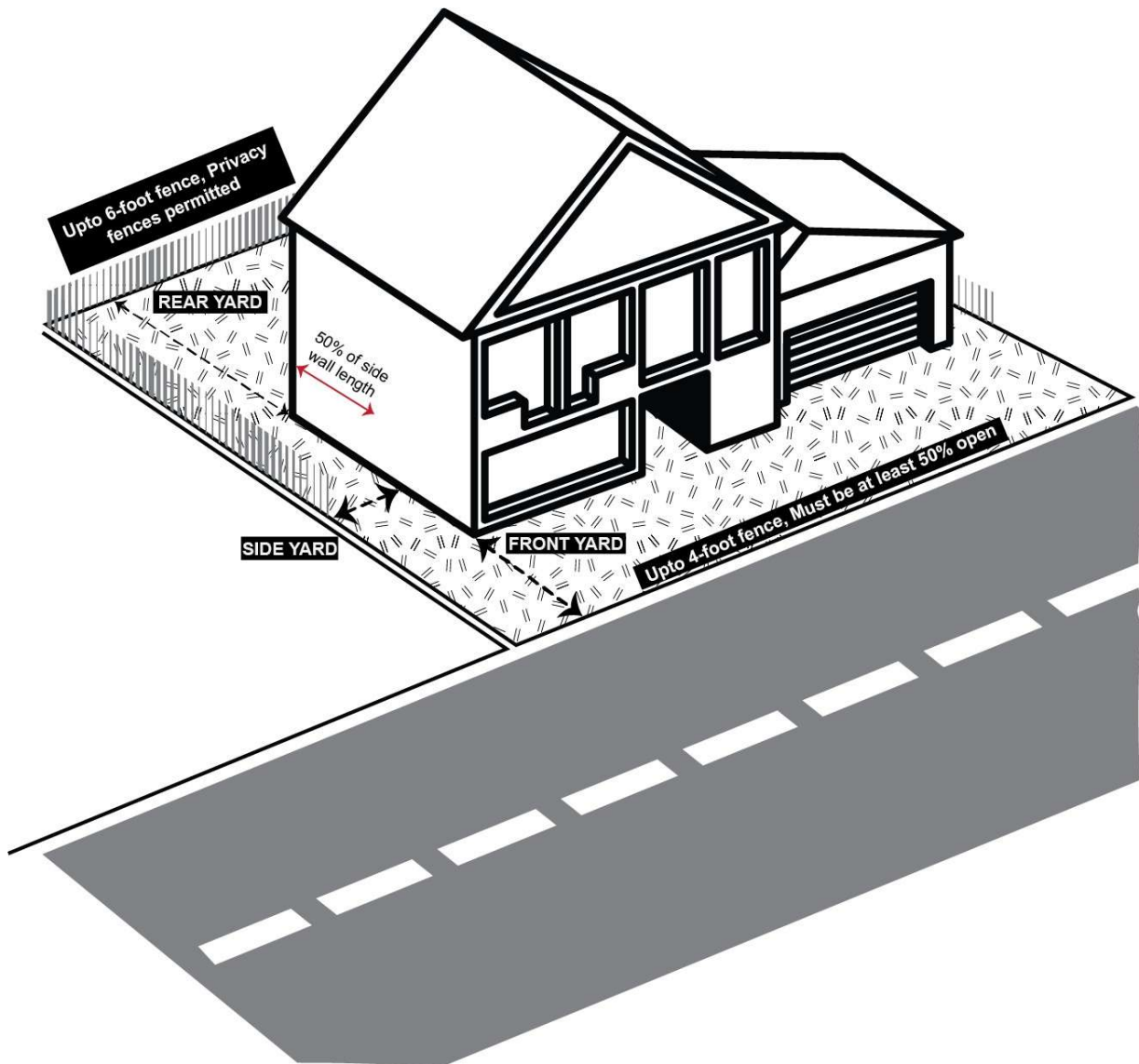
| Standard                                                                                                                                                                                                                                                                                                                                                                                                 | Type of Fence                                                                                                                     |                                        |                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                          | Privacy Fence <sup>(1)</sup>                                                                                                      | Non-Privacy Fence <sup>(1)</sup>       | Security Fence                               |
| <b>Applicable Districts</b>                                                                                                                                                                                                                                                                                                                                                                              | All zoning districts                                                                                                              | All zoning districts                   | AMN, AMC, AMS, LIT, and SLF zoning districts |
| <b>Allowed Yard(s)</b>                                                                                                                                                                                                                                                                                                                                                                                   | Rear yard                                                                                                                         | Front yard;<br>side yard;<br>rear yard | Side yard; rear yard                         |
| <b>Fence Opacity (min.)</b>                                                                                                                                                                                                                                                                                                                                                                              | 0%                                                                                                                                | 50%                                    | 25%                                          |
| <b>Fence Height (max.)</b>                                                                                                                                                                                                                                                                                                                                                                               | 6 feet <sup>(2)</sup>                                                                                                             | 4 feet                                 | 8 feet                                       |
| <b>Fence Length and Enclosure Area (max.)</b>                                                                                                                                                                                                                                                                                                                                                            | N/A                                                                                                                               | N/A                                    | N/A                                          |
| <b>Location Standards</b>                                                                                                                                                                                                                                                                                                                                                                                | Privacy fence may encroach into side yard up to 50% of length of building side wall, per Figure 4.4.2-A - Fence Standards by Yard | N/A                                    | N/A                                          |
| <b>Table Notes:</b><br>(1) Additional applicable standards for privacy and non-privacy fences are illustrated in Figure 4.4.2-A - Fence Standards by Yard.<br>(2) The maximum allowed height of privacy fences that meet all other applicable standards may be increased to 6 feet and 3 inches tall when necessary to have a level fence that accounts for elevation changes in the underlying terrain. |                                                                                                                                   |                                        |                                              |

**B. Fence design requirements.** Fences in all zoning districts are subject to the following standards:

- (1) Finished side of fence.** All fence posts and related supporting members of a fence shall be erected so that the finished sides – the sides of a fence that do not have fence posts or supporting members – face away from the subject lot; causing the finished sides to face adjacent lots or adjacent rights-of-way.
- (2) Equally finished fence.** A fence that is designed where both sides are equally finished in the same manner may have either equally finished side face away from the subject lot and face out towards adjacent lots or adjacent rights-of-way.

- (3) **Fence materials and finish.** Fences shall be of chain link (rear yard only), wrought iron, aluminum, wood or vinyl picket or rail, louver, or other commonly used design. If a fence is painted or stained, the entire fence shall be one color.
- (4) **Weather resistance and maintenance.** Fences shall be constructed of sturdy materials that are resistant to weather. Fences and walls must always be maintained in good repair.

Figure 4.4.2-A - Fence Standards by Yard



## SECTION 4.5 – OUTDOOR LIGHTING

### 4.5.1 – General Outdoor Lighting Provisions

- A. Purpose.** The purpose of this Section 4.5 is to regulate outdoor lighting, promote safety and security, and reduce or prevent light pollution and impacts of lighting on surrounding properties. Such effects to be reduced or prevented include but are not limited to glare, light trespass, and conservation of energy.
- B. Applicability.** The regulations of this Section shall apply to all lighting that illuminates the exterior of a building, structure, open space, parking and loading areas, or other features of a lot.
- C. Lighting plans required.** Except where explicitly exempted, lighting plans must be submitted for approval with all applications for a Zoning Certificate per Subsection 6.3.2 for work in the following zones or districts:
- (1) MUR – Multi-Unit Residential;
  - (2) NBM – Neighborhood Mixed;
  - (3) LIT – Light Intensity Industry
  - (4) GOR – Greenspace, Open Space, and Recreational
  - (5) SLF – Sanitary Landfill District
  - (6) AMN – Avenue Mixed – North;
  - (7) AMC – Avenue Mixed – Central; and
  - (8) AMS – Avenue Mixed – South.
- D. Exemptions.** The following types of outdoor lighting shall not be regulated by this Section 4.5:
- (1) Lighting required by State or Federal regulations;
  - (2) Illuminated poles for government-installed flags;
  - (3) Seasonal holiday lighting (less than 30 days in any calendar year);
  - (4) Athletic field and amphitheater lighting (when extinguished within one hour following programs); and
  - (5) Emergency lighting.
- E. Alternative illumination standards.** Uses in the AMN, AMC, or AMS districts that incorporate approved outdoor display areas that are exempt from Subsection 3.4.28 per Paragraph 3.4.28-B may follow the alternate illumination levels of Table 4.5.2-B - Specified

Outdoor Area Illumination Levels provided that a lighting plan meeting the standards of Subsection 4.5.2 – Lighting Standards is approved.

**F. Prohibited outdoor lighting.** The following types or features of outdoor lighting are prohibited:

- (1) Non-cutoff lighting affixed to a wall; and
- (2) Flashing lights within or casting light onto outdoor display areas or parking lots.

**G. Nonconforming outdoor lighting.** The use of legally established, nonconforming lighting may continue until the luminaire is replaced.

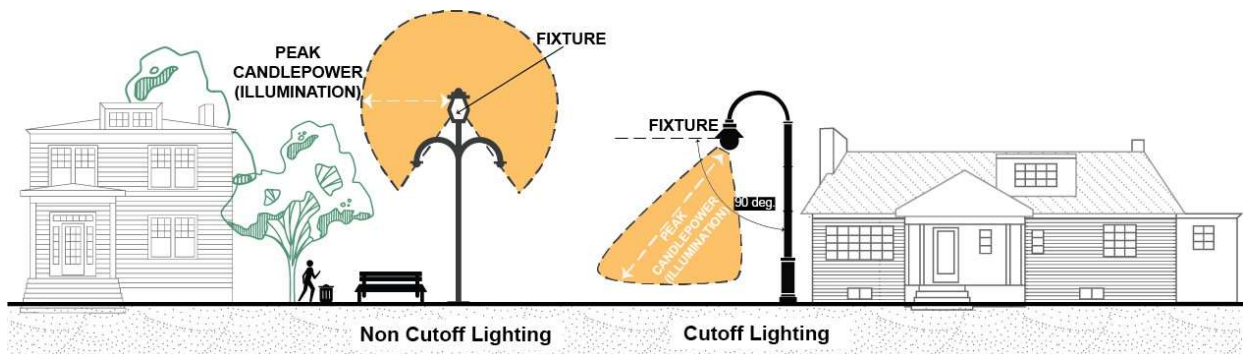
#### 4.5.2 – Lighting Standards

**A. Lighting plan requirements.** Lighting plans shall include the following information, as applicable, in a format approved by Colerain Township:

- (1) A site plan showing the location(s) and height(s) of proposed outdoor lighting fixtures and the location(s) of associated controllers and transformers;
- (2) Illustrated uniform lighting across parking areas – including information on the brightness and warmth of the proposed bulbs;
- (3) A site plan delineating separate outdoor display areas, customer and employee parking, outdoor storage areas, and building entrances; and
- (4) A photometric plan showing the illumination levels for each area designated in the sight plan, in accordance with Table 4.5.2-B - Specified Outdoor Area Illumination Levels.

**B. Height of lighting.** Non-cutoff outdoor lighting shall be designed, located, and mounted at heights no greater than 12 feet above grade level. Cutoff outdoor lighting shall be designed, located, and mounted at heights no greater than 24 feet above grade level. See Figure 4.5.2-A - Cutoff and Non-Cutoff Lighting.

*Figure 4.5.2-A - Cutoff and Non-Cutoff Lighting*



- C. Variations from lighting height standards.** Variation of heights greater than as specified in Paragraph 4.5.2-A shall be subject to approval by the Zoning Commission based upon a lighting plan designed by an architect or engineer citing reasons for variations and methods used to comply with other parts of this Section 4.5.
- D. Light trespassing onto dwellings prohibited.** Outdoor lighting shall not be designed or located in such a way that causes light to shine directly into an adjacent dwelling unit.
- E. Maximum allowed illumination.**
- (1) The maximum illumination permitted in each district type shall be as provided in Table 4.5.2-A - Illumination Levels.
  - (2) Where there are two or more abutting lots with different zoning districts and different maximum illumination requirements, the more restrictive standards shall apply to both lots along the shared property line.
  - (3) When a use is adjacent to any one-unit dwelling, the most restrictive standards in Table 4.5.2-A - Illumination Levels shall apply to such use.

Table 4.5.2-A - Illumination Levels

| District                            | Maximum Illumination Across Property (footcandles)                             | Maximum Illumination at Property Lines (footcandles) |                 |
|-------------------------------------|--------------------------------------------------------------------------------|------------------------------------------------------|-----------------|
|                                     |                                                                                | Non-Cutoff Lighting                                  | Cutoff Lighting |
| <b>RER, STR, MUR, NBM</b>           | 2.0                                                                            | 0.10                                                 | 0.10            |
| <b>LIT, GOR, AMN, AMC, AMS, SLF</b> | <i>At building entryways: 5.0</i><br><i>Across parking lots: 2.0 (average)</i> | 0.30                                                 | 0.50            |
| <b>Table Notes:</b><br>[Reserved]   |                                                                                |                                                      |                 |

- F. Design standards.** The following design standards apply to certain outdoor lighting, as described below:
- (1) The placement of light poles within raised curb planter areas or within landscaped islands is encouraged. Any conflicts with trees in parking lots that can obscure lighting shall be avoided through alternative lighting locations.
  - (2) No outdoor lighting shall be of such an intensity or color distortion as to cause glare or to impair the vision of drivers or pedestrians.



- (3) Uniform lighting shall be provided to prevent various intensities of lighting throughout parking areas. Such uniform lighting shall be illustrated in any required lighting plan.
- (4) All outdoor lighting fixtures within a development shall be the same, similar, or complementary in design and appearance.
- (5) Lighting shall be dimmed between the hours of 11:30pm and 6:30am, as shown in Table 4.5.2-B - Specified Outdoor Area Illumination Levels, to limit light pollution and preserve the opportunity for appreciation of the night sky. Facilities where customers are served on-site 24 hours per day may be granted an exemption by the Zoning Administrator upon compliance with all other sections of this Article 4 – Development Design Standards.

*Table 4.5.2-B - Specified Outdoor Area Illumination Levels*

| Specified Outdoor Area                                       | Maximum Illumination Across Area (footcandles)                  | Maximum Illumination at Property Lines or at Curb (footcandles) |                 | Uniformity Ratio – Maximum to Minimum |
|--------------------------------------------------------------|-----------------------------------------------------------------|-----------------------------------------------------------------|-----------------|---------------------------------------|
|                                                              |                                                                 | Non-Cutoff Lighting                                             | Cutoff Lighting |                                       |
| <b>Display Area</b> (front three parking rows, maximum)      | 30.0                                                            | 10.0                                                            | 10.0            | 10:1                                  |
| <b>Parking Area</b>                                          | An average of 2.0 across the area                               | 0.30                                                            | 0.50            | 5:1                                   |
| <b>Storage Area</b>                                          | An average of 2.0 across the area                               | 0.30                                                            | 0.50            | 5:1                                   |
| <b>Rear Area</b><br>(adjacent to RER, STR, and MUR district) | An average of 2.0 across the area                               | 0.10                                                            | 0.10            | 5:1                                   |
| <b>Building Entrances</b>                                    | 5.0 at building entryways                                       | N/A                                                             | N/A             | N/A                                   |
| <b>Overnight Lighting</b>                                    | 5.0 at building entryways;<br>An average of 2.0 across the site | 0.30                                                            | 0.50            | 4:1                                   |
| <b>Table Notes:</b><br>[Reserved]                            |                                                                 |                                                                 |                 |                                       |

## SECTION 4.6 – ARCHITECTURAL DESIGN STANDARDS

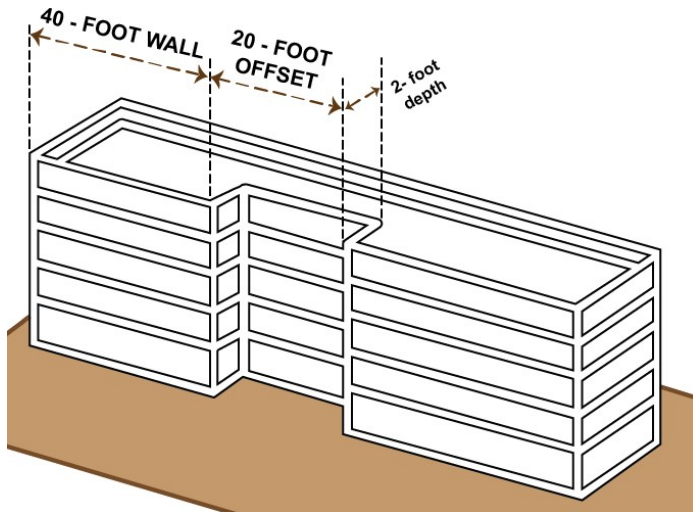
### 4.6.1 – General Provisions

- A. Applicability.** The standards of this Subsection **Error! Reference source not found.** apply to all development in nonresidential zoning districts.
- B. Enforcement of standards.** The Zoning Administrator shall be responsible for reviewing and enforcing the provisions of this Subsection **Error! Reference source not found.** during the review of a Master Parking, Architecture & Landscape Plan application, which is required for in the following circumstances:
- (1) New construction of a principal building.
  - (2) 100% redevelopment of a lot or site (including demolition and construction of principal buildings).
  - (3) Expansion of structures and expansion of parking or vehicular use areas.
  - (4) Change in use of a building or lot to a more intense use.

### 4.6.2 – Façade Massing: Offset Standards.

- A.** Front façades that are 60 feet wide or wider shall incorporate wall offsets of at least 2 feet in depth (projections or recesses) a minimum of every 40 feet. Each required offset shall have a minimum width of 20 feet, as shown in **Error! Reference source not found.**. The following alternatives may be used in place of the required front façade offsets:
- (1) Façade color and building face material changes following the same vertical dimensional standards as the offset requirements;
  - (2) Pilasters having a minimum depth of 1 foot, a minimum width of 1 foot, and a minimum height of 80% of the façade's height; and/or
  - (3) Roofline changes when coupled with correspondingly aligned façade material changes.

Figure 4.6.2-A - Façade Offset Standards



**B. Façade massing: roofline changes.**

- (1) Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
- (2) When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roofline changes shall be vertically aligned with the corresponding wall offset or material or color changes, as shown in **Error! Reference source not found..**

*Figure 4.6.2-B - Example Wall Offsets, Material Changes, and Roof Line Changes*



- C. Flat roofs.** Flat roofs shall be concealed with cornice treatments that project at least 8 inches from the face of the façade or parapet wall, as shown in **Error! Reference source not found..**

*Figure 4.6.2-C - Example Flat Roof with Projecting Cornice*



### 4.6.3 – Roof Penetrations and Equipment

- A. All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (with the exception of chimneys), shall be located on the rear elevations or screened with a parapet wall having a three-dimensional cornice treatment so as to have a minimal visual impact as seen from:
- (1) A public right-of-way;
  - (2) Existing one-unit dwellings;
  - (3) Unimproved land that is included in the RER or STR zoning districts; and
  - (4) Planned residential developments.

### 4.6.4 – Required Customer Entrances

- A. Each side of a building facing a public right-of-way shall include at least 1 customer entrance, except that no building shall be required to provide entrances on more than two (2) sides of the structure which face public rights-of-way.
- B. **Customer entrance design.** Buildings shall have clearly defined, highly visible customer entrances that include no less than 3 of the following design features, some of which are shown in **Error! Reference source not found.:**
- (1) Canopies above/porticos in front of the entrance;
  - (2) Roof overhangs above the entrance;
  - (3) Entry recesses/projections;
  - (4) Arcades that are physically integrated with the entrance;
  - (5) Raised corniced parapets above the entrance;
  - (6) Gabled roof forms or arches above the entrance;
  - (7) Outdoor plaza space adjacent to the entrance having seating and a minimum depth of 20 feet;
  - (8) Display windows that are directly adjacent to the entrance;
  - (9) Architectural details, such as tile work and moldings, which are integrated into the building structure and design and are above and/or directly adjacent to the entrance; or
  - (10) Integral planters or wing walls that incorporate landscaped areas or seating areas.

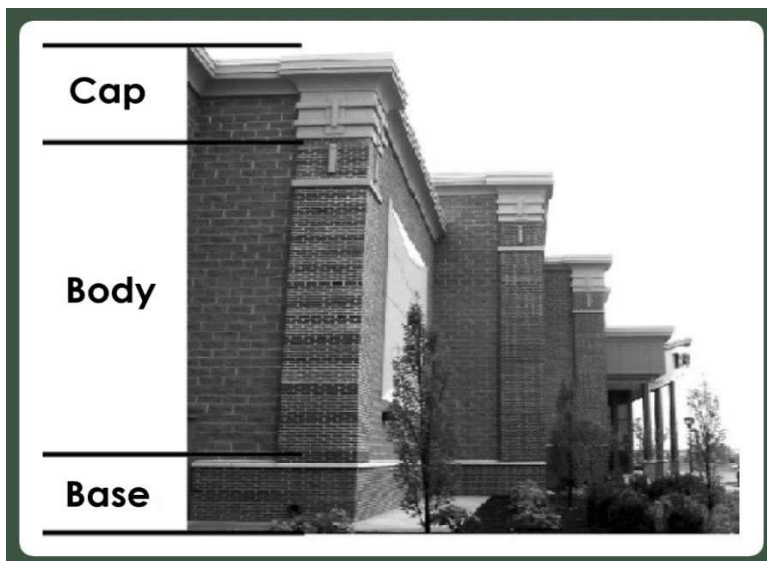
*Figure 4.6.4-A - Examples of Articulated Customer Entrances*



#### **4.6.5 – Building Design and Mass.**

- A.** All architectural elevations of principal buildings shall consist of a base, a body, and a cap as shown in Figure 4.2.6-E – Example of Building Massing:
- (1)** The base shall occupy the lowest portion of the elevation.
  - (2)** The body shall occupy the middle portion of the elevation.
  - (3)** The cap shall occupy the highest portion of the elevation and shall consist of at least one of the following architectural features: a cornice, parapet, awning, canopy, or eaves.
  - (4)** The base and cap shall be clearly distinguishable from the body through changes in color, material, pattern, profile, or texture.

*Figure 4.6.5-A – Example of Building Massing*





### 4.6.6 – Building Transparency

- A.** Building transparency provided by storefront windows, entrances, and other openings is a key element to establish a pedestrian-oriented context, and should be provided by retail and commercial development in the following amounts:
- (1)** Strip shopping centers or other multi-tenant commercial buildings should dedicate a minimum of forty percent (40%) of the length of the front facade, of each tenant space, to windows or transparent entrances.
  - (2)** Buildings or tenant spaces that occupy 10,000 square feet or more of gross floor area should dedicate a minimum of twenty-five percent (25%) of the length of the front facade to windows or transparent entrances.
  - (3)** Outparcel structures should dedicate a minimum of thirty-five (35%) of the length of the front facade to windows or transparent entrances.
  - (4)** Offices and other noncommercial structures should dedicate a minimum of twenty-five percent (25%) of the length of the front facade to windows or transparent entrances.
  - (5)** Clear glass shall be used for commercial storefront display windows and doors.

*Figure 4.6.6-A – Example of Clear Glass for Commercial Storefront*



### 4.6.7 – Shopping Centers

- A.** The architectural design of buildings within a development, including freestanding outparcel structures, shall be organized around a consistent architectural theme in terms

of the architectural style, materials, texture, color, and scale of buildings. Themed restaurants, retail chains, and other franchise-style structures should adjust some aspects of their standard architectural model to be consistent with the development’s architectural theme.

- B. Individual Business or Franchise.** Building design that is based on a standardized formula associated with a business or franchise shall be modified if necessary, to meet the provisions of Section 4.2.6.

#### **4.6.8 – Multi-Sided Architecture**

- A.** Although the front facade of a building is expected to be the focal point in terms of the level of architectural character and features, all sides of buildings shall incorporate architectural detailing on all facades that is consistent with the front façade.

*Figure 4.6.8-A – Example of Multi-Sided Architecture*



#### **4.6.9 – Infill Development**

- A.** All new All new development or redevelopment shall be compatible with the established architectural character of the surrounding area utilizing a building design and style that is complementary to the surrounding uses and structures as shown in Figure 4.2.6-E – Example of Infill Building Compatibility. Compatibility may be achieved through the repetition of similar rooflines, similar proportions in relation to height, size, scale and mass, similar door and window patterns, building materials and color, and building orientation.



*Figure 4.6.9-E – Example of Infill Building Compatibility*



## SECTION 4.7 – PARKING, LOADING, AND CIRCULATION

### 4.7.1 – General Provisions

#### A. Intent.

The intent of this Section is to allow development that provides the off-street parking, loading, and circulation facilities needed to meet demands created by occupants, employees, visitors, customers, and patrons, and to improve local traffic patterns. The standards in this section ensure that all provided off-street parking and parking areas allow for safe and equitable access to developments for all users, including drivers, pedestrians, transit-riders, and cyclists.

The standards are intended to implement policies that support new development and the revitalization of mixed-use urban areas that encourages pedestrian-oriented development, reduces excessive paved surface areas, and promotes environmental sustainability.

- B. Nonconforming Parking.** Any parking or loading spaces established prior to the adoption or amendment of this Zoning Ordinance shall be governed by any previous approved site plan until a new Zoning Certificate application or Master Parking Plan is approved. In order to nullify previous required minimum parking space requirements on existing lots, a new Master Parking Plan that conforms to the requirements of this Resolution must be submitted and approved.

#### **4.7.2 – Master Parking Plans**

- A.** Zoning Certificates are required for private walkways, parking, loading or unloading areas in Residential Zones or any off-street parking area having less than 1,800 square feet of area and/or less than 5 parking spaces in Non-Residential Zones. Such Plans shall not be issued until the applicant has met the standards outlined in this Resolution.
- B.** All Non-Residential uses in any zone that propose off-street parking area(s) having more than 1,800 square feet of area and/or 5 or more parking spaces require the submission of a Master Parking Plan. Such Plans shall not be approved until the applicant has met the standards outlined in this Resolution. This plan is required in any of the following circumstances:
  - (1)** New construction of a principal building.
  - (2)** 100% redevelopment of a lot or site (including demolition and construction of principal buildings).
  - (3)** Expansion of structures and expansion of parking or vehicular use areas.
  - (4)** Change in use of a building or lot to a more intense use.
- C. Required submission details for Master Parking Plans.** The following are required for submission with a Master Parking Plan application:
  - (1)** Location Details. The proposed location of the parking which is the subject of the permit; the location of all other existing and planned vehicular parking, bicycle parking, and pedestrian pathways, when such parking and pathways are on the same premises; circulation and connectivity details that show how the parking connects to the rights of way and adjacent existing or planned parking; proposed sight triangle details; and the location of buildings, signage, driveways, and landscaped areas on such lot with dimensions relative to all parking; and
  - (2)** Area Details. Computation of the maximum total parking area; the area and description of all other existing and planned vehicular parking, bicycle parking, and pedestrian pathways, when such parking and pathways are on the same premises; a

statement demonstrating conformance to the applicable dimensional requirements of this Resolution for all existing and planned parking and pathways; and

- (3) **Landscaping Details.** A complete and detailed landscaping plan, showing the types of plants and ground covering that will be used in buffer zones and adjacent to the parking; expected height of all living plants, shrubs, and trees at the time of planting; expected height of all living plants, shrubs, and trees at full growth; screening details; and interior and perimeter parking area landscaping details Landscape plans are required for all Master Parking Plans.
- (4) **Shared Parking Agreement.** If the applicant intends to share parking with an adjacent lot, a completed shared parking agreement shall be included within the Master Parking Plan.

**D. Action on Master Parking Plans.**

- (1) On any application for approval or modification of a Master Parking Plan, the Zoning Administrator shall take action on the application on one of the following dates: Fourteen days after the submission of a complete application if the application is for parking on existing lots; or on the date of final action on any related application for building permit, site plan, or development plan for parking involving new construction. In case of a denial of the Master Parking Plan, the Zoning Administrator shall specify in the Refusal Letter the section or sections of the Resolution with which the plan is inconsistent; or
- (2) If the Master Parking Plan is included in an application for a Planned District, the Zoning Administrator will review the Plan and make a recommendation to approve or deny the application to the Zoning Commission. The Zoning Commission will then vote to approve or deny the Plan.

**4.7.3 – Parking Area Design and Maintenance Standards**

- A.** Every parcel of land hereafter used as a parking area shall be designed and maintained in accordance with the following requirements:
- (1) **Condition.** Off-street parking areas shall be of useable shape and surface and shall have safe and convenient ingress and egress;
  - (2) **Aisles.** Aisles and access drives shall be designed so as to provide adequate vehicular maneuvering wholly upon the property being served;
  - (3) **Backing.** In no case shall off-street parking areas be permitted that encourage or require the backing onto, parking upon, or maneuvering within the right-of-way of any public street, private street, or private driveway;

- (4) **Lighting.** Lighting used to illuminate off-street parking areas shall be arranged so as to reflect away from any adjoining residential zone or uses and any public or private right-of-way. Free- standing lighting shall be no taller than 12 feet in height.
- (5) **Landscaping.** Any off-street parking area having more than 1,800 square feet of area and/or 5 or more parking spaces shall be landscaped and screened as required by section 4.6.4 of this Resolution. This landscaping shall be included upon the Master Parking Plan.
- (6) **Sight Triangle.** A sight triangle shall be observed at all street intersections or intersections of driveways with streets as required in section 4.6.4 of this Resolution.
- (7) **Pavement Required.** All parking areas shall be paved and drained so as to dispose of all surface water within the parking area without carrying said water accumulation over a public sidewalk. Piping the water to a suitable outfall may be required. All parking areas and driveways shall be paved with concrete, asphalt, brick, grass pavers, or other suitable hard surface materials. Loose aggregate or other type of gravel is prohibited, except for agricultural land uses or residential lots of 2 acres or larger.
- (8) **Stormwater Management.** Permanent stormwater management, in compliance Hamilton County requirements, shall be provided for all off-street parking areas containing more than 1,800 square feet of area and/or 5 or more parking spaces.
- (9) **Vehicle Stacking.** For any use which utilizes a drive-in or drive-through window or service area, a vehicular stacking area shall be provided for a minimum of 5 vehicles. Such vehicular stacking area shall not include any spaces located at the windows or service areas, shall be provided wholly on the property and shall not include any right-of-way. Where menu boards or other stopping points are utilized before moving to the window or service area, the vehicular stacking area shall not include the space at the stopping point nor the spaces between that stopping point and the window or service area. The vehicular stacking area shall be subject to all yard, paving, landscaping and other requirements of a vehicular use area, as contained in section 4.6.4 of this Resolution.
- (10) **Exterior Storage of Junk Vehicles.** No person shall use any exterior premises in any zoning district for the purpose of parking, repairing, or keeping an inoperable motor vehicle except when ancillary to a specifically permitted use that allows and has provided for the same on an approved site plan in a Commercial or Industrial Zoning District. For purposes of this section, a motor vehicle shall be deemed inoperable when any of the following conditions exist: one or more wheels are missing; one or more tires are missing; two or more tires are flat; one or more windows are missing or broken; the windshield is shattered or missing; parts necessary for the operation of the vehicle are missing; or a license with a distinctive number and valid for the current year is not displayed thereon. No exterior parking area or driveway of a residential dwelling shall be used for the repair of vehicles, whether operable or inoperable.

- (11) Striping.** Parking space striping is required and shall be maintained in good condition. Each parking space and aisle shall be clearly designated and marked to assure approved utilization of the space, direction of traffic flow and general safety. When a parking space is designated for disabled or small car use, it shall be clearly marked.
- (12) Refuse Disposal Dumpsters and Refuse Storage Area Screening.** All refuse disposal dumpsters, containers and refuse storage areas must be fully enclosed on three (3) sides by a solid wood or simulated wood screen fence, a masonry wall (stone, stucco or brick) or principal structure wall at least six feet in height. The enclosure shall be gated. The materials used for screening, including the enclosure, must complement the architecture of the principal building. An extension of an exterior principal building wall may be used as one of the screening walls for a refuse container, provided that the wall is at least six feet in height and is of the same building materials as the principal building. The wall may not serve as the required gated enclosure.
- (13) Loading or Unloading Areas.** In any zone, every nonresidential building or part thereof, hereafter erected, with a floor area of 5,000 square feet or more, there shall be provided and maintained on the same premises with such building at least 1 off-street loading or unloading space plus 1 additional off-street loading or unloading space for each 20,000 square feet. Loading or unloading areas shall be located and oriented or screened so as not to be visible from the street and adjacent properties.

#### 4.7.4 – Parking Area Configuration

- A.** Parking aisles and individual parking stalls must meet the minimum applicable standards provided in Table 4.6.3-A - Parking Area Minimum Dimensions, based on the angle of the parking stall from the drive aisle, and the type of maneuvering (one-way or two-way) along such drive aisles.

Table 4.7.4-A - Parking Area Minimum Dimensions

| Angle of Parking from Drive Aisle (degrees) | One-Way Maneuvering Aisle Minimum Width | Two-Way Maneuvering Aisle Minimum Width | Parking Stall Minimum Width | Parking Stall Minimum Length |
|---------------------------------------------|-----------------------------------------|-----------------------------------------|-----------------------------|------------------------------|
| <b>0 – Parallel</b>                         | 12 feet                                 | 20 feet                                 | 9 feet                      | 23 feet                      |
| <b>30-53</b>                                | 13 feet                                 | 20 feet                                 | 9 feet                      | 19 feet                      |
| <b>54-75</b>                                | 18 feet                                 | 22 feet                                 | 9 feet                      | 19 feet                      |
| <b>76-90</b>                                | 22 feet                                 | 24 feet                                 | 9 feet                      | 19 feet                      |

#### 4.7.5 – Parking Landscaping Standards

- A. Applicability.** Interior landscaping, perimeter landscaping, and screening required by this section shall be indicated on the Zoning Certificate or Master Sign Plan application for any

newly created or newly expanded or reconfigured parking area. In the case of expansion, the landscaping and screening regulations apply to new portions of a parking area. Landscaping and screening shall be installed upon development of a parking area or parking area expansion or reconfiguration.

**B. Interior Landscaping.** For parking areas consisting of 10 or more spaces, interior parking area landscaping is required.

- (1) One parking area island must be provided between every ten contiguous parking spaces. As part of the landscape plan approval, parking area island locations may be varied based on specific site requirements or design scheme, to be approved as part of the landscape plan, but the total number of islands must be no less than the amount required, one island for every ten spaces.
- (2) In addition to parking area islands, additional landscaped areas must be provided within the interior of parking areas. All rows of parking spaces must terminate in a parking area island or landscaped area. The minimum interior landscaped area, including parking area islands, is ten percent (10%) of the parking area.
- (3) Parking area islands or landscaped areas must be at least 125 square feet in area. Double rows of parking must provide double-row width islands.
- (4) Parking area islands must be at least six inches above the surface of the parking area and protected with concrete curbing, except where designed to apply sustainable techniques allowing the flow and access of runoff. Such islands and landscaped areas must be properly drained and irrigated to ensure survivability.
- (5) The following plantings are required in parking area islands and landscaped areas:
  - (i) Shade trees must be the primary plant materials used in parking area islands and landscaped areas. Ornamental trees, shrubs, hedges and other plant materials may be used to supplement the shade tree plantings but must not create visibility concerns for automobiles and pedestrians. One (1) shade tree is required every parking area island or landscaped area. If the island extends the width of a double row, then two (2) shade trees are required.
  - (ii) The remaining area of a parking area island must be planted in shrubs, live groundcover, perennials or ornamental grasses. Mulch is required to fill in planting areas for early growth protection until the groundcover is established and covers the planting area. It is encouraged to mulch bare areas for three (3) to five (5) years, or until the plant material is fully established in the parking islands.
- (6) The above specific planting provisions may be waived during site plan review if the applicant presents an alternate landscape plan that provides a combination of tree canopy and non- reflective auto canopies that shade at least fifty percent (50%) of the parking area paved surface. This may include areas designated for solar powered electric auto recharging stations.



- (7) Landscaped medians that separate every 4<sup>th</sup> row of parking spaces, running the full length of the parking area, shall be planted with a minimum of one tree per 40 lineal feet.

**C. Perimeter Landscaping.** Perimeter parking area landscaping provides for the enhancement and screening of parking areas and enhancement of the street's shade tree canopy by requiring a scheme of landscaping along public streets. Perimeter landscaping is required for all parking areas and the landscape treatment must run the full length of the parking area where it abuts a street. In the case of parking located at the front of the building, see Table 4.6.4-A for requirements. The perimeter parking area landscape yard for all other yards must be improved as follows:

- (1) The perimeter landscape yard must be a minimum of fifteen (15) feet in width.
- (2) A single hedge row shall be planted with one shrub every 36 inches on center, spaced linearly. The shrubs must measure a minimum of 24 inches at planting, and a minimum of 36 inches to a maximum of 48 inches in height at maturity.
- (3) A minimum of one foot of width of groundcover and/or mulch.
- (4) One shade tree every twenty-five (25) feet on-center, spaced linearly. Trees may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan.
- (5) All perimeter parking area landscaping areas must be protected with raised curb and gutter. Curb inlets are required to allow water to infiltrate into the landscape areas as permitted by grading.

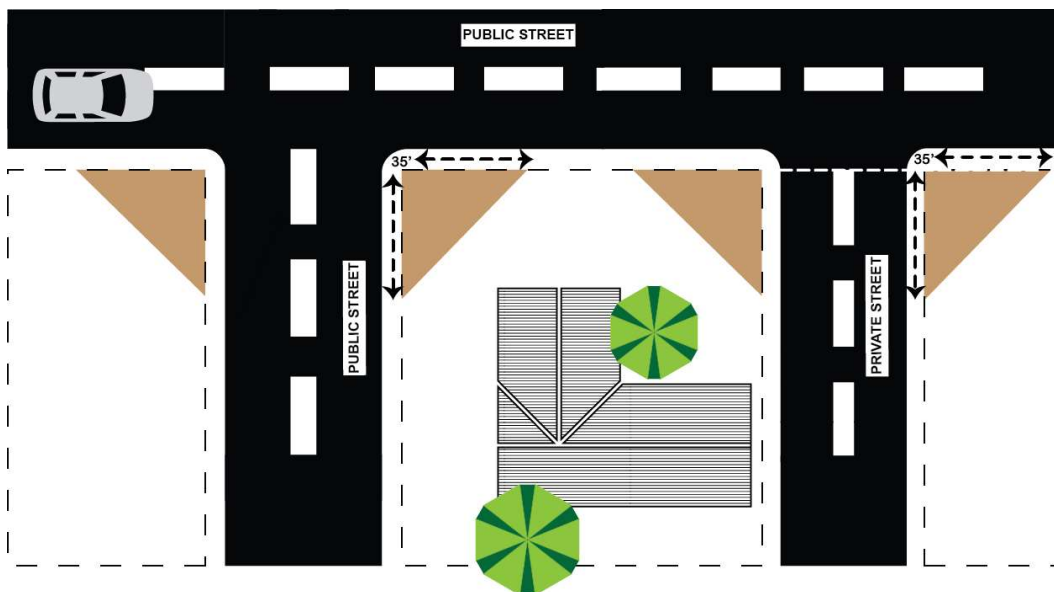
**D. Screening.** Where the parking area or a drive-thru/drive-in facility of a non-residential use or district abuts a residential district along the interior side or rear lot line, a buffer yard of 10 feet shall be provided along the interior side lot line and/or rear lot line through:

- (1) The perimeter landscape yard must be a minimum of fifteen (15) feet in width.
- (2) A single hedge row planted with one shrub every 36 inches on center, spaced linearly. The shrubs must measure a minimum of 24 inches at planting, and a minimum of 36 inches to a maximum of 48 inches in height at maturity. There shall be one shade tree for every 25 linear feet of the adjacent property line. The remainder of the area must be planted with turf or live groundcover.
- (3) No screening shall be required for a parking area effectively screened to this section's standards and specifications by a densely planted planting strip of at least 75 percent opacity; or existing natural or artificial barriers; providing the existing barrier has opacity of not less than.
- (4) A parking area need not be screened from the use it serves.

**E. Sight Triangle.** To ensure that landscape materials do not constitute a driving hazard, a clear sight triangle shall be observed at all street intersections or intersections of driveways with streets. A “clear sight triangle” is the triangular area formed by a diagonal line connecting two points located on intersecting right-of-way lines (or a right-of-way line and the edge of an access road), each point being 35 feet from the intersection, and the two intersecting right-of-way lines (or a right-of-way line and an access road).

- (1) **Design.** The entire area of the clear sight triangle should be designed as illustrated in Figure 4.6.4-A. to provide the driver of the vehicle entering the intersection with an unobstructed view to all points nine feet above the roadway along the centerline. The recommended distance depends upon the design speed of the higher-order street and therefore is greater for arterial streets than for collectors.
- (2) **Restrictions Within Clear Sight Triangles.** Within the sight triangle no landscape material with a height greater than 12 inches shall be permitted with the exception of trees which conform to the following standards. Trees shall be permitted within the sight triangles as long as, except during early growth stages, only the tree trunk (no limbs, leaves, etc.) is visible between the ground and nine feet above the ground, or otherwise does not present a traffic visibility hazard. Restrictions shall not apply to the following:
  - (i) Existing natural grades which, by reason of natural topography, rise 12 or more inches above the level of the center of the adjacent intersection;
  - (ii) Fire hydrants, public utility poles, street markers, governmental signs, and traffic control devices.

Figure 4.7.5-A – Sight Triangle



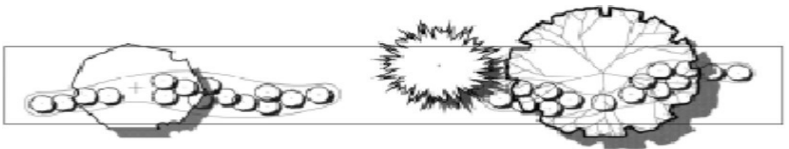
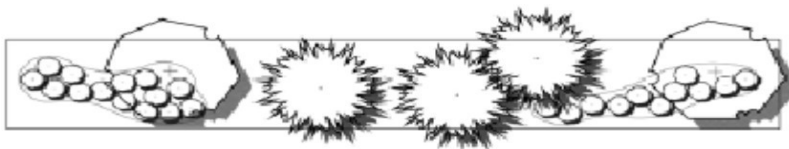
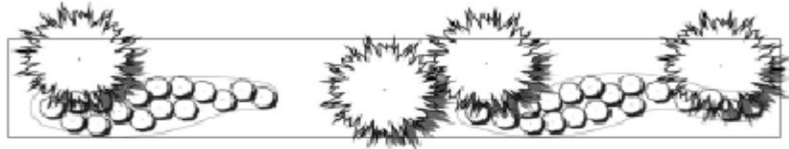


**F. Maintenance of Plants.** All plants shall be maintained in a healthy, live state and replaced as needed to comply with the original site plan and the specifications and standards herein set forth. Dead plants shall be replaced within the next growing season.

**Table 4.7.5-A - Front Yard Landscaping**

Where a multi-family dwelling of four or more dwelling units, a mixed-use development, or a commercial or other non-residential use maintains a front or corner side yard of ten or more feet, a landscape yard a minimum of ten feet in width must be installed along that lot line in compliance with the following:

- (1) Plantings may be spaced at various intervals and/or clustered based on specific site requirements or design scheme to be approved as part of the landscape plan. Examples are presented below.
- (2) All plant materials, excluding trees, must be in the bedline. Plant materials in raised planters are not permitted as front yard landscaping.
- (3) Ornamental rocks in lieu of groundcover plantings shall not exceed 10% of the total front yard landscape area, including driveways and walkways.

| Plant Options | Quantity & Type of                                                 | Illustration                                                                         |
|---------------|--------------------------------------------------------------------|--------------------------------------------------------------------------------------|
| Standard      | 1 Shade Tree<br>2 Ornamental Tree<br>20 Shrubs                     |    |
| Alternative A | 1 Shade Tree<br>1 Ornamental Tree<br>1 Evergreen Tree<br>30 Shrubs |  |
| Alternative B | 2 Ornamental Trees<br>3 Evergreen Trees<br>25 Shrubs               |  |
| Alternative C | 4 Evergreen trees<br>34 Shrubs                                     |  |
| Alternative D | Native Landscaping                                                 |  |

#### **4.7.6 – Parking Requirements in Residential Zones**

- A.** No parking space shall be located within any front yard outside of a paved parking area or driveway.
- B.** Any private walkway shall be designed in such a way that a vehicle cannot drive on it.
- C.** The setback from the side and rear lot line shall be two feet for paved areas and driveways.
- D.** Paving within a designated front yard shall be limited to private walkways and residential driveways.
- E. Driveway Width.** Allowable driveway width shall be based on the lot frontage, regardless of the width of the provided of-street parking area.
  - (1)** Where lot frontage is 40 feet or more, the maximum driveway width shall be twenty-four (24) feet.
  - (2)** Where existing lot frontage is less than forty 40 feet, driveway width shall not exceed 10 feet.
  - (3)** If the width of a garage exceeds the allowable driveway width, the driveway shall be allowed to flare to that width for a distance no less than eighteen (18) feet, beginning at a location no closer to the street than half (½) of the required front yard or side street side yard.
  - (4)** Shared single-family driveways are allowed but may not exceed a total width of 20 feet.
- F.** Single-family units shall receive vehicle access only from the front or rear lot line exclusively, not both. End units with a side street side yard may receive vehicle access from that lot line in lieu of front or rear entry.
- G.** Single-family units with vehicle access in the rear shall be served by an alley or public street and shall not have driveways in the front yard.
- H. Shared Residential Parking areas.** Where shared parking areas in residential districts are provided, the following standards shall be met:
  - (1)** Shared parking areas shall be owned and maintained by a common ownership mechanism.
  - (2)** Shared parking areas shall be landscaped in accordance with section 4.6.4 of this Resolution.
  - (3)** Shared parking areas shall be located to the rear or side of the single-family attached units. No portion of the front yard, exclusive of driveways or pedestrian walkways, shall be paved or surfaced.

- (4) The design of shared parking areas shall be developed so as to discourage the backing of vehicles onto a public right-of-way.
- I. On residential lots smaller than 0.5 acres**, no exterior improved or unimproved surface shall be used for the parking or storage of a boat, trailer, trailer or tow dolly, camping trailer, or other recreational vehicle. On residential lots larger than 0.5 acres, the parking or storage of a boat, trailer, trailer or tow dolly, camping trailer, or other recreational vehicle shall be governed by the following provisions:
- (1) Recreational vehicles and utility trailers may only be parked or stored within an enclosed building or in the rear or side yard of a given property.
  - (2) Vehicles stored or parked on a trailer intended for road transportation of the recreational vehicle shall be deemed to be one recreational vehicle. (E.g., a boat and the trailer it is secured to shall be deemed one recreational vehicle.)
  - (3) No recreational vehicle or utility trailer shall be occupied for the purpose of habitation, living, housekeeping, business, or home occupation purposes.
  - (4) No recreational vehicle or utility trailer shall be stored in any residential district, except on a one-unit dwelling lot in which the owner of the recreational vehicle or utility trailer has an ownership interest, or an interest as a lessee or tenant.
  - (5) On lots of less than one acre, only one recreational vehicle or one utility trailer may be parked or stored outside. On lots of one acre or more, up to two recreational vehicles or two utility trailers or one recreational vehicle and one utility trailer may be parked or stored outside.
  - (6) Recreational vehicles or utility trailers which are stored outside must provide setbacks as specified in \_\_\_\_\_.
- K. No commercial vehicle shall be stored or parked** on a residentially zoned lot. However, infrequent, short-term parking of a commercial or commercial-type vehicle for conveying tools and materials to premises where labor using such tools and materials is being performed, delivering goods to a residence, or moving furniture to or from a residence, all only during the time such parking is actually necessary, is allowed.
- L. Outside parking of automobiles**, station wagons, personal pick-ups, and passenger vans shall be located not closer than 3 feet to a side or rear lot line, except in the case of a legal nonconforming driveway location.
- M. All vehicles** are subject to the Colerain Township Junk Vehicle Resolution

### **4.7.7 – Parking Requirements in Non-Residential Zones**

- A. Locational Standards.** On corner lots in Commercial Districts, parking areas and driveways shall not be in the front yard.
- B. Connection Standards.**
- (1)** Internal pedestrian walkways shall be required and meet the following standards:
    - (i) A minimum of five (5) feet wide.
    - (ii) Extend from the parking area to the building entrance(s).
    - (iii) Directly connected to all adjacent rights of way.
    - (iv) For projects with two or more buildings, internal vehicular and pedestrian walkways shall be provided between parking areas.
  - (2)** Primary internal drives shall connect to established internal drives on adjacent properties to create cross-access and thru connections.
- C. Shared Non-Residential Parking areas.** Where shared parking areas in non-residential districts are provided, the following standards shall be met:
- (1)** Shared parking areas shall be owned and maintained by a common ownership mechanism.
  - (2)** Shared parking areas shall be landscaped in accordance with section 4.6.4 of this Resolution.
  - (3)** The design of shared parking areas shall be developed so as to discourage the backing of vehicles onto a public right-of-way.

### **4.7.8 – Sidewalks and Walkways**

- A. Applicability of sidewalk requirement.** Sidewalks are required per the following:
- (1)** Any use or building subject to the provisions of this Section 4.7 and established after the adoption of this Resolution shall be required to install a 4-foot-wide sidewalk along all public streets for the full length of the lot's street frontage(s).
  - (2)** Any established use or building that is expanded by more than 50% of the existing floor area after the adoption of this Resolution shall be required to install a 4-foot-wide sidewalk along all public streets for the full length of the lot's street frontage(s).
  - (3)** Existing sidewalks along a lot's street frontage that are at least 4 feet wide may be counted towards this requirement.

- B. Waiver of sidewalk requirement.** The sidewalk requirement may be waived or modified by the Board of Zoning Appeals pursuant to the variance review process.
- C. Sidewalk standards.** All sidewalks must meet the minimum design requirements of the rules and regulations of the Hamilton County Engineer’s Office.
- D. Walkway connection to public sidewalks.** Pedestrian walkways between the sidewalk and a building on a given property shall be required per the following standards:
  - (1) Where a sidewalk exists in a public right-of-way adjacent to the site or is required to be constructed as part of the development approval, a pedestrian connection shall be constructed from the principal building on the subject lot to the sidewalk.
  - (2) Pedestrian walkways shall be constructed of asphalt, concrete, or hard-surface pavers.
  - (3) The pedestrian walkway may be created as part of a driveway if it is delineated with a minimum of a painted line and the portion utilized for vehicular traffic is not reduced from the minimum width requirements.
  - (4) Pedestrian walkways shall have a minimum width of 4 feet.
- E. Walkway connections to certain features.** To the maximum extent feasible, all uses shall provide concrete or paved pedestrian linkages to existing trail systems, parks, schools, adjacent developments, and mass transit stations or stops. Such pedestrian linkages shall be a minimum of 5 feet in width.

## **SECTION 4.8 – SIGNAGE**

### **4.8.1 – General Provisions**

- A. Purpose.** The purposes of these signage regulations are to:
  - (1) Encourage effective use of signage as a means of communication in the Township
  - (2) Maintain and enhance the aesthetic environment and the Township’s ability to attract sources of economic development and growth;
  - (3) Encourage high quality, effective outdoor graphics for the purpose of navigation, information, and identification;
  - (4) Provide businesses in the Township with equitable signage standards in accordance with fair competition and aesthetic standards acceptable to the community;
  - (5) Provide the public with safe and effective means of locating businesses, services, and points of interest within the Township, including provisions for safe vehicular and pedestrian traffic control;
  - (6) Eliminate, to the maximum extent feasible, clutter and improve corridor visibility and safety;

- (7) Minimize the possible adverse effect of signage on nearby public and private property;
- (8) Protect signage that, by virtue of exhibiting distinctive design qualities characteristic of an earlier era, merits special regulatory treatment because of its current rarity or unusual significance; and
- (9) Ensure the protection of the public’s first amendment rights.

**B. Applicability.**

- (1) The regulations within this Resolution shall apply to all signage and to all zoning districts unless explicitly stated otherwise.
- (2) All signage shall require either Master Signage Plan that is approved and in effect for the property or district in accordance with the requirements of this Resolution, an approved Zoning Certificate, payment of fees, and an approved landscaping plan unless explicitly stated otherwise. No Zoning Certificate is required for the maintenance of signage.
- (3) Governmental signage is excluded from the scope of these regulations.
- (4) The owner of a lot or development (or an authorized representative) that contains signage requiring a Zoning Certificate under this Resolution shall at all times maintain in force a Zoning Certificate for such signage in accordance with this Resolution.
- (5) Zoning Certificates for signage shall be issued for individual lots, notwithstanding the fact that a particular lot may be included with other lots in a development.

**C. Permit Fees.** An application for a permit shall be filed with the Zoning Administrator, together with a permit fee for each sign as determined by the Board of Trustees and posted by a separate Resolution.

**D. Modifications to Signage Standards.** The provisions of this Section may be modified by the provisions in Section 3.4 – Use-Specific Standards.

**E. Effect of Regulations.** It shall hereafter be unlawful to erect, construct, install, place, relocate, expand, modify, maintain, or otherwise alter signage in the Township except in accordance with the provisions of these regulations.

**F. Applicability of Building, Fire, and Electrical Codes.** No signage of any classification shall be installed, erected, or attached to a structure in any form, shape, or manner that is in violation of Hamilton County’s or Ohio’s building or fire codes. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signage shall be in accordance with the provisions of the local electrical code in effect.

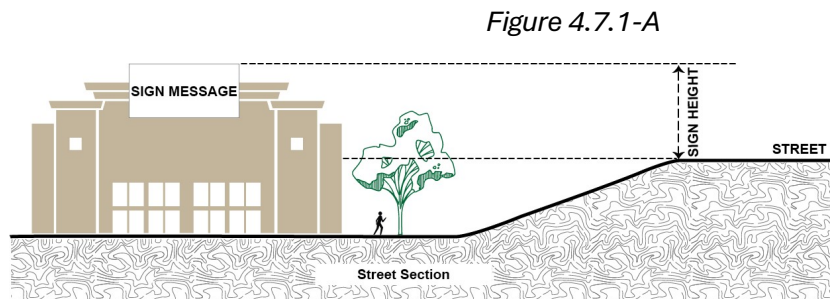
**G. Zoning Administrator Authority.** All signage shall be inspected on a regular basis to ensure compliance with the regulations listed within this section of the Resolution. The Zoning Administrator is hereby authorized to:

- (1) Order the repair or removal of any signage or sign structure that is defective, damaged, or substantially deteriorated, was placed illegally, has lost its legal nonconforming status, or has become abandoned; and
- (2) Order any signage to be repainted or refurbished at least once each year, if needed, to keep the signage in a safe, presentable, and good structural condition.

#### H. Measurements and Computations.

- (1) **Setbacks.** All required setbacks for signage shall be measured as the distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure.

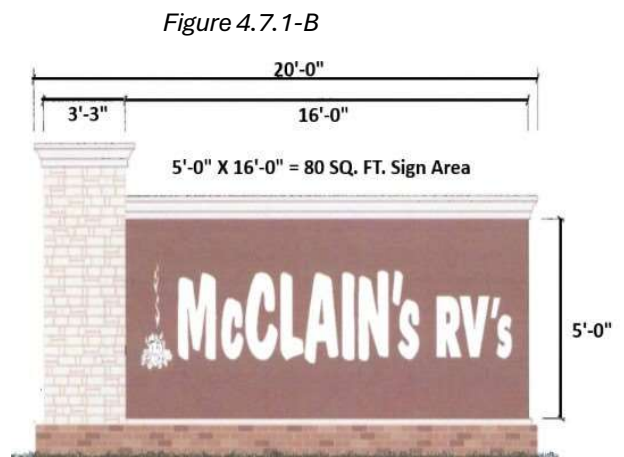
- (2) **Signage Height.** The height of a sign shall be computed as the distance from the base of the signage at normal grade (average grade at the



base of the signage) to the top of the highest attached component of the signage. Normal grade shall be construed to be the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating undertaken solely for the purpose of locating or increasing the height of signage.

In cases where the normal grade is below grade at street level, signage height shall be computed on the assumption that the elevation of the normal grade at the base of the signage is equal to the elevation of the nearest point of the crown of a public or private street, as shown in Figure 4.7.1-A.

- (3) **Signage Area.** For signage copy mounted or painted on a background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the signage copy, the signage area shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that encompasses the extreme limits of the background panel, cabinet, or surface, as shown in Figure 4.7.1-B.



For signage copy where individual letters or elements are mounted or painted on a building façade where there is no background panel, cabinet, or surface distinctively painted, textured, lighted, or constructed to serve as the background for the signage



copy, the signage area shall be computed by means of the combination of the smallest square, circle, rectangle, triangle, or combination thereof that encloses all the letters or elements associated with the signage. In cases where there are multiple signage elements on the same surface of any sign, the Zoning Administrator shall have the authority to determine the outermost boundaries of individual signage elements. Decorative edging or other window treatments that are not an integral part of the signage copy shall not be considered a part of the sign for the purposes of this Resolution.

- (4) **Building Frontage and Façades.** The primary façade shall be the portion of a frontage that serves as the main access point to a building or building unit. The calculation of width or lineal measurement of any façade shall be the measurement of the façade between two side façades. The calculation shall be based on viewing the façade from a 90-degree angle (i.e., straight on), regardless of façade insets, offsets, or angles, as shown in Figure 4.7.1-C.

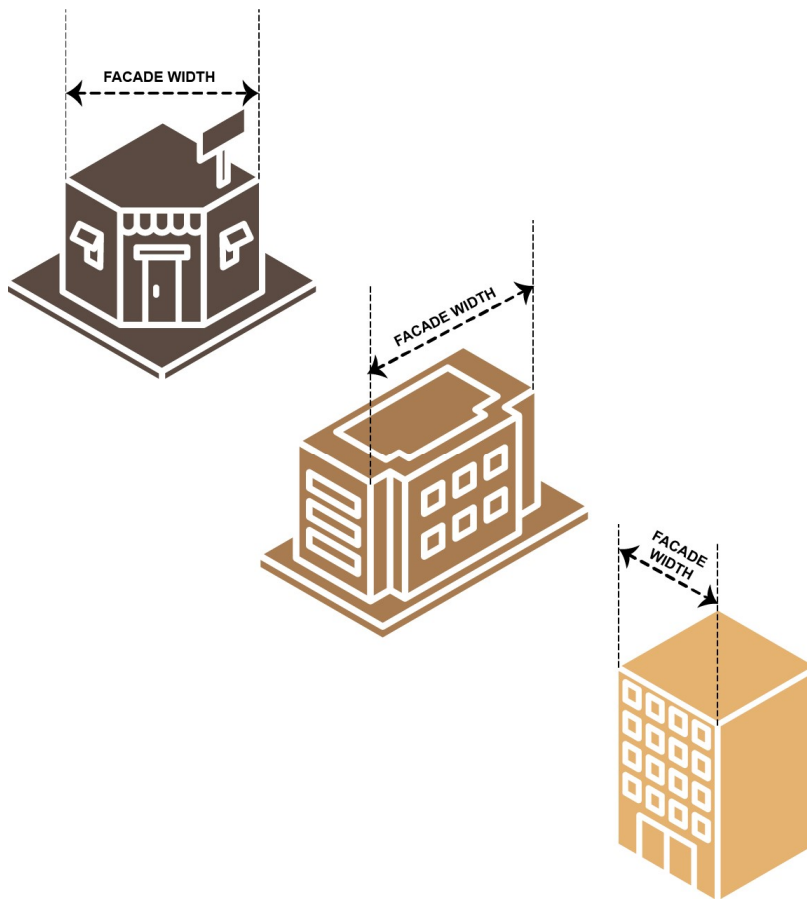


Figure 4.7.1-C



When a site has both a primary and secondary façade, the Zoning Administrator shall determine which wall shall be the primary building façade and which wall(s) shall be the secondary building façade. Only one outside wall of any business shall be considered its primary façade, as shown in Figure 4.7.1-D.

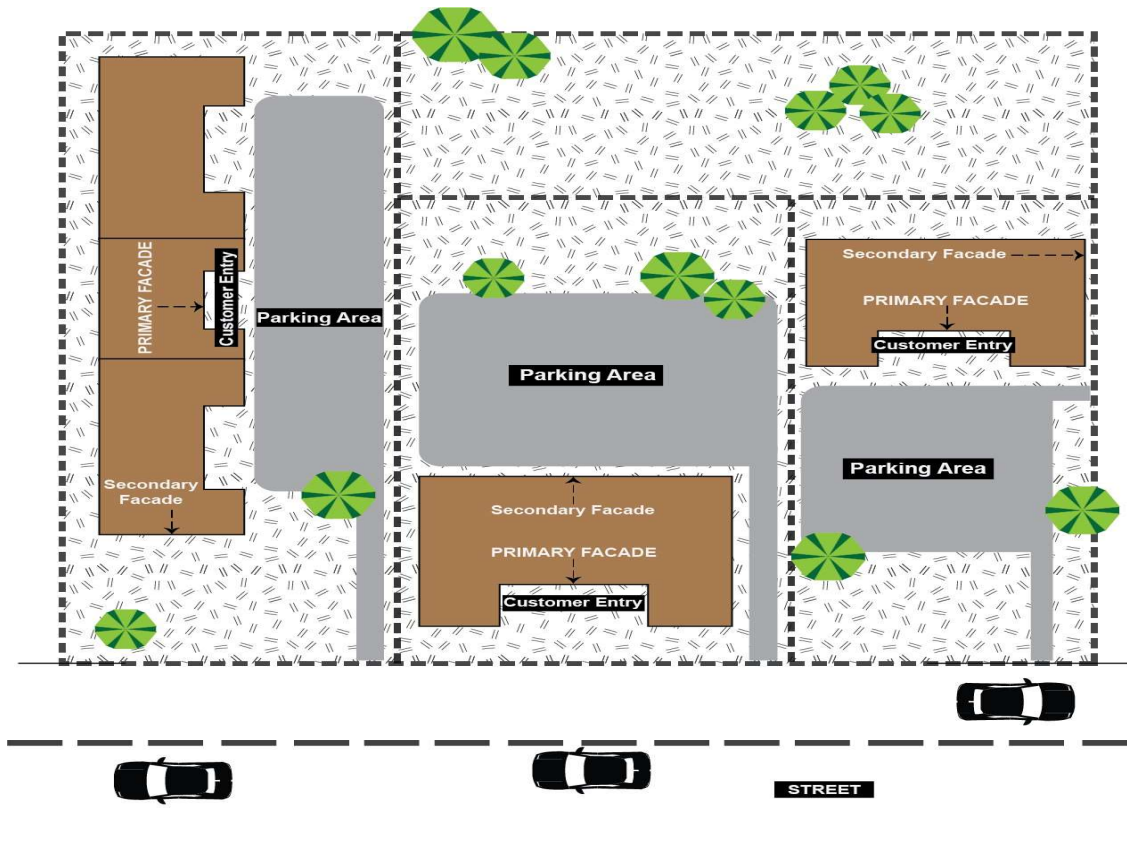


Figure 4.7.1-D

## 4.8.2 – Master Signage Plans

**A. Initiation or Alteration of Master Signage Plans.** For any lot on which the owner proposes to erect or install one or more permanent signs requiring a permit, the owner or applicant shall submit to the Zoning Administrator a Master Signage Plan. If the information listed upon the Master Signage Plan is in compliance with this Resolution, a Zoning Certificate will be issued to the applicant for each new sign. The Master Signage Plan shall contain the following:

- (1) The name, address, and signed written consent of the owner of the premises where the signage is located or is to be located on such form as the Zoning Administrator shall require;
- (2) Legal description of the property and existing zoning of all adjacent properties;

- (3) Design restrictions placed on the development by the owner in addition to the requirements of this Resolution;
- (4) One combined site plan showing all existing and proposed signage upon the site, and an individual plan for each sign. These plans shall contain clear and legible drawings, setbacks, and dimensions, at such scale as the Zoning Administrator shall reasonably require, with a description showing:
  - (i) **Location Details.** The proposed location of the signage which is the subject of the permit; the location of all other existing and planned signage, when such signage is on the same premises, except that incidental signage need not be shown; and the location of buildings, parking lots, driveways, and landscaped areas on such lot with dimensions relative to all signage. The applicant shall affirm that signage is not being proposed in a prohibited location
  - (ii) **Area Details.** Computation of the maximum total signage area; the maximum area for individual signs; the area and description of all other existing and planned signage, when such signage is on the same premises, except that incidental signage need not be computed; a statement demonstrating conformance to the applicable dimensional requirements of this Resolution for all existing and planned signage;
  - (iii) **Design Details.** Specific details regarding the architectural design of all parts of the proposed signage; hexadecimal number for all colors used on the signage, including business names, primary images, and secondary images; fonts used; materials used on the sign base, including type of brick, stone, or wood, The applicant shall affirm that all signage will be in compliance with the design standards listed in this Resolution;
  - (iv) **Construction Details.** Drawings showing the dimensions, construction supports, sizes, foundation, electrical wiring and components, and materials of the signage, the method of attachment and the character of the structural members, and a statement affirming that all signage shall comply with the appropriate provisions of the Hamilton County Building Code relating to UL approved design, structural members, and connections. The applicant or owner must also attest that all signage will be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this Resolution at all times. The applicant shall affirm that all signage will be in compliance with the illumination standards listed in this Resolution;
  - (v) **Landscaping Details.** A complete and detailed landscaping plan, showing the types of plants and ground covering that will be used around the base of the signage; expected height of all living plants, shrubs, and trees at the time of planting; expected height of all living plants, shrubs, and trees at full growth. Landscape plans are required for all ground signage. The applicant shall affirm that all signage will be in compliance with the landscaping standards listed in this Resolution; and

- (vi) **Signage Face Change Details, if applicable.** For signage already existing upon a site, an applicant may propose a face change, which is the replacement or revision of the business name, primary image, and/or secondary image included on a sign by means of replacing the physical material, by repainting over the physical material, or by implementation of a similar process that does not require the installation of a new or modified cabinet or structure. Altering or replacing the cabinet or structure of the signage shall constitute as new signage, which must conform to the provisions of this Resolution. All face changes shall meet the requirements of this Resolution and the inability to place a compliant sign face onto a nonconforming sign structure shall not be considered a hardship.
- B. Joint Master Signage Agreements.** Developments, subdivisions, or other jointly owned or maintained lots may apply for a Joint Master Signage Plan. This plan allows a property owner, property maintenance company, or homeowners association the right to file one Master Signage Plan for several adjacent and connected properties. It shall be at the discretion of the Zoning Administrator to determine whether a Joint Master Signage Agreement is appropriate for the parcels in question. The following factors may be taken into account to make this determination:
  - (1) Whether the development contains at least three attached storefronts that have an approved Master Parking Plan; and
  - (2) Whether the development contains at least 500,000 square feet of warehouse space that has an approved Master Parking Plan; and
  - (3) Whether the development contains at least 250,000 square feet of leasable retail or office space that has an approved Master Parking Plan; and
  - (4) Whether the development contains at least 27 dwelling units within the same development or subdivision.
- C. Action on Master Signage Plans.** On any application for approval or modification of a Master Signage Plan outside of a Planned District, the Zoning Administrator shall take action on the application on one of the following dates: Fourteen days after the submission of a complete application if the application is for signage for existing buildings; or on the date of final action on any related application for building permit, site plan, or development plan for signage involving new construction. In case of a denial of the Master Signage Plan, the Zoning Administrator shall specify in the Refusal Letter the section or sections of the Resolution with which the plan is inconsistent.
- D. Master Signage Plans for Planned Districts.** In order to encourage a flexible procedure to allow large developments the opportunity to coordinate signage, utilizing a consistent theme appropriate to the character of the proposed or existing development, Master Signage Plans for Planned Districts are subject to approval by the Zoning Commission at a regularly scheduled meeting. Master Signage Plans for Planned Districts shall contain all the information required for a regular Master Signage Plan and shall also specify the following:

- (1) **Placement.** All signage shall be placed where it is sufficiently visible and readable for its function. Factors to be considered shall include the purpose of the signage, and its location relative to traffic movement and access points and viewing angles.
- (2) **Quantity.** The quantity of signage that may be approved within any development shall be no greater than that required to provide effective internal circulation, directional information to destinations and development sub-areas, and business identification. Factors to be considered shall include the size of the development, the number of development sub-areas, and signage functions;
- (3) **Height and Size.** All signage shall be no larger or erected to a height greater than necessary for visibility and readability. Factors to be considered in determining appropriate height and size shall include topography, volume of traffic, speed of traffic, visibility range, proximity to adjacent uses, amount of signage copy, placement of display (location and height), lettering style and the presence of distractive influences.
- (4) **Colors and Materials.** Signage materials and color schemes samples, including hexadecimal numbers for all colors proposed, shall be provided and shall be compatible with the architectural features of buildings on the site and/or natural materials incorporated into the project construction. This is required to be accomplished through similarity of materials for sign structures and faces, the use of complementary colors, similarity of architectural style, or the use of a consistent lettering style or copy;
- (5) **Plan for Nonconforming Signage.** If any new or amended Master Signage Plan is filed for a property within a Planned district in which existing signage is located, the plan shall include a schedule for removing or bringing into conformance, within two years, all signage not conforming to the proposed amended plan or to the requirements of this Resolution in effect on the date of submission. Nonconforming signage that is not brought into conformity at its scheduled time will lose its legal nonconforming status and must be removed;
- (6) **Legal Devices.** Deed restrictions, protective covenants and other legal statements or devices that may conflict with the adoption of a Master Signage Plan shall be disclosed to the Zoning Commission during the application process;
- (7) **Theme.** A narrative description of the common theme for signage within the development and how it relates to architectural and/or landscaping elements of the development.
- (8) **Other.** Any other information which, in the opinion of the Zoning Administrator or Zoning Commission, is necessary to provide for enforcement of this Resolution.

- E. Action on Master Signage Plans for Planned Districts.** A Master Signage Plan or amendment in a Planned District shall be considered by the Zoning Commission, which will approve or reject the proposed plan based upon whether the plan conforms to the standards of this Section and with the spirit and intent of this Resolution. Amendments to Master Signage Plans in Planned Districts that do not increase the intensity of signage may be approved administratively. Amendments to

Master Signage Plans in Planned Districts that do increase the intensity of signage may be approved through a Minor Modification of the Final Development Plan.

- F. Classification and Height Limitations Remain.** In no instance shall any signage plan approve a type of signage that is expressly prohibited by this Resolution, or a single sign or sign structure of any type that is taller than twelve feet from the ground to the top edge of the sign.

### **4.8.3 – Signage Classification & Permissions**

- A. Purpose.** The purpose of this section and the charts within is to describe the types of signage and the conditions placed upon such signage within Colerain Township. Any signage not listed within this Resolution shall be considered prohibited unless otherwise ruled by the Board of Zoning Appeals, Zoning Commission, or Zoning Administrator.
- B. Classification of Signage Districts.** Conditions placed upon approvable signage classifications have been listed under a category based upon the zoning district that the proposed signage will be placed in. A dash placed on any table indicates that the signage classification is not permitted in these zoning districts (see Table 4.7.4 – A through Table 4.7.4 – N for Signage Permissions and Standards). There are four main classifications of zoning districts, which are:
- (1) Residential Zoning Districts:** RER, STR, & MUR zones, and all conditional or non-conforming uses located in these zones that are used non-residentially.
  - (2) Commercial Zoning Districts:** NBM, AMN, AMC, AMS, and all conditional or non-conforming uses located in these zones that are used non-commercially.
  - (3) Industrial Zoning Districts:** LIT, SLF, and all conditional or non-conforming uses located in these zones that are used non-industrially.
  - (4) GOR District:** The only approvable signage in this zoning district is single identification monument signage, which shares the same requirements as Industrial Districts.
- C. Signage Classifications Allowed by Right.**
- (1) Governmental or Legally Required Signs:** Governmental signage includes governmental flags, address identification signage that is attached to the primary structure of a lot, and traffic control signage. Such signage shall only feature three colors, including black and white, unless required by government regulation. Legally required signage refers to signage that is required by a state or federal statute; by an order of a court of competent jurisdiction; by public utilities in their rights of way or on their facilities; by a transit with a franchise or other right to operate in Hamilton County, where such signage is installed along its routes and on its equipment; or by officials of a state or federal agency in the course of their official duties.
  - (2) Real Estate Sale or Leasing Signs:** Signage erected by the owner, or his/her agent, advertising the currently listed real estate upon which the signage is located for rent,

lease, or sale, or one directing to such property. Such signage shall not exceed six square feet in Residential Districts and thirty-six square feet in Non-Residential Districts and must be removed within fourteen days of the listing expiration. Signage that remains displayed for a period greater than 365 days shall require a special Zoning Certificate, which does not require a Master Signage Plan.

- (3) **Residential Information Signs:** On-site signage erected for the safety or convenience of the public including “no trespassing”, “beware of dog”, and other signage of similar nature bearing no commercial message, whether directly or indirectly. Such signage shall not be illuminated, shall be limited to six square feet, no more than two such signs shall be present on a lot at the same time and signs shall be placed no closer than twenty-five feet from another sign.
  - (4) **Residential Yard Signs:** On-site temporary signage at a residential dwelling used to publicize or announce non-commercial information at the discretion of the homeowner or tenant of the property such as, but not limited to, congrats graduate signage or political signage. Such signage shall not be illuminated, shall be limited to six square feet, no more than two such signs shall be present on a lot at the same time and signs shall be placed no closer than twenty-five feet from another sign.
- D. Prohibited Signage Classifications.** The following signage is prohibited in all zones unless otherwise noted:
- (1) **Combustible Signs:** Any signage that makes the use of fire or flame, heat, or other combustible elements used to draw attention to the signage;
  - (2) **Electronic Signs:** Signage employing animation, flashing, actual motion, the illusion of motion, or still graphics, achieved through mechanical, electrical, or programmable electronic means. This prohibition does not include electronic copy signs attached to monument signage for institutional uses or at fuel stations that display the price of up to three different grades or types of fuel in a reasonable size and brightness;
  - (3) **Freestanding Pole / Pylon Signs:** A freestanding sign that does not meet the definition of monument, ground, or portable signage, which is composed of a sign cabinet or base and a sign pole or pylon by which it connects to the ground to advertise a business on-site. This prohibition does not include directional signage or drive-thru signage mounted to a pole. Any billboard that displays an advertisement for a business or use located within five hundred feet of the billboard will be considered an on-site freestanding pole sign and is prohibited;
  - (4) **High Rise Signs:** An on-site sign, taller than twelve feet, which is constructed to attract the attention of interstate travelers and is located within 1000 feet of the interstate right of way;



- (5) **Human Signs:** Signage held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, idea, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual or business;
  - (6) **Inflatable Signs:** Any balloon or object enlarged or inflated which floats, is tethered in the air, is activated by air, or moving gas, or is located on the ground or on a building with or without copy or other graphic;
  - (7) **Snipe Signs:** Signage applied to trees, utility poles, supporting structures for governmental signage, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary support device;
  - (8) **Motion Signs:** Signage where any part of the signage or sign structure physically moves or rotates by the wind or through mechanical means including, but not limited to, search lights, pennants, streamers, and spinners;
  - (9) **Permanent “Temporary” Signs:** Signage, which is designed to be used for temporary purposes, that is placed upon a lot or parcels and used as permanent signage. This includes banner signage, which is constructed of a strip of cloth, paper, plastic, or other flexible material upon which copy is written and which is mounted to the ground or supported between poles or sticks or fastened to buildings or other structures that is intended to be erected permanently. This also includes post-and-panel signage, which lacks the base of a monument sign and shall not be used in place of permanent ground signage; and,
  - (10) **Roof Signs:** Signage erected upon, against or directly above a roof or on top of or above the parapet of a building. *Note: This prohibition does not apply to Placemaking Art Signs.*
- E. Permitted Signage Classifications.** Signage classifications listed on the following Table 4.7.4 – A through Table 4.7.4 - N; Signage Permissions and Standards are permitted with conditions listed upon each table:

Table 4.8.3-A

| <b>Curb Cut Signs</b>                                                                                                                                                                 |                       |                                  |                                  |  <b>Ground Sign</b> |  <b>Permit Required</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|----------------------------------|------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| A low-profile, ground mounted sign placed on 1-2 poles or on top of a base to guide the safe movement of vehicle and pedestrian traffic into the lot of a business or industrial use. |                       |                                  |                                  |                                                                                                      |                                                                                                            |
|                                                                                                                                                                                       | Residential Districts | Commercial Districts             | Industrial Districts             |                                                                                                      |                                                                                                            |
| <b>Count (max.)</b>                                                                                                                                                                   | -                     | 1 per driveway; 2 max            | 1 per driveway; 2 max            |                                                                                                      |                                                                                                            |
| <b>Sign Face Surface Area (max.)</b>                                                                                                                                                  | -                     | 10 square feet per side per sign | 25 square feet per side per sign |                                                                                                      |                                                                                                            |
| <b>Sign Height (max.)</b>                                                                                                                                                             | -                     | 4 feet (total structure)         | 4 feet (total structure)         |                                                                                                      |                                                                                                            |
| <b>Allowed Illumination Types</b>                                                                                                                                                     | -                     | Internal, External, Indirect     | Internal, External, Indirect     |                                                                                                      |                                                                                                            |
| <b>Minimum Landscaping Radius</b>                                                                                                                                                     | -                     | 3' around base or pole(s)        | 3' around base of pole(s)        |                                                                                                      |                                                                                                            |
| <b>Additional Conditions</b>                                                                                                                                                          |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| Signs shall not be mounted to a building or any supporting structure.                                                                                                                 |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| Signs shall be permanently mounted to 1-2 poles or on top of a monument base.                                                                                                         |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| Signs shall bear no commercial messaging other than typeface, color, and a small logo that occupies no more than 20% of the sign.                                                     |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| Signs shall only feature the following words or similar: 'drive thru', 'in', 'out', 'enter', 'entrance', 'exit', 'welcome', and 'thank you'.                                          |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| If the internal curb closest to the sign is closer than the required landscaping radius, the sign shall be landscaped to the curb.                                                    |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| If a second curb cut sign is erected, both signs shall be thematically and stylistically identical with the other.                                                                    |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| Signs shall be located within 10 feet of the intersection of the public street and driveway or as close to the right of way as possible.                                              |                       |                                  |                                  |                                                                                                      |                                                                                                            |
| If the business has signage on another ground sign, the curb cut sign background color shall be a color from the other ground sign.                                                   |                       |                                  |                                  |                                                                                                      |                                                                                                            |





Table 4.8.3-B

| <b>Wayfinding Signs</b>                                                                                                                                                                                   |                       |                                  |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|----------------------------------|----------------------------------|
|                                                                                                                                                                                                           |                       |                                  |                                  |
| A low-profile, ground mounted sign placed on 1-2 poles or on top of a base to guide the safe movement of vehicle and pedestrian traffic while navigating through the lot of a business or industrial use. |                       |                                  |                                  |
|                                                                                                                                                                                                           | Residential Districts | Commercial Districts             | Industrial Districts             |
| Count (max.)                                                                                                                                                                                              | -                     | 1 per 5 acres; 4 max             | 1 per 5 acres; 4 max             |
| Sign Face Surface Area (max.)                                                                                                                                                                             | -                     | 25 square feet per side per sign | 50 square feet per side per sign |
| Sign Height (max.)                                                                                                                                                                                        | -                     | 6 feet (total structure)         | 6 feet (total structure)         |
| Minimum Lot Size                                                                                                                                                                                          | -                     | 5 acres                          | 5 acres                          |
| Minimum Setback                                                                                                                                                                                           | -                     | 10 feet                          | 10 feet                          |
| Allowed Illumination Types                                                                                                                                                                                | -                     | Internal, External, Indirect     | Internal, External, Indirect     |
| Minimum Landscaping Radius                                                                                                                                                                                | -                     | 5' around base or pole(s)        | 5' around base or pole(s)        |
| <b>Additional Conditions</b>                                                                                                                                                                              |                       |                                  |                                  |
| Signs shall not be mounted to a building or any supporting structure.                                                                                                                                     |                       |                                  |                                  |
| Signs shall be permanently mounted to 1-2 poles or on top of a monument base.                                                                                                                             |                       |                                  |                                  |
| Commercial messaging on the sign, whether direct or indirect, shall be limited to 20% of the sign surface area.                                                                                           |                       |                                  |                                  |
| If multiple wayfinding signs are erected, all signs shall be thematically and stylistically identical with each other.                                                                                    |                       |                                  |                                  |
| If the internal curb closest to the sign is closer than the required landscaping radius, the sign shall be landscaped to the curb.                                                                        |                       |                                  |                                  |
| If the business has signage on another ground sign, wayfinding sign background color shall be a color from the other ground sign.                                                                         |                       |                                  |                                  |



Table 4.8.3-C

**Gateway Monument Signs**

Ground Sign

Permit Required

A low-profile, ground mounted sign placed on top of a base at the entrance to subdivisions with 31 or more dwelling units, commercial developments with at least ten tenants; at least 500,000 square feet of leasable retail space; and at least 500 feet of frontage along the public right of way, or industrial parks with at least 1.25 million square feet of warehouse space. *Also known as Residential or Commercial Entry Signs.*

|                                      | Residential Districts             | Commercial Districts              | Industrial Districts              |
|--------------------------------------|-----------------------------------|-----------------------------------|-----------------------------------|
| <b>Count (max.)</b>                  | 2 total per development           | 2 total per development           | 2 total per development           |
| <b>Sign Face Surface Area (max.)</b> | 100 square feet per side per sign | 125 square feet per side per sign | 150 square feet per side per sign |
| <b>Total Sign Height (min.)</b>      | 5 feet                            | 5 feet                            | 5 feet                            |
| <b>Total Sign Height (max.)</b>      | 10 feet                           | 10 feet                           | 10 feet                           |
| <b>Setback (min.)</b>                | 10 feet                           | 10 feet                           | 10 feet                           |
| <b>Allowed Illumination Types</b>    | External; Indirect                | External; Indirect                | Internal; External; Indirect      |
| <b>Minimum Landscaping Radius</b>    | 5 feet around base                | 5 feet around base                | 5 feet around base                |

**Additional Conditions**

Gateway signs need not be square or rectangular, but may be any shape.

Each gateway sign shall only contain the name of the subdivision, development, or industrial park and up to one emblem per side.

No commercial messages, whether direct or indirect, shall be placed upon gateway signage.

On one-sided signs, the reverse side of the sign shall be finished and shall have no signage other than an optional developer logo.

On one-sided signs, an optional rear developer logo may be up to 15 square feet and shall not count towards the face area maximum.

On two-sided signs, the reverse side of the sign shall match the front side of the sign.

Gateway sign structures shall consist entirely of natural materials, such as wood, brick and stone, or visually similar materials.

Signs shall be placed at the main entrance to a development and shall not be placed at secondary entrances.

If a second sign structure is erected, both signs shall be one-sided and placed at an angle that limits visibility of the reverse sides.

If a second sign structure is erected, it shall be identical and placed on the opposite site of the main driveway as the first sign.

The base and foundation of each sign shall be landscaped with no fewer than 10 evergreen shrubs or similar planting materials.





Table 4.8.3-D

**Single Identification Monument Signs**

Ground Sign

Permit Required

A low-profile, ground mounted sign placed on top of a base that advertises one business or storefront only. Businesses or storefronts with single identification signs shall not be featured on joint identification signs.

|                                        | Residential Districts | Commercial Districts                                                                                                         | Industrial Districts                                                                                                          |
|----------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|
| Count (max.)                           | -                     | Standard lot: 1; Corner lot: 2                                                                                               | Standard lot: 1; Corner lot: 2                                                                                                |
| Sign Face Surface Area Per Side (max.) | -                     | 50 square feet or 75 square feet total on corner lots with at least 100 feet of long frontage along each public right of way | 75 square feet or 100 square feet total on corner lots with at least 100 feet of long frontage along each public right of way |
| Total Sign Height (max.)               | -                     | 5 feet                                                                                                                       | 5 feet                                                                                                                        |
| Setback (min.)                         | -                     | 10 feet                                                                                                                      | 10 feet                                                                                                                       |
| Allowed Illumination Types             | -                     | Internal; External; Indirect                                                                                                 | Internal; External; Indirect                                                                                                  |
| Minimum Landscaping Radius             | -                     | 5 feet around base                                                                                                           | 5 feet around base                                                                                                            |

**Additional Conditions**

The sign structure shall have two sides, mounted back-to-back, and shall be identical on both sides, including sign faces and copy.

For corner lots, both single identification monument sign shall be identical in all aspects.

**Optional Changeable Copy Boards for Institutional and Automotive Fuel Service Uses**

Changeable copy boards may be added to single identification monument signs with institutional and Automotive Fuel Service uses only.

Changeable copy boards may be manually, mechanically, or electronically changed.

Messages within electronic copy boards shall only contain numbers, letters, and words and shall be displayed against a solid black or white background.

Electronic copy boards on Automotive Fuel Service lots shall only be used to display up to three separate prices for grades of fuel.

Bulbs with automatic dimmers and glare screens shall be used and shall be equipped with a photocell to automatically reduce brightness.

Electronic copy signs shall not flash and the brightness of the copy within a message shall not exceed 2,000 nits

Changes in messages shall be limited to no more than 4 per minute, with each message displayed for a minimum of 12 seconds.

For electronic boards on drive-thru or drive-in menus, see "Drive-Thru & Drive-In Menu Signs".



Table 4.8.3-E

| Joint Identification Monument Signs                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                              |                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------|----------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       | Ground Sign                                                                                                  | Permit Required      |
| A low-profile, ground mounted sign placed on top of a base that serves as a common or collective identification for two or more businesses or other non-residential uses in the same building or development with all of the following: At least two tenants or offices; at least 250,000 square feet of leasable retail space; and at least 500 feet of frontage along the main public right of way of the development. Businesses or storefronts with single identification signs shall not be featured on joint identification signs. Also known as Multi-Tenant Signs. |                       |                                                                                                              |                      |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Residential Districts | Commercial Districts                                                                                         | Industrial Districts |
| Count (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | -                     | 1 per 500 lineal feet of lot frontage; 3 max                                                                 | -                    |
| Total Sign Face Surface Area (per tenant, per side, per sign)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | -                     | 2 tenants on sign: 40 square feet<br>3 tenants on sign: 35 square feet<br>4+ tenants on sign: 30 square feet | -                    |
| Total Sign Face Surface Area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | -                     | 150 square feet per side, per sign                                                                           | -                    |
| Total Sign Height (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | -                     | 10 feet                                                                                                      | -                    |
| Setback (min.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | -                     | 10 feet                                                                                                      | -                    |
| Allowed Illumination Types                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | -                     | Internal; Indirect                                                                                           | -                    |
| Minimum Landscaping Radius                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | -                     | 1' around base per tenant, min. of 5'.                                                                       | -                    |
| <b>Additional Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                              |                      |
| Each sign structure shall have two sides, mounted back-to-back, and shall be identical on both sides, including sign faces and copy.                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                                                                                              |                      |
| One main tenant sign face may be exactly twice the height of standard sign faces. All standard sign faces shall be the same height as one another.                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                                                              |                      |
| All sign faces shall be the same width as one another and shall be stacked in 1-2 even columns, or shall be perfectly square with signage stacked side-by-side.                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                              |                      |
| No two businesses on the same joint identification monument sign shall have main entrances further than 500 feet apart.                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                                                                              |                      |
| No two joint identification monument signs on the same lot or in the same development shall be closer than 250 feet to one another.                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                              |                      |
| No single business or storefront shall occupy more than one sign face the same side on any individual sign structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                                                                                                              |                      |
| No single business or storefront shall be featured on more than one joint identification sign structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                              |                      |
| If multiple joint identification monument signs are erected, each sign shall be thematically and stylistically identical with the other.                                                                                                                                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                              |                      |
| Signage for 1-2 tenants shall only contain business names, an optional tagline of five words or less, and up to one image of < 20% of the size of the sign face.                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                                                                                                              |                      |
| <b>Additional Design Requirements for Signage with 3+ Stores</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                       |                                                                                                              |                      |
| Signage for 3 or more tenants shall all have the same color of typeface and same background color, but signs may use an individual typeface.                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                              |                      |
| Signage for 3 or more tenants shall include the name of the tenant and an optional tagline of five words or less, and shall not contain primary or secondary images.                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                                                                                              |                      |
| The development name may be included on signs with 3 or more stores and shall be listed in similar color, size, and font to the store names.                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                              |                      |
| The area of the development name shall be counted towards square footage maximum of the sign at a rate of 1/2 the square footage.                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                                                                                                              |                      |
| Signage for 9 or more tenants in any zone or district shall obtain a conditional use permit from the Board of Zoning Appeals.                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                                                                                                              |                      |
| <b>Shared Practice Signs</b> Signage for multiple medical, legal, realty, or other similar offices may display the names, specialties, and certifications, of up to 9 individuals.                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                                                              |                      |
| Shared practice signs shall be limited to 10 square feet per professional name or 50 square feet total, whichever is less.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                              |                      |
| All standards are the same as other Joint Identification signs, except that shared practice signs shall all have consistent typeface.                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                                                                                                              |                      |
| Shared practice signs shall have one background color and one text color shared among all sign faces with no images, logos, or symbols.                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                                                                              |                      |



Table 4.8.3-F

| Drive-Thru & Drive-In Menus                                                                                                                                                       |                       |                                 |                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|---------------------------------|----------------------|
|                                                                                                                                                                                   |                       |                                 |                      |
| Signage installed at a drive through facility listing the services or goods sold by the business, the price thereof, and may include incidental advertising or the business logo. |                       |                                 |                      |
|                                                                                                                                                                                   | Residential Districts | Commercial Districts            | Industrial Districts |
| Count (max.)                                                                                                                                                                      | -                     | 2 per lot + 12 per Drive-In lot | -                    |
| Sign Face Surface Area (max.)                                                                                                                                                     | -                     | 50 square feet per sign         | -                    |
| Total Sign Height (max.)                                                                                                                                                          | -                     | 8 feet; no taller than building | -                    |
| Minimum Landscaping Radius                                                                                                                                                        | -                     | 3' around base or pole(s)       | -                    |
| <b>Additional Conditions</b>                                                                                                                                                      |                       |                                 |                      |
| Signs shall be located on the property to which they refers and shall not be visible from any public right of way.                                                                |                       |                                 |                      |
| Signs shall feature digital elements to display the menu of the business.                                                                                                         |                       |                                 |                      |
| Signs shall be screened at least 25% with landscaping along the opposite side of the drive-thru. A landscaping plan is required.                                                  |                       |                                 |                      |
| If the internal curb closest to the drive-thru sign is closer than the required landscaping radius, the sign shall be landscaped to the curb.                                     |                       |                                 |                      |
| No point of purchase attachments shall be placed upon the signage to advertise specials.                                                                                          |                       |                                 |                      |
| Menu boards in drive-thru lanes shall be skirted to the ground with like materials of the principal structure of the lot.                                                         |                       |                                 |                      |
| One preview menu board that shows a menu while a customer is waiting in line is permitted, so long as the screen is 25 square feet or smaller.                                    |                       |                                 |                      |
| <b>Review Screens and Speaker Boxes</b>                                                                                                                                           |                       |                                 |                      |
| Structures that contain a speaker, camera, and/or a screen listing the items ordered by the customer and the order total are permitted.                                           |                       |                                 |                      |
| These structures must be located directly adjacent to the main menu board, no more than 54 inches tall.                                                                           |                       |                                 |                      |
| Review screens and speaker boxes, if intended to be erected, shall be included on the site plan for the main menu board.                                                          |                       |                                 |                      |
| <b>Drive-In Restaurants</b>                                                                                                                                                       |                       |                                 |                      |
| Drive-In restaurants, with at least 6 stalls in which food is delivered to a stall, shall be allowed one menu board per stall, with a maximum of 12.                              |                       |                                 |                      |
| Drive-In restaurants that also feature a drive-thru shall be allowed up to two drive-thru signs in addition to allowed drive-in signs.                                            |                       |                                 |                      |
| Menu boards on stalls do not have a required landscaping radius.                                                                                                                  |                       |                                 |                      |
| Menu boards on stalls at a Drive-In shall be at least 25% screened from view along the public right of way.                                                                       |                       |                                 |                      |





Table 4.8.3-G

| <b>Wall Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
| A three-dimensional or layered construction sign made of painted wood, acrylic, high density urethane, glass, or metal panel (or a high quality equivalent), with painted, carved, or applied letters or individual cut metal letters applied directly against the wall of a building or structure with the exposed face of the sign in a plane parallel to the plane of the wall and not extending more than 18 inches therefrom and which does not project above the roofline or beyond the corner of the building. |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Residential Districts                                                                       | Commercial Districts                                                                                                                                                                                  | Industrial Districts                                                                                                                                                                                  |
| Count (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Not limited                                                                                 | Not limited                                                                                                                                                                                           | Not limited                                                                                                                                                                                           |
| Total Surface Area (max.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1 square foot per lineal foot of width of the primary facade; not to exceed 100 square feet | 1 square foot per lineal foot of width of the primary facade; not to exceed 150 square feet, or, 225 square feet on corner lots with at least 100 feet of lot frontage along each public right of way | 1 square foot per lineal foot of width of the primary facade; not to exceed 150 square feet, or, 225 square feet on corner lots with at least 100 feet of lot frontage along each public right of way |
| Allowed Illumination Types                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Internal, Indirect                                                                          | Internal, Indirect                                                                                                                                                                                    | Internal, Indirect                                                                                                                                                                                    |
| <b>Additional Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
| Each individual wall sign shall count towards the maximum total surface area for wall signs.                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
| No single building façade shall contain more than 150 square feet of signage, regardless of façade insets, offsets, or angles.                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
| Any wall signs or artwork bearing a commercial message, whether directly or indirectly, counts towards the maximum surface area.                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |
| Exposed junction boxes, wires, transformers, conduit, raceways, and cabinets with changeable opaque or translucent faces are prohibited.                                                                                                                                                                                                                                                                                                                                                                              |                                                                                             |                                                                                                                                                                                                       |                                                                                                                                                                                                       |



Table 4.8.3-H

| <b>Awning &amp; Canopy Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                       |                                                                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |  <b>Surface Sign</b> |  <b>Permit Required</b> |
| A three-dimensional or layered construction sign made of painted wood, acrylic, high density urethane, glass, or metal panel (or a high quality equivalent), with painted, carved, or applied letters or individual cut metal letters located on the valance of a shelter supported entirely from the exterior wall of a building which extends over a building feature such as a door or window or a site feature such as a patio, deck, or courtyard. |                       |                                                                                                       |                                                                                                            |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Residential Districts | Commercial Districts                                                                                  | Industrial Districts                                                                                       |
| <b>Total Surface Area (max.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                        | 25 square feet total  | 25 square feet total                                                                                  | 50 square feet total                                                                                       |
| <b>Allowed Illumination Types</b>                                                                                                                                                                                                                                                                                                                                                                                                                       | Internal, Indirect    | Internal, Indirect                                                                                    | Internal, Indirect                                                                                         |
| <b>Additional Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                       |                                                                                                            |
| A maximum of two awning signs and two canopy signs are allowed on any lot, with the maximum total combined surface area listed above.                                                                                                                                                                                                                                                                                                                   |                       |                                                                                                       |                                                                                                            |
| Exposed junction boxes, wires, transformers, conduit, raceways, and cabinets with changeable opaque or translucent faces are prohibited.                                                                                                                                                                                                                                                                                                                |                       |                                                                                                       |                                                                                                            |
| The lowest point on an awning or canopy signage shall be at least 9 feet from ground elevation and shall be no taller than the principal building.                                                                                                                                                                                                                                                                                                      |                       |                                                                                                       |                                                                                                            |
| Retractable awnings are prohibited from containing signage.                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                                                                       |                                                                                                            |
| Awning and canopy signs, except canopy edge signs, shall not extend vertically or horizontally beyond the limits of such structure.                                                                                                                                                                                                                                                                                                                     |                       |                                                                                                       |                                                                                                            |
| <b>Canopy Edge Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                                                                                                       |                                                                                                            |
| Canopy edge signs shall be placed directly over the main entrance of a business.                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                       |                                                                                                            |
| Canopy edge signs shall consist of dimensional letters, numbers, or simple graphic elements.                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                       |                                                                                                            |
| Canopy edge signs may be top mounted, face mounted, or mounted beneath, as shown below.                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                       |                                                                                                            |

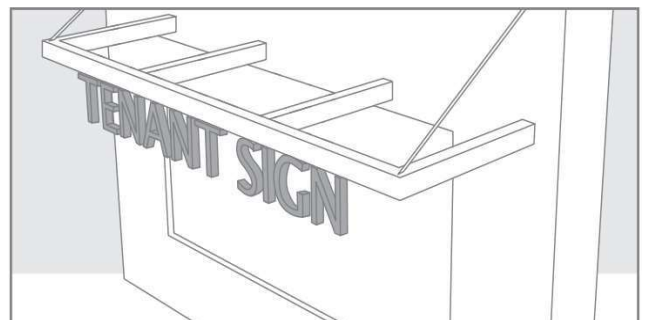
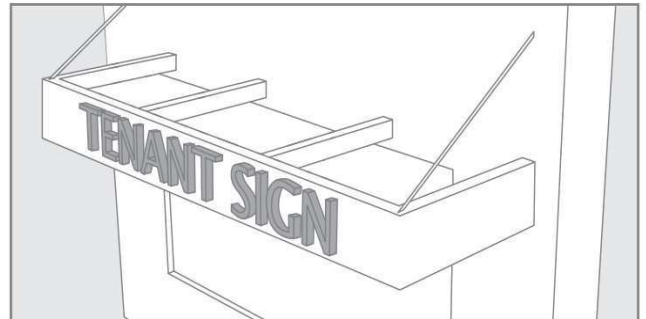
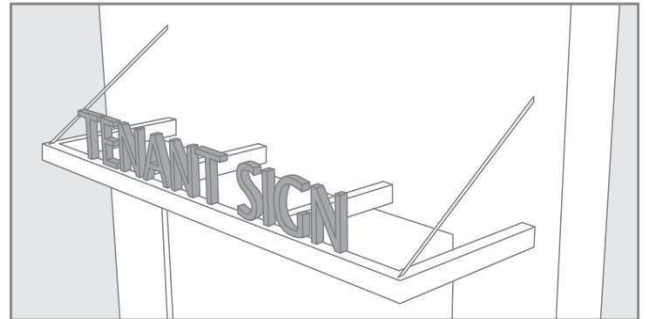
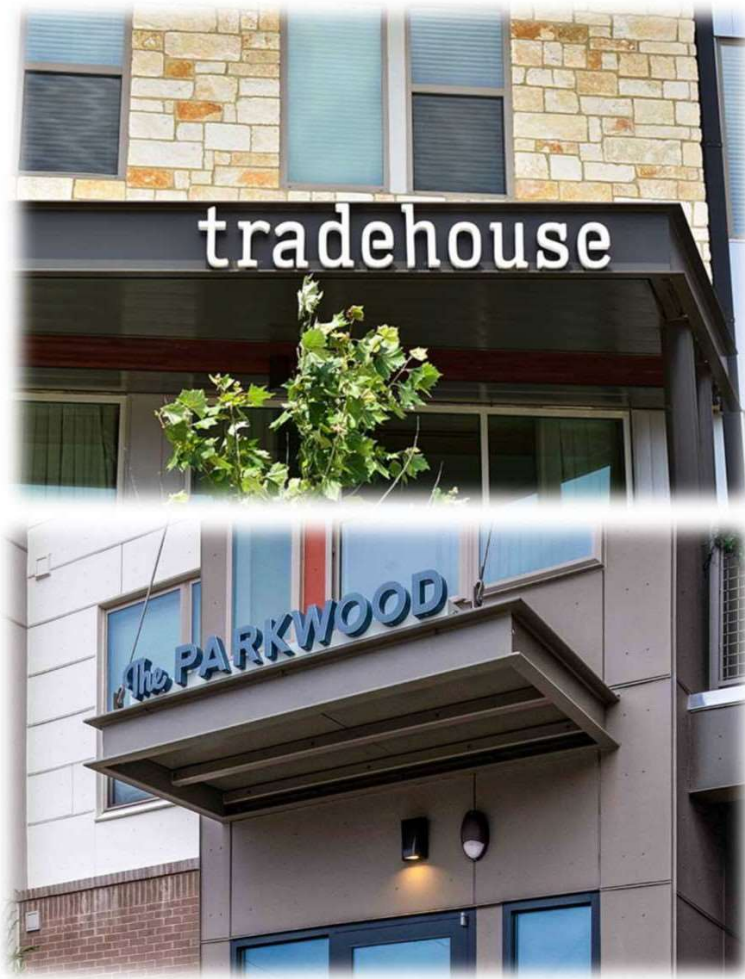


Table 4.8.3-1

| <b>Blade Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |                                                                                                |                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                  |  Surface Sign |  Permit Required |
| A low-profile sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. Blade signs may be located entirely or partially in the public right-of-way, or may be located entirely on private property. This does not include 'low clearance' or similar signage that is hanging from a structure for security reasons, which shall contain no commercial message. Also known as <i>Projecting Signs</i> . |                                  |                                                                                                |                                                                                                     |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Residential Districts            | Commercial Districts                                                                           | Industrial Districts                                                                                |
| <b>Count (max.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                             | 1 per lot                        | 1 per lot                                                                                      | 1 per lot                                                                                           |
| <b>Sign Face Surface Area (max.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                            | 25 square feet                   | 25 square feet                                                                                 | 50 square feet                                                                                      |
| <b>Sign Bottom Edge Height (min.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                           | Minimum of 9 feet                | Minimum of 9 feet                                                                              | Minimum of 9 feet                                                                                   |
| <b>Sign Top Edge Height (max.)</b>                                                                                                                                                                                                                                                                                                                                                                                                                              | 20 feet, no taller than building | 20 feet, no taller than building                                                               | 20 feet, no taller than building                                                                    |
| <b>Allowed Illumination Types</b>                                                                                                                                                                                                                                                                                                                                                                                                                               | Internal, Indirect               | Internal, Indirect                                                                             | Internal, Indirect                                                                                  |
| <b>Additional Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                  |                                                                                                |                                                                                                     |
| Sign shall be no taller than the building elevation.                                                                                                                                                                                                                                                                                                                                                                                                            |                                  |                                                                                                |                                                                                                     |
| Blade signs shall be fixed and shall not be mounted to chains that allow the signage to move with the wind, and shall not be mounted under a canopy.                                                                                                                                                                                                                                                                                                            |                                  |                                                                                                |                                                                                                     |
| The furthest extent of the sign from the building shall not project more than five feet from the wall that it is attached to.                                                                                                                                                                                                                                                                                                                                   |                                  |                                                                                                |                                                                                                     |
| Exposed junction boxes, wires, transformers, conduit, raceways, and cabinets with changeable opaque or translucent faces are prohibited.                                                                                                                                                                                                                                                                                                                        |                                  |                                                                                                |                                                                                                     |
| A gap of at least 18 inches shall exist between the surface of the building and the closest edge of the face of the blade sign.                                                                                                                                                                                                                                                                                                                                 |                                  |                                                                                                |                                                                                                     |
| Storefronts that contain blade signs shall not have a monument sign and may only have up to 50 square feet of other surface signage.                                                                                                                                                                                                                                                                                                                            |                                  |                                                                                                |                                                                                                     |
| Glass in blade signs shall be used only to such extent and in such manner that no hazard will be created thereby.                                                                                                                                                                                                                                                                                                                                               |                                  |                                                                                                |                                                                                                     |





Table 4.8.3-J

**Window Signs**

Surface Sign

Permit Required

A metal leaf, vinyl, painted, etched cut, or sandblasted lettering sign that is applied directly to the interior surface of the glass or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.

|                                  | Residential Districts      | Commercial Districts       | Industrial Districts       |
|----------------------------------|----------------------------|----------------------------|----------------------------|
| <b>Surface Area Per Window</b>   | 25% of window surface max. | 50% of window surface max. | 75% of window surface max. |
| <b>Total Surface Area (max.)</b> | 25 square feet             | 50 square feet             | 75 square feet             |

**Additional Conditions**

Peeling, cracking, or faded window signs will need to be replaced within 21 days of official Township notice.

Window signs shall not be electronic or mechanical. LED signage and rope lights are prohibited.

Window signs shall not be changeable and shall not display variable messages that are not approved by the Township.

Window signs shall not be illuminated, except for an "open" sign of six square feet or less, regardless of whether the signage includes a commercial message.

Total surface area (max.) includes the total area of every window sign per house or business.

**Upper Floor Window Signs**

Storefronts with window signs on the first floor shall not have window signs on upper floors.

Businesses with exterior primary frontage on the upper floors of a building may have window signage following the same requirements as first floor stores.



Table 4.8.3-K

## Portable Signs

🕒 Temporary Sign

📄 Permit Required

An on-premises sign which is self-supporting, designed to be movable, and not structurally attached to the ground, a building, a structure or another sign, including sandwich board signs, A-frame signs, and other similar sign.

|                                      | Residential Districts | Commercial Districts    | Industrial Districts |
|--------------------------------------|-----------------------|-------------------------|----------------------|
| <b>Count (max.)</b>                  | -                     | 1 per lot or food truck | -                    |
| <b>Sign Face Surface Area (max.)</b> | -                     | 12 square feet per side | -                    |

### Additional Conditions

- All portable signs are prohibited with the exception of non-illuminated sandwich boards or 'A-frame' signs.
- If signage is single-sided, the back side of the structure shall not be visible to passing motorists or pedestrians.
- Signage shall not block the flow of vehicular or pedestrian traffic and shall not obstruct ADA pathways.
- Copy on portable signs may be handwritten on a chalkboard or dry erase board, or, printed in permanent text.
- The sign frame shall provide stable contact with the sidewalk and shall not have wheels.
- Portable signs must be placed within 10 feet of the storefront's front door or cash register, whichever is closer.
- Stores with permanent ground signs are not eligible to display a portable sign.
- Signage attached to trucks, trailers, shipping containers, and other portable vehicles is prohibited unless items are actively sold out of the vehicle.
- Portable signs shall not have moving parts, projections, lighting or any attention-grabber devices attached to them.
- Portable signs shall not advertise any business other than the primary business that is located within 10 feet of the sign.
- Portable signs shall only be displayed during the open hours of the business, and shall not be displayed before 6:00 A.M or after 10:00 P.M.



Table 4.8.3-L

**Temporary Signs**

⌚ Temporary Sign

📄 Permit Required

A non-illuminated sign that is designed to be quickly installed or easily removed, upon which copy is written and which is mounted to the ground or supported between poles or sticks or fastened to buildings or other structures, or to the wall of a building or structure, that is erected on a temporary basis and removed when the time period has expired. Signage listed upon this Table shall not be located in the public right-of-way and shall be set back at least five feet from all property lines.

| General Temporary Signage Guidelines                    | Residential Districts | Commercial Districts | Industrial Districts |
|---------------------------------------------------------|-----------------------|----------------------|----------------------|
| <b>Count (max.)</b>                                     | 1 per lot total       | 1 per lot total      | 1 per lot total      |
| <b>Sign Face Surface Area (max.)</b>                    | 25 square feet total  | 25 square feet total | 50 square feet total |
| <b>Total Height From Ground to top of banner (max.)</b> | 5 feet                | 5 feet               | 5 feet               |
| <b>Duration</b>                                         | 7 calendar days       | 30 calendar days     | 30 calendar days     |

**General Banner Signage**

Application for renewal must be submitted 3 days prior to the end of the permitted period.

Each individual temporary sign may be renewed up to two times in a calendar year.

Each lot may have up to six banner sign permits approved or renewed per year.

Temporary signs shall not be located within 20 feet of any other temporary sign and shall not be attached to any other signage.

**Special Temporary Signage Guidelines****Ballfield Sponsorship permit required**

Up to five banner signs, up to 25 square feet each, may be placed on the fence of a ballfield during the season in which the sport is actively played.

Overall, signage may only be present on the fence for 180 days per year, whether consecutive or non-consecutive.

Signage may not advertise a business that is located within 100 feet of the ballfield.

Each sponsor may only advertise upon one banner.

A permit for Ballfield Sponsorship Signage shall be required for the season. A separate permit is not required for each individual sign.

Signage shall be from sponsors of the ball club only and shall not advertise the ball club itself.

Signage shall not obstruct the flow of vehicular or pedestrian traffic and shall not block the required vision triangle for adjacent businesses or pathways.

**Holiday Signs and Displays**

Holiday signs with no commercial message are allowed by right on properties in Residential Districts and require no permit.

**Seasonal Businesses permit required**

One temporary banner advertising a seasonal business may be erected and remain in place for 45 days and may be up to 45 square feet. A permit is required.

A temporary banner advertising a seasonal business as referenced above may be erected upon the wall of a building and shall not be attached to any other signage.

Signage shall not obstruct the flow of vehicular or pedestrian traffic and shall not block the required vision triangle for adjacent businesses or pathways.

**Construction Signs permit required**

Up to five signs related to construction of a site may be permitted for up to 545 days, beginning one week prior to groundbreaking.

The total area of all construction signs shall not exceed 125 square feet.

If construction continues for over 365 days, a new permit shall be required. If construction exceeds 545 days, all signage shall be removed.

Signage shall not obstruct the flow of vehicular or pedestrian traffic and shall not block the required vision triangle for adjacent businesses or pathways.

**Coming Soon, Grand Opening, Store Closing permit required**

One 'coming soon' sign of up to 25 square feet may be permitted for 30 days prior to the grand opening date of the business.

If the grand opening is delayed, one extension of 14 days may be granted at the sole discretion of the Zoning Administrator.

One 'grand opening' sign of up to 25 square feet may be permitted for one day before grand opening and may remain for up to 14 days following grand opening.

One 'store closing' sign of up to 25 square feet may be permitted for up to 14 days prior to closing.

Signage shall not obstruct the flow of vehicular or pedestrian traffic and shall not block the required vision triangle for adjacent businesses or pathways.

**Model Home & Real Estate Advertising Signs**

Real Estate Advertising Signs are permitted by right and do not require a permit, so long as any individual sign does not remain for longer than 365 consecutive days.

Developer signage marketing new homes are within a subdivision are permitted by right and do not require a permit, so long as construction of 3 or more homes is ongoing.

Signage that exceeds the above listed time limits shall require a special permit granted or denied at the sole discretion of the Zoning Administrator.

Signage shall not obstruct the flow of vehicular or pedestrian traffic and shall not block the required vision triangle for adjacent businesses or pathways.

No individual sign shall be 45 square feet or greater, nor shall any individual sign be more than 8 feet tall.





Table 4.8.3-M

| <b>Placemaking Art Signs</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                  |                                                                                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|--------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |  Artistic Sign |  Trustee Approval Required |
| A larger projecting, roof, wall, or ground sign that offers an applicant or property owner more freedom with design and materiality to create a highly unique presence for their location. In turn, the design contributes to a diverse visual culture in the Township. This sign is approved outside of the Master Signage Plan requirement and must be approved by the Board of Trustees. The Board shall only consider the first 3 placemaking art sign cases that apply per calendar year. There shall be no appeal when Placemaking Art Signage is denied by the Board of Trustees. Note: Placemaking Art Sign applications shall not be used as a loophole to the other regulations of this Article. The Zoning Administrator is under no obligation to accept an application that does not meet the definition and conditions listed upon this Table. |                       |                                                                                                  |                                                                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Residential Districts | Commercial Districts                                                                             | Industrial Districts                                                                                          |
| <b>Conditionally Permitted</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Yes                   | Yes                                                                                              | Yes                                                                                                           |
| <b>Conditions</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                  |                                                                                                               |
| Signage shall be constructed utilizing creative layers and dimension.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                  |                                                                                                               |
| Signage should utilize creative lighting options, unless otherwise stated below.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                       |                                                                                                  |                                                                                                               |
| Signage that does not qualify as 'projecting signage', 'roof signage', 'wall signage' or 'ground signage' may be allowed at the discretion of the Board of Trustees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                       |                                                                                                  |                                                                                                               |
| <b>Projecting Signage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                       |                                                                                                  |                                                                                                               |
| Projecting signage shall only be placed on the corner of a building of at least two stories.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                  |                                                                                                               |
| If projecting signage advertises an individual business, that business shall be entitled to all other signage of which the business is allowed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                                                                                                  |                                                                                                               |
| Projecting signs may be located entirely or partially in the public right-of-way, or may be located entirely on private property.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                       |                                                                                                  |                                                                                                               |
| The lowest point on projecting signage shall be at least 9 feet from ground elevation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                       |                                                                                                  |                                                                                                               |
| <b>Roof Signage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                                                                                                  |                                                                                                               |
| Roof signage shall be highly unique and act as a landmark to the subject area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                  |                                                                                                               |
| Roof signage shall consist of channel letters only and shall not utilize standard geometrical cabinets with changeable faces.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                       |                                                                                                  |                                                                                                               |
| <b>Wall Signage (Murals)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |                                                                                                  |                                                                                                               |
| Murals that contain commercial messages for an on-premises business shall only do so in an indirect manner.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                       |                                                                                                  |                                                                                                               |
| Murals shall not contain commercial messages, whether directly or indirectly, advertising businesses that are located off-premises.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                       |                                                                                                  |                                                                                                               |
| Murals shall not be illuminated and shall blend with the architectural character of the adjacent areas.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                       |                                                                                                  |                                                                                                               |
| <b>Ground Signage</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                  |                                                                                                               |
| Ground signage shall not be placed in the public right of way.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                       |                                                                                                  |                                                                                                               |
| <b>Sign Ownership</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                       |                                                                                                  |                                                                                                               |
| Applications shall clearly indicate the owner of the sign, who will be responsible for maintaining the sign and sign structure.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |                                                                                                  |                                                                                                               |



**F. Prohibited Signage Locations.** Signage shall not be installed in any of the following locations:

- (1) In any public right of way, utility easement, public park, or other public property, except:
  - (i) Publicly owned signage, such as traffic control signs or Township owned signage; and
  - (ii) Projecting, canopy, and awning signage that are in conformity with all applicable standards of this Resolution;
- (2) On any traffic control sign, construction signage, fences, utility poles, street signage, trees, or other natural objects;
- (3) On any property without the prior authorization granted by the property owner on which any signage is to be placed;
- (4) In any location where the view of approaching and intersecting traffic would be obstructed. No signage shall be located so as to interfere with the safe movement of vehicles or pedestrians entering, leaving, or crossing a public right of way; or
- (5) At any location in which the position, shape, or color of the signage may interfere with traffic, obstruct the view of traffic, or be used in such a manner as to interfere with, mislead, or confuse traffic.

#### **4.8.4 – Signage Design, Landscaping, and Illumination Standards**

**A. Signage Design Standards.**

- (1) All permanent ground signage shall display the name of the business in text. Primary images displayed on the sign face shall not exceed 20% of the maximum permitted area of the sign face;
- (2) All permanent and temporary ground sign faces and cabinets shall be of a square or rectangular shape. This requirement does not apply when individual channel letters are used;
- (3) The sign base of monument signage does not count towards the signage height, shall be no more than 24 inches in height, shall be constructed of brick, stone, wood, or visually similar natural materials, and shall feature a consistent width and length from the ground to the base of the signage cabinet or channel letters;
- (4) All wall signage and ground signage, with the exception of portable signs, copy boards, and drive-thru menus, shall not contain slogans longer than five words, hours of operation, phone numbers, website addresses, QR codes, prices, sales promotions, or

any similar information irrelevant to the identification of the business to passing motorists or pedestrians aside from a primary or secondary image;

- (5) Multi-sided signage shall be identical on both sides;
- (6) All single-sided permanent signage and structural supports shall be completely enclosed, unobtrusive, blend with the surroundings, and placed at an angle that limits visibility of the reverse sides of the sign; and
- (7) On monument signage, a proportionally sized building number or building number range shall be placed in a visible spot on the face of the sign structure or on the sign base and shall not count towards the sign face surface area limit.

**B. Signage Landscaping Standards.** All permanent ground signage shall be landscaped according to the requirements of the classification tables in section 4.7.4. Additionally, the following requirements apply to all ground signage:

- (1) All signage shall be set back from the public right of way far enough to allow for required landscaping.
- (2) No landscaping shall be placed in the public right of way.
- (3) For signage mounted to a pole or poles, the landscaped radius shall include the area beneath the signage.
- (4) The base of all permanent ground signage shall be effectively landscaped with living plant material and with the use of permanent shrubs, groundcover, or other ornamental plantings. Annuals and perennials are permitted in combination with permanent plant materials. The average initial height of the plantings shall be 24" minimum. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of the anchor bolts.
- (5) It shall be at the discretion of the Zoning Administrator whether the landscaping plan included upon a Master Signage Plan sufficiently meets the requirements listed on the table above. Should the Zoning Administrator find that the landscaping plan is not sufficient, an appeal may be made before the Board of Zoning Appeals.
- (6) It shall be at the sole discretion of the Zoning Commission whether the landscaping plan included upon a Master Signage Plan within a Planned District sufficiently meets the spirit and intent of this subsection of this Resolution.
- (7) Signage shall be maintained in good condition at all times. Action taken upon signage that is not maintained as approved upon the Master Signage Plan is prescribed in section 4.7.6 (A) Signage Maintenance Standards.

**C. Signage Illumination Standards.** The level of illumination emitted or reflected from signage shall not be of intensity sufficient to constitute a demonstrable hazard to vehicular

traffic on any public right of way or parking lot from which the signage may be viewed. Signage shall be illuminated by only the following means:

- (1) **External.** By a white, steady, stationary light of reasonable intensity, directed solely at the signage and/or otherwise prevented from beaming directly onto adjacent properties or rights of way. Light fixtures shall be screened from view by site grading or evergreen shrubs. No exposed light sources are permitted;
- (2) **Internal.** By white interior light of reasonable intensity; or
- (3) **Indirect.** Indirect lighting includes “halo” lighting around characters or shapes as showing in figure 4.7.5-A, backlighting, concealed uplighting, and accent lighting courses.

Figure 4.7.5-A



#### 4.8.5 – Signage Compliance Standards

- A. **Signage Maintenance Standards.** All signage in the Township shall be constructed and maintained in a safe manner, complying with applicable codes, and kept in good repair, including signage for which permits are required or for which no permits or permit fees are required. Signage shall be maintained in safe, presentable, and good repair at all times. Good repair includes but is not limited to the following practices:
  - (1) Signage shall be free from rust, dust, dirt, graffiti, and other such debris.
  - (2) Exposed surfaces shall be clean and painted if paint is required.
  - (3) Defective parts must be replaced and may be upgraded so long as they do not cause the signage to become out of conformance with applicable standards or, in the case of a legal nonconforming signage, that such replacement and upgrades do not increase the degree of nonconformity.
  - (4) Illumination, where allowed and approved, must remain fully operational or promptly repaired in the event of damage or malfunction.
  - (5) Landscaping must remain as shown on the Master Signage Plan.
- B. **Determination of Unmaintained Signage.** When the Zoning Administrator finds, upon investigation, that signage has critically lacked maintenance, the Zoning Administrator shall initiate a case before the Board of Zoning Appeals as an administrative action. The Zoning Administrator will provide certified written notice of this hearing to the property owner no sooner than ten days prior to the hearing. Prior to the hearing, any person having an interest in the signage or the property may repair the signage and provide evidence of such repairs to the Zoning Administrator. Completed repairs will remove the case from the Board of Zoning Appeals agenda. If evidence of repairs to the signage has not been submitted by 5:00 P.M. on the date of the hearing, the Zoning Administrator will ask the Board of Zoning Appeals to approve a motion declaring the signage blighted. Following the

hearing, the Zoning Administrator shall provide certified written notice of an order that the signage be removed at the expense of the property owner within ten days. If this period passes and the property owner fails to remove the signage, the Township shall remove the signage immediately at the expense of the property owner.

- C. Signage Safety Standards.** Signage shall be deemed unsafe when the signage poses an imminent danger to the public and has a reasonable likelihood of falling or creating a fire or safety hazard, or when more than 50 percent of the value of the sign has been destroyed through one of the following circumstances:
  - (1)** The signage or sign structure is damaged by due to an act of God or vandalism.
  - (2)** The signage or sign structure is damaged by a vehicle or other similar accident.
- D. Determination of Unsafe Signage.** When the Zoning Administrator finds, upon investigation, that signage is an imminent danger to the public that has a reasonable likelihood of falling or creating a fire or safety hazard, the Zoning Administrator need not contact the property owner and the signage and sign structure shall be removed immediately at the expense of the property owner.
- E. Illegally Placed Signage.** Signage that was erected prior to the adoption of this Resolution and would not have been permitted under the Zoning Resolution or under other applicable laws that were in place at the time the signage was erected shall be deemed illegally placed. Signage that is erected after the adoption of this Resolution but was not permitted under this Resolution or under other applicable laws that were in place at the time the signage was erected shall also be deemed illegally placed.
- F. Determination of Illegally Placed Signage.** When the Zoning Administrator finds, upon investigation, that signage has been placed illegally, the Zoning Administrator shall provide certified written notice of an order that the signage be removed at the expense of the property owner within ten days. If the signage is able to be approved, any person having an interest in the signage or the property may apply for a Master Signage Plan at a cost of twice the original permit fee. If the signage is not approvable, any person having an interest in the signage or the property may appeal the determination of the Zoning Administrator ordering removal by filing a written notice of appeal with the Board of Zoning Appeals within ten days after receipt of the notice. If this period passes and the property owner fails to remove the signage, the Township shall remove the signage immediately at the expense of the property owner.
- G. Nonconforming Signage.** Signage that was in existence on the date of adoption of this Resolution, and which was constructed in accordance with the Resolutions and other applicable laws in effect on the date of its construction, but which by reason of its size, height, location, design, or construction is not in conformance with the requirements of this Resolution, shall be exempt from the requirements of this Resolution. Such signage shall be issued a Legal Nonconformity Certificate, pursuant to Subsection 6.3.3. The signage



may continue to exist unless or until loss of nonconforming status occurs through one or more of the following:

- (1) The abandonment of the signage or the closure of the business related to the signage for a period of 90 consecutive days or greater;
- (2) Structural alterations occur to the signage. No signage shall hereafter be altered, rebuilt, enlarged, extended, or relocated except in conformity with the provisions of this subchapter, aside from repainting or refacing, which is not considered an alteration;
- (3) The signage and/or the sign structure is damaged, due to an act of God or by a vehicle, or by similar means, which damage requires repairs in excess of thirty percent of the value of the same;
- (4) The signage lacks maintenance or becomes unsafe per the requirements of this Resolution;
- (5) An approved application for a specific signage classification removes the legal nonconforming status of all instances of that signage classification presently existing upon the lot. The Zoning Administrator shall have the authority to determine if an individual legally nonconforming signage will become functionally obsolete by the erection of new signage. For the purposes of this Resolution, freestanding pole signage, which was previously permitted by the Township, shall lose legal nonconforming status when an application for a monument signage is approved for the same business and/or on the same lot; or
- (6) When, following the adoption of this Resolution, a lot split or lot consolidation occurs that either separates the signage from the building that the signage was initially erected to advertise, or, adds the signage to a lot with a building that the signage was not initially erected to advertise, or both.

**H. Determination of Loss of Non-Conforming Status.** When the Zoning Administrator finds, upon investigation, that signage has lost its nonconforming status, the Zoning Administrator shall initiate a case before the Board of Zoning Appeals as an administrative action. The Zoning Administrator will provide certified written notice of this hearing to the property owner no sooner than ten (10) days prior to the hearing. The Zoning Administrator will ask the Board of Zoning Appeals to approve a motion declaring the signage illegal. Following the hearing, the Zoning Administrator shall provide certified written notice of an order that the signage be removed at the expense of the property owner within ten days. Any person having an interest in the signage or the property may appeal the determination of the Zoning Administrator ordering removal by filing a written notice of appeal with the Board of Zoning Appeals within ten days after receipt of the notice. If this period passes and the property owner fails to remove the signage, the Township shall remove the signage immediately at the expense of the property owner. If this period passes and the property

owner fails to remove the signage, the Township shall remove the signage immediately at the expense of the property owner.

- I. Abandoned Signage.** Signage is considered abandoned when the signage no longer identifies or advertises a bona fide business, lessor, service, owner, product, or activity, and/or for which no legal owner can be found. Abandoned signage are hereby deemed a public nuisance that causes deterioration and a blighting influence on nearby properties. Signage shall be determined as Abandoned after the Zoning Administrator documents the following circumstances:
  - (1)** A period of not less than 90 consecutive days has elapsed since the date of signage abandonment; and
  - (2)** No complete Master Signage Plan was submitted with the intention of replacing the Abandoned signage within that same period.
- J. Determination of Abandonment.** When the Zoning Administrator finds, upon investigation, that the applicable period of abandonment of signage has passed, and the Planning and Zoning Office has no complete application on file to replace the signage, the Zoning Administrator shall initiate a case before the Board of Zoning Appeals as an administrative action. The Zoning Administrator will provide certified written notice of this hearing to the property owner no sooner than ten days prior to the hearing. Any person having an interest in the signage or the property may file for a Master Signage Plan with the Planning and Zoning Office prior to the hearing, removing the case from the Board of Zoning Appeals agenda. If no application is filed by 5:00 P.M. on the date of the hearing, the Zoning Administrator will ask the Board of Zoning Appeals to approve a motion declaring the signage abandoned. Following the hearing, the Zoning Administrator shall provide certified written notice of an order that the signage be removed at the expense of the property owner within ten days. If this period passes and the property owner fails to remove the signage, the Township shall remove the signage immediately at the expense of the property owner.
- K. Disposal of Removed Signage.** Any signage removed by the Zoning Administrator pursuant to this Resolution shall become the property of the Township and shall be disposed of in any manner deemed appropriate by the Township. The cost of removal of the signage by the Zoning Administrator shall be considered a debt owed to the Township by the owner of the property. The cost of removal shall include all incidental expenses incurred by the Township in connection with the removal of the signage.

## **SECTION 4.9 – WASTE RECEPTACLES**

### **4.9.1 – General Waste Receptacle Provisions**

- A. Location restrictions.** Waste receptacles that are 32 gallons or larger in size shall only be permitted in the side or rear yard or in the front driveway if stored against a principal building used for a dwelling unit.

- B. Exemption from setback requirements.** Waste receptacles smaller than 32 gallons in size shall not have to meet any setback requirements in any zoning district.
- C. Screening required.** Waste receptacles or dumpsters in excess of 2 yards in volume capacity (including a combination of individual receptacles with a total of more than 2 yards of capacity) shall be screened from view from rights-of-way and from adjacent lots in accordance with the standards contained in Section 4.6.2 (L)

## SECTION 4.10 – VISION CLEARANCE TRIANGLE

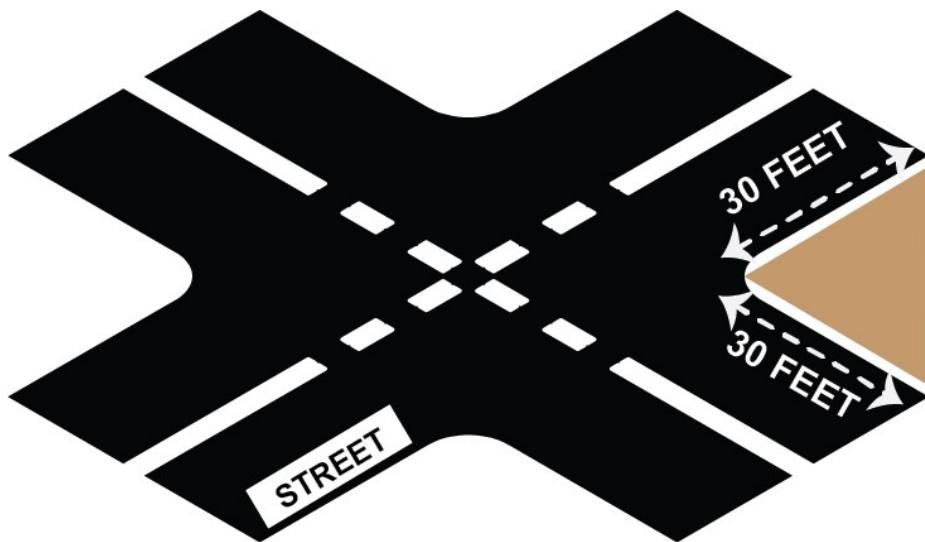
### 4.10.1 – General Vision Clearance Triangle Provisions

- A. Vision clearance triangle standards.** Nothing within a required vision clearance triangle shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between the heights of 2.5 feet and 10 feet above the centerline of grade(s) of the adjacent street(s).

### 4.10.2 – Corner Lots at Unsignalized Intersections

- A. Vision clearance triangle required.** All corner lots at unsignalized street intersections shall maintain, for safety vision purposes, a vision clearance triangle.
- B. Design of vision clearance triangle.** A vision clearance triangle for a corner lot shall consist of the area bounded by the right-of-way of the adjacent intersecting streets extending along those right-of-way centerlines 30 feet from the point of right-of-way intersection, and a straight line connecting said latter points, as shown in Figure 4.10.2-A - Unsignalized Intersection Vision Clearance Triangle.

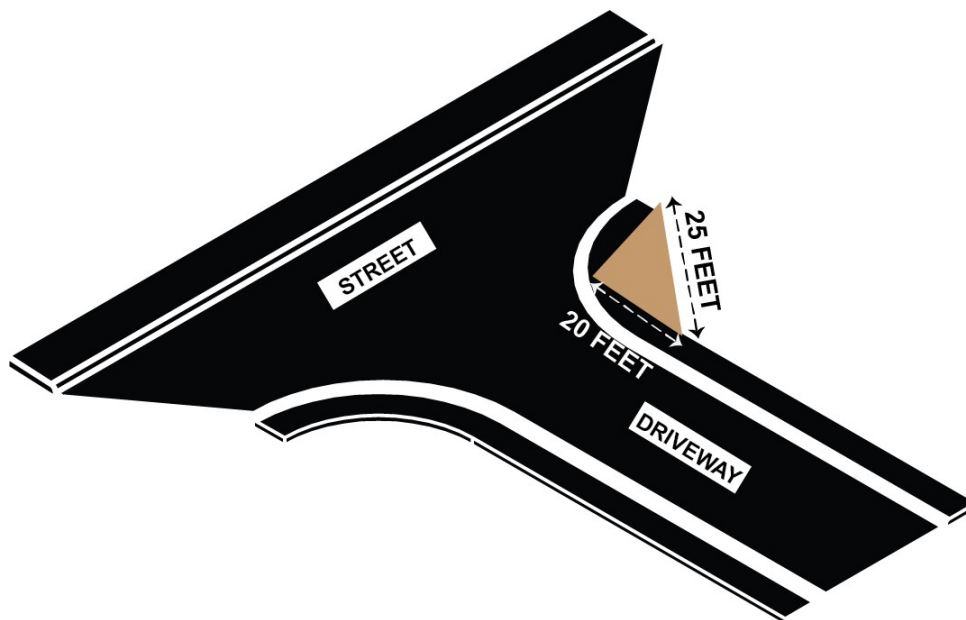
*Figure 4.10.2-A - Unsignalized Intersection Vision Clearance Triangle*



### 4.10.3 – Driveway Curb Cuts

- A. Vision clearance triangle required.** A vision clearance triangle shall be maintained at all driveway entrances and curb cuts from rights-of-way for vision safety purposes.
- B. Design of vision clearance triangle.** A vision clearance triangle for a driveway curb cut shall be formed by extending one line 25 feet along the street right-of-way from the edge of the driveway pavement and another line from that same point 20 feet along the driveway and then connecting the two endpoints, as shown in Figure 4.10.3-A - Driveway Vision Clearance Triangle.

*Figure 4.10.3-A - Driveway Vision Clearance Triangle*



# Article 5 – Nonconformities

## SECTION 5.1 – GENERAL PROVISIONS

### 5.1.1 – Classification and Effect of Nonconforming Status

- A. Classification of nonconformities.** Lots, uses of lands, structures, signs, or combinations thereof may exist which were lawfully established prior to the effective date or amendment of this Resolution, but that do not comply with the effective terms of this Resolution. Such legally established lots, uses of lands, structures, and/or signs shall be considered as nonconformities.
- B. Burden of proof on property owner.** The burden of establishing that any use or building is lawfully nonconforming under the provisions of this Resolution shall, in all cases, be upon the owner of such nonconformity and not upon the Township.
- C. Effect of nonconforming status.** Legally established nonconformities shall be permitted to remain in place and/or continue their use, as applicable, but are prohibited from be altered, moved, extended, expanded, or replaced without the approval of the Board of Zoning Appeals, except where otherwise specifically provided for in this Resolution.
- D. New nonconformities restricted.** Nonconforming uses and buildings shall not be replaced with any other prohibited uses or buildings without the approval of the Board of Zoning Appeals, except where otherwise specifically provided for in this Resolution.

### 5.1.2 – Determination and Effect of Abandonment or Destruction

- A. Effect of abandonment or vacancy.** If any nonconforming building, feature, or use is abandoned, vacated, or voluntarily discontinued for 2 years or more, any future uses and/or any future alterations to such nonconformity shall be in conformity with all applicable standards of this Resolution, including the applicable zoning district.
- B. Restoration following damage or destruction.** Nothing in this Resolution shall prevent the restoration of a nonconforming building, feature, or use that is destroyed or damaged, provided:
  - (1)** That the extent of the damage or destruction is less than 60% of the reproduction value;
  - (2)** That the property owner(s) shall file with the Zoning Administrator a notice of intention to continue the nonconformity within 6 months of such damage or destruction; and
  - (3)** That the restoration or construction is commenced within 1 year of the date that such notice is given to the Zoning Administrator.
- C. Failure to provide notice following damage or destruction.** If a notice of intention to continue a damaged or destroyed nonconformity is not provided to the Zoning

Administrator within 6 months of such damage or destruction, the nonconformity shall be deemed abandoned and shall not be restored except in compliance with this Resolution.

- D. Exception to restoration limit.** The Board of Zoning Appeals may review and decide upon the restoration of a nonconforming use damaged by fire, explosion, act of God, or the public enemy to the extent of more than 60% of its reproduction value.

### 5.1.3 – Repair and Maintenance

- A. Ordinary repairs allowed.** On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the footprint and height of the structure as it existed, when it became nonconforming, shall not be increased.
- B. Major repairs allowed with limitations.** Nothing within this Article 6 – Administration shall be deemed to prevent the strengthening or restoring to safe condition of any building, or part thereof, declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.

## SECTION 5.2 – NONCONFORMING BUILDINGS, FEATURES, AND USES

### 5.2.1 – Accessory Buildings, Features, and Uses

- A. Applicability.** Accessory buildings, features, and uses that were legally established prior to the effective date of this Resolution which do not comply with applicable setback or coverage requirements shall still be considered in compliance with this Resolution.
- B. Compliance for new modifications.** Any modifications of existing accessory buildings, features, and uses proposed after the effective date of this Resolution shall only be permitted in compliance with all applicable standards of this Resolution.

### 5.2.2 – Restrictions on Alterations

- A. Required yards and setbacks.** Nonconforming buildings, features, and uses shall not be altered in a manner that reduces provided yards and/or setbacks below minimum requirements thereof.
- B. Alterations to nonconforming uses.**
  - (1)** Nonconforming uses shall not be enlarged, increased, or extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Resolution, except as provided in Subsection 6.3.4– Legal Nonconformity Certificate. The Board of Zoning Appeals shall only grant such alteration to a nonconforming use upon finding that the manner of increase or improvement in the useable area of the

nonconforming use will have minimal adverse impact upon adjacent properties and permitted land uses in the surrounding neighborhood; or upon finding that the increase or improvement can be made compatible with the adjacent properties and the uses in the surrounding neighborhood upon compliance with specified conditions.

- (2) Nonconforming uses may be extended throughout any parts of an associated building that were manifestly arranged or designed for such use at the time of adoption or amendment of this Resolution. No such use shall be extended to occupy any land outside such building.
  - (3) Any structure or structure and land in combination in or on which a nonconforming use is replaced with a conforming use shall thereafter conform to the applicable regulations of this Resolution. The prior nonconforming use may not thereafter be resumed.
  - (4) Nonconforming uses that are altered shall be required to meet all setbacks of the applicable zoning district.
- C. Substitution of nonconforming uses.** If no structural alterations are made, any nonconforming use of a structure or of a structure and land in combination may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such a change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Resolution.
- D. Alterations to nonconforming and/or associated buildings.** Buildings that are associated with a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to an allowed use, except as authorized by the Board of Zoning Appeals per Subsection 6.2.2 – Board of Zoning Appeals.
- E. New construction prohibited.** Construction of new buildings associated with nonconforming uses of land shall be prohibited.

### **5.2.3 – Effect of Variances on Nonconforming Uses**

- A. Proposed uses.** The granting of a variance per Subsection 6.5.4 – Variance for a use that otherwise complies with this Resolution shall not create a nonconforming use.
- B. Existing nonconforming uses.**
- (1) An existing nonconforming use shall be considered a conforming use upon the granting of a variance per Subsection 6.5.4 – Variance that addresses all nonconforming aspects of the existing use.



- (2) An existing nonconforming use shall remain considered as a nonconforming use upon the granting of a variance per Subsection 6.5.4 – Variance that addresses some nonconforming aspects but leaves other nonconforming aspects unaddressed.

## **SECTION 5.3 – NONCONFORMING SIGNS AND LOTS**

### **5.3.1 – Nonconforming Lots of Record in Combination**

- A. **Abutting lots considered one lot.** If 2 or more lots, or a combination of lots and portions of lots with continuous frontage in a single ownership are of record at the time this Resolution becomes effective, and if all or part of the lots with not buildings do not meet the requirements established for lot area or lot width, the lands involved shall be considered as an undivided parcel for the purposes of this Resolution.
- B. **Restrictions on combined lots.** No portion of combined lots that are considered an undivided parcel shall be used or divided in a manner which diminishes compliance with lot area or lot width requirements.

### **5.3.2 – New Construction on Nonconforming Lots**

- A. **Construction allowed.** Within a zoning district where one-unit dwellings are permitted, a one-unit dwelling and any allowed accessory buildings and features may be erected on a nonconforming single lot of record that is in separate ownership from any abutting lots, even where such lot does not meet minimum applicable lot area or lot width standards.
- B. **Minimum required dimensional standards.** Construction of a one-unit dwelling on a nonconforming lot shall meet all applicable yard and setback standards, except where a variance of such standards is approved per the provisions of Subsection 6.5.4 – Variance.

### **5.3.3 – Restrictions on Alterations of Signs and Lots**

- A. **Alterations to lot area and width.** Nonconforming lots shall not be subdivided or otherwise altered in a manner that reduces the provided lot area and/or lot width below minimum requirements thereof.
- B. **Alterations to signs.** The replacement or upgrading of defective parts of a nonconforming sign may not result in increasing the degree of nonconformity of such sign.

### **5.3.4 – Determination and Loss of Sign Legal Nonconformity**

- A. **Determination of legal nonconformity.**
  - (1) All signs legally existing before the effective date of the amendment of this resolution may be continued, even though such sign may not conform with the provisions (excluding safety, maintenance, and repair) of this resolution, provided, such signs are properly maintained and do not endanger the public health, safety, or general welfare.

- (2) Such signs may be issued a Legal Nonconformity Certificate, pursuant to Subsection 6.3.4 – Legal Nonconformity Certificate.

**B. Loss of legal nonconforming status.** A legal nonconforming sign will lose its designation of legal nonconformity if:

- (1) The sign is relocated;
- (2) The sign is replaced;
- (3) The structure or size of the sign is altered in any way except towards compliance with this Resolution – exempting general maintenance, changeable marquees, or face and copy changes; or
- (4) The sign is on a lot that discontinues active operation for a period of 2 or more years.

**C. Maintenance and repair of nonconforming signs.**

- (1) Legal nonconforming signs are subject to all requirements of this Resolution regarding safety, maintenance, and repair. However, if the sign suffers damage to an extent greater than 60% of the estimated replacement value, unless such damage was caused by vandalism, an act of God, or other causes outside the influence of the owner or user, the sign shall be replaced with a sign that complies with this Resolution.
- (2) The Zoning Administrator shall be authorized to determine whether a legal nonconforming sign is properly maintained and does not endanger the public or constitute a nuisance.

# Article 6 – Administration

## SECTION 6.1 – GENERAL PROVISIONS

### 6.1.1 – Authority to File Applications

- A. The person having legal authority to take action in accordance with the approval sought shall file an application for any review in accordance with this Resolution. The person having authority shall be the record owner or the duly authorized agent of the record owner and may be required to provide proof of such authority at the time of application.
- B. The Zoning Commission and Board of Township Trustees may initiate resolution and map amendments under this Resolution with or without an application from the property owner who may be affected.

### 6.1.2 – Classification of Application Types

- A. **Administrative applications.** The following types of applications are reviewed administratively per the procedures indicated below:
  - (1) Zoning certificate (see Subsection 6.3.1 and 6.3.2);
  - (2) Legal nonconformity certificate (see Subsection 6.3.1 and 6.3.4);
  - (3) Modification to a conditional use (see Subsection 6.3.1 and 6.3.5); and
  - (4) Administrative waiver (see Subsection 6.3.1 and 6.3.6).
- B. **Legislative applications.** The following are considered legislative applications and are reviewed per the procedures indicated below:
  - (1) Text amendment (see Subsections 6.4.1 and 6.4.2); and
  - (2) Map amendment (see Subsection 6.4.1 and 6.4.2).
- C. **Quasi-judicial applications.** The following are considered quasi-judicial applications and are reviewed per the procedures indicated below:
  - (1) Appeal of administrative decision (see Subsection 6.5.1 and 6.5.2);
  - (2) Conditional use (see Subsection 6.5.1 and 6.5.3); and
  - (3) Variance (see Subsection 6.5.1 and 6.5.4).

### 6.1.3 – Fees

- A. **Fees established.** The Township shall charge appropriate fees for the review or issuance of Zoning Certificates, Conditional Use Certificates, Appeals, Variances, Zoning Amendments, Nonconforming use Certificates, and other applicable certificates to cover the costs of inspection, investigation, legal notices, and other expenses incidental to the

enforcement of this Resolution. Such fees shall be paid to the Colerain Township Zoning Department, or its designee, and shall be paid in accordance with the Official Zoning Fee Schedule as established by the Board of Township Trustees and posted at the Colerain Township Administrative Building.

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

## SECTION 6.2 – ADMINISTRATIVE BODIES

### 6.2.1 – Board of Township Trustees

- A. Roles and powers.** For the purpose of this Resolution, the Board of Township Trustees shall have the following roles and powers:
- (1) Initiate proposed amendments to this Resolution.
  - (2) Review and decide on all proposed amendments to this Resolution.
  - (3) Perform all other duties as specified in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.

### 6.2.2 – Board of Zoning Appeals

- A. Establishment.** The Board of Trustees, for the purpose and intentions of this Resolution, hereby creates and establishes the Board of Zoning Appeals.
- B. Roles and powers.** The Board of Zoning Appeals shall have the following roles and powers:
- (1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision, grant, or refusal made by the Zoning Administrator or other official in the interpretation or enforcement of the provisions of this Resolution.
  - (2) To hear and decide, in accordance with the provisions of this Resolution, applications filed for conditional uses, for interpretation of the zoning map, or for decisions upon other special questions on which the Board of Zoning Appeals is authorized by this Resolution to pass.
  - (3) In considering an application for conditional use, the Board of Zoning Appeals shall have the power to impose such requirements and conditions with respect to location, construction, maintenance, and operation, in addition to those expressly stipulated in this Resolution for the given conditional use, as the Board of Zoning Appeals may deem necessary for the protection of adjacent properties and the public interest.

- (4) To authorize upon appeal in specific cases, filed as herein provided, such variances from the provisions or requirements of this Resolution as will not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.
- (5) To allow the extension of a use or building into a more restrictive district immediately adjacent thereto but not more than 25 feet beyond the dividing line of the 2 districts. Under such conditions, the standards of the more restrictive district shall apply.
- (6) To permit the substitution of a nonconforming use existing at the time of enactment of this Resolution in compliance with Article 5 – Nonconformities.
- (7) To grant the extension of a nonconforming building where such extension is necessary incidental to the existing use, provided, however, that the floor area of such extension shall not exceed 50% of the total floor area of the existing building(s) on the lot devoted to a nonconforming use on the effective date of this Resolution.
- (8) All other powers conferred upon township boards of zoning appeals in Section 519.14 of the Ohio Revised Code, or as authorized by the Board of Trustees in compliance with state law.

**C. Appointment and organization.**

- (1) The Board of Zoning Appeals shall consist of 5 members, to be appointed by the Board of Township Trustees.
- (2) Members shall be residents of the unincorporated area of Colerain Township, Hamilton County, Ohio.
- (3) Members shall serve 5-year terms with the term of one member expiring each year.
- (4) Each member shall serve until their successor is appointed and qualified.

**D. Alternate members.**

- (1) The board of Township Trustees shall appoint 2 alternate members to the Board of Zoning Appeals for a 2-year term each.
- (2) An alternate member shall take the place of an absent regular member at any meeting of the Board of Zoning Appeals.
- (3) An alternate member shall meet the same appointment criteria as a regular member.

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

**E. Member removal and vacancies.**

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

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

**G. Meetings.**

- (1) Meetings of the Board of Zoning Appeals shall be held at the call of the Chair and at such other times as the Board of Zoning Appeals may determine.
- (2) The Chair, or in their absence, the Active Chair may administer oaths and the Board of Zoning Appeals may compel the attendance of witnesses per Section 519.15 of the Ohio Revised Code.
- (3) All meetings of the Board of Zoning Appeals shall be open to the public, except as exempted by law.
- (4) The Board of Zoning Appeals shall keep minutes of its proceedings showing the vote, indicating such fact and shall keep records of its examinations and official actions, all of which shall be immediately filed in the office of the Township Fiscal Officer and shall be a public record, unless exempted by law.

**H. Quorum.**

- (1) Any combination of 3 regular members of 2 regular members and 1 alternate member of the Board of Zoning Appeals shall constitute a quorum.
- (2) The Board shall act by resolution or motion when 3 members concur. Every decision shall be accompanied by findings of fact, based on testimony and evidence and specifying the reason for granting or denying the application.

### **6.2.3 – Zoning Commission**

- A. Establishment.** The Board of Township Trustees, for the purpose and intent of this Resolution, hereby creates and establishes the Colerain Township Zoning Commission, hereafter referred to as the Zoning Commission.
- B. Roles and powers.** The Zoning Commission shall have the following roles and powers:
- (1) Initiate proposed amendments to this Resolution.
  - (2) Review all proposed amendments to this Resolution and make recommendations to the Board of Township Trustees.
  - (3) Perform all other duties as specified for a township zoning commission in Chapter 519 of the Ohio Revised Code and as specified in this Resolution.
- C. Appointment and organization.**
- (1) The Zoning Commission shall be composed of 5 members who reside in the unincorporated area of Colerain Township, to be appointed by the Board of Trustees.
  - (2) Members shall serve 5-year terms with the term of one member expiring each year.
  - (3) Each member shall serve until their successor is appointed and qualified.
- D. Alternate members.**
- (1) The Board of Township Trustees shall appoint 2 alternate members to the Zoning Commission for a term of 2 years each.
  - (2) An alternate member shall take the place of an absent regular member at any meeting of the Zoning Commission.
  - (3) An alternate member shall meet the same appointment criteria as a regular member.
  - (4) When attending a meeting on behalf of an absent member, the alternate member may vote on any matter on which the absent member is authorized to vote.
- E. Member removal and vacancies.**
- (1) Members of the Zoning Commission shall be removable for nonperformance of duty, misconduct in office, or other cause, by the Trustees, and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least 10 days prior to the hearing, either personally or by registered mail, or by leaving the same at the member's usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
  - (2) Vacancies shall be filled by appointment by the Trustees and shall be for the time remaining in the unexpired term.



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

**G. Meetings.**

- (1) Meetings shall be held at the call of the Chair and at such other times as the Zoning Commission may determine.
- (2) All meetings shall be open to the public, except as exempted by law.
- (3) The Zoning Commission shall keep minutes of its proceedings showing the vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record, unless exempted by law, and be immediately filed in the office of the Zoning Commission.

**H. Quorum.**

- (1) Any combination of 3 regular members or 2 regular members and 1 alternate member of the Zoning Commission shall constitute a quorum.
- (2) The Zoning Commission shall act when 3 members concur, and every decision shall be accompanied by written findings specifying the reason for granting or denying the application or making its recommendation.

## **6.2.4 – Zoning Administrator**

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

- (1) Serve as the Zoning Administrator within the Colerain Township Planning and Zoning Department.
- (2) It shall be the duty of the Zoning Administrator to enforce this Resolution. It shall also be the duty of all officials and employees of the Township to assist the Zoning Administrator by reporting to them upon new construction, reconstruction, land uses, or upon seeing violations.
- (3) It shall be the duty of the Zoning Administrator to review applications for Zoning Certificates, Legal Nonconformity Certificates, Modifications to a Conditional Use, and Administrative Waivers, and to ensure compliance with this Resolution in accordance with Section 6.3 – Administrative Applications.
- (4) Upon written request from the owner or authorized agent, the Zoning Administrator shall issue a Zoning Certificate for any building or premises existing at the time of effective date of this Resolution certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Resolution.

- (5) It shall be the duty of the Zoning Administrator to keep adequate records of all applications and decisions on said applications.
  - (6) It shall be the duty of the Zoning Administrator to issue citations of zoning violations and keep adequate records of all violations.
  - (7) The Board of Township Trustees may also appoint additional zoning inspector personnel to assist the Zoning Administrator in such roles and powers.
- B. Appeal of decisions.** A decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals. The Zoning Administrator shall have appropriate forms available at the time of denial.

## SECTION 6.3 – ADMINISTRATIVE APPLICATIONS

### 6.3.1 – Administrative Review Procedures

- A. Review procedure step #1: application.** The applicant shall submit 2 copies of the following to the Township Zoning Administrator prior to submitting for a Hamilton County Building Permit:
- (1) A complete application on applicable forms available from the Township offices;
  - (2) All such forms, maps, and information as may be prescribed for that purpose by the Colerain Township Zoning Department to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements may be adopted by the Zoning Commission; and
  - (3) All required fees as established in the Colerain Township fee schedule.
  - (4) Applications that have not been addressed due to lack of communication from the applicant will automatically be closed without prejudice 45 days following the date of application. The Zoning Administrator is under no obligation to refund any fees collected.
- B. Review procedure step #2: review.**
- (1) The Township Zoning Administrator shall review the application for conformance with the provisions of this Zoning Resolution.
  - (2) For Administrative Waiver applications, the Zoning Administrator shall review a complete application within 30 days of submission. The Zoning Administrator may refer the Administrative Waiver to the Board of Zoning Appeals to request assistance in determining the reasonableness of the request. In so doing, the Administrative Waiver shall be subject to the review criteria provided in Subsection 6.3.6 – Administrative Waiver, and shall be subject to the review procedure provided in Subsection 6.5.1 – Quasi-Judicial Review Procedures. Applications for Administrative Waiver that are not

referred to the Board of Zoning Appeals shall continue to be reviewed per the procedures of this Subsection 6.3.1 – Administrative Review Procedures.

**C. Review procedure step #3: decision.**

- (1) Within 10 business days after receipt of a complete application (Step #1), the Township Zoning Administrator shall either issue an approval of the application or deny the application and in so doing state in writing the reasons for the action taken.
- (2) Upon approval, the Zoning Administrator shall return one signed copy of the application and maintain the second copy of the application for Township records.
- (3) If the application is denied, the applicant may submit a revised application and sketch plan for review in accordance with the review procedure, or the applicant may appeal the decision to the Board of Zoning Appeals in accordance with Section 6.5 – Quasi-Judicial Applications of this Resolution.

**6.3.2 – Zoning Certificate**

**A. Applicability.** It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter erected, created, changed, converted, or enlarged, wholly or partly, until a Zoning Certificate is issued by the Zoning Administrator. A Zoning Certificate shall be required for any of the following:

- (1) New construction or structural alteration of any building or structure, including accessory buildings;
- (2) Change in use of an existing building, accessory building, lot, or portion thereof, to a use of a different classification, excluding changing to any agricultural use;
- (3) Occupancy and use of vacant land excluding agricultural land;
- (4) Change in the use of land to a use of a different classification;
- (5) Replacement of structures, regardless of whether the new structure is a one-for-one replacement of an existing structure. This should not be interpreted to prohibit a property owner from conducting maintenance upon an existing structure;
- (6) Any change in the use of a nonconforming use; or
- (7) For any platted subdivision approved under Section 711.05, 711.09 or 711.10 of the Ohio Revised Code, or in any area consisting of 15 or more lots approved under Section 711.131 (711.13.1) of the Ohio Revised Code that are contiguous to one another, or some of which are contiguous to one another and adjacent to one side of a dedicated public road, and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, the Township shall require a Zoning Certificate for: (a) Agriculture uses on lots of one acre or less; (b) Setbacks, heights, and sizes of buildings or structures incidental to the use of land for agricultural

purposes on lots greater than 1 acre but not greater than 5 acres; or (c) Dairying and animal and poultry husbandry on lots greater than one acre but not greater than 5 acres when at least 35% of the lots in the subdivision are developed with at least one building, structure, or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under Section 4503.06 of the Ohio Revised Code. After 35% of the lots are so developed, dairying and animal and poultry husbandry shall be considered a nonconforming use of land and nonconforming buildings or structures pursuant to Section 519.19 of the Ohio Revised Code.

**B. Exemptions from zoning certificate.** The following buildings, structures, and types of work shall not require a Zoning Certificate and may be located in any yard except where explicitly restricted:

- (1) Agricultural structures and uses on lots with a lot area of 5 acres or more, per Section 519.21 of the Ohio Revised Code;
- (2) Basketball hoops that are set back at least 10 feet from any street right-of-way;
- (3) Bird baths;
- (4) Compost piles or bins that meet the provisions of Subsection 3.4.13 – Compost Piles or Bins;
- (5) Essential services;
- (6) Flag poles;
- (7) Fountains;
- (8) Gardens;
- (9) Patios that are not enclosed;
- (10) Private kennels that meet the provisions of Subsection 3.4.30 – Private Kennel;
- (11) Repair and replacement of existing solar energy equipment that does not include expansion of rooftop and/or ground area covered by solar panels;
- (12) Satellite dish antennas that are specified as exempt in the provisions of Subsection 3.4.34 – Satellite Dish Antennas;
- (13) Solar panels that are specified as exempt in the provisions of Subsection 3.4.38 – Solar Panels;
- (14) Statues;
- (15) Swing sets and gym sets;
- (16) Temporary fences up to 2 feet tall;

- (17) Woodpiles, provided the wood is neatly stacked and does not exceed 6 feet in height; and
  - (18) Other structures or uses as permitted by the Zoning Commission.
- C. Exemptions and flood hazard area regulations.** Structures that are exempt from the provisions of the Zoning Resolution pursuant to this Section shall not be exempt from any applicable special flood hazard area regulations established and enforced by Hamilton County.
- D. Zoning certificates and on-site water or sewer systems.**
- (1) A certificate of approval for individual on-site water or sewer systems shall be obtained from authorities having jurisdiction and supplied to the Township prior to the final occupancy inspection by the Township for a nonresidential Zoning Certificate.
  - (2) Where an on-site sewer or wastewater system is to be used, the applicant shall be required to submit a letter or permit from the Health Department or the Ohio Environmental Protection Agency stating that a soil suitability test demonstrates that the soils are suitable for the proposed system or that a soil suitability test is not required for the subject site.
- E. Review criteria.**
- (1) All applications for a Zoning Certificate shall demonstrate conformity with the provisions of this Zoning Resolution.
  - (2) In addition to other requirements, a landscaping and buffer plan may be required for review and approval as part of an application for a Zoning Certificate per the provisions of Section 4.3 – Landscaping and Buffering.
- F. Expiration.**
- (1) Construction shall begin within 12 months of issuance of a Zoning Certificate, and the Certificate shall expire 24 months after issuance if construction is not completed and a Certificate of Occupancy is issued by the Hamilton County Department of Building Inspections unless an extension is granted by the Township.
  - (2) Failure to begin construction within 12 months shall result in the expiration of the Zoning Certificate unless the applicant requests and receives an extension from the Zoning Administrator.
  - (3) Upon expiration of a Zoning Certificate, a new Zoning Certificate application, including all applicable fees, shall be required before construction.

### 6.3.3 – Zoning Verification Letter

- A. Applicability.** An application for a Zoning Verification Letter is required for any official information regarding a specific lot, parcel, or Planned District. An applicant shall apply digitally for a Zoning Verification Letter to receive answers to specific questions regarding up to three contiguous parcels. If the parcels that are subject to the request are not contiguous, or the applicant is requesting information for four or more parcels, separate request(s) shall be made.
- B. Letter Contents.** In response to a Zoning Verification Letter request, the Zoning Administrator shall, within 30 days, provide answers to the following questions to the best of their ability:
- (1) The zoning class of the property;
  - (2) Whether the property is in an overlay district;
  - (3) The zoning class of adjacent properties;
  - (4) The current use of the property;
  - (5) A description of the uses allowed by right at the property;
  - (6) A list of any open zoning or code enforcement violations at the property;
  - (7) A list of any known variances that have been granted to the property;
  - (8) Whether the property has legal non-conforming status;
  - (9) In the event of casualty, whether the structure would be able to be rebuilt in its current form; and
  - (10) Any known and relevant digital documents regarding the property will be attached to the letter.
- C. Additional Inquires.** As part of the Zoning Verification Letter application, the applicant may ask other questions regarding the parcel or parcels that are subject to the request. However, this will increase the response timeline and each question will add a three-day window to the anticipated response time.

### 6.3.4 – Legal Nonconformity Certificate

- A. Applicability.** The owner of any nonconforming building, feature, use, lot, or sign may at any time apply to the Department of Building, Planning, and Zoning for a Legal Nonconforming Certificate to establish the legality of such nonconformity as of a specified date.
- B. Review criteria.** Approval of an application for a Legal Nonconformity Certificate shall only be granted if the application demonstrates that the subject(s) of the application, be it a lot, building, use, sign, other regulated feature, or combination thereof, was legally established

and in conformance with the applicable standards of the Zoning Resolution enacted at the time of establishment.

**C. Issuance of nonconforming certificate.** If approved and upon approval, the Zoning Administrator shall issue a Legal Nonconformity Certificate evidencing facts that the nonconformity in question remains lawfully existing, that any required affidavit is in order, and setting forth the nature and extent of the nonconformity.

**D. Expiration.**

- (1) Approved Legal Nonconformity Certificates expire when the subject of the certificate loses its nonconforming status per the provisions of Article 5 – Nonconformities.
- (2) Approved Legal Nonconformity Certificates also expire when applicable standards of the Zoning Resolution are changed in a manner that causes the subject of the certificate to comply.

### **6.3.5 – Modification to a Conditional Use**

**A. Applicability.** The following types of modifications to a previously approved conditional use are eligible for an administratively reviewed Modification to a Conditional Use:

- (1) Altering the location of structures;
- (2) Constructing accessory structures;
- (3) Enlargement or relocation of open space or grading where such alterations will comply with the intent of all applicable regulations as established by the Colerain Township Zoning Resolution and by the approval of the Conditional Use by the Board of Zoning Appeals;
- (4) Increasing the previously approved lot impervious surface area by 5% or less; and/or
- (5) Increasing or decreasing the square footage of previously approved buildings by 5% or less.

**B. Disqualifiers.** In addition to the applicability standards above, the following types of modifications will require a new Conditional Use approval per the applicable procedures in Section 6.5 – Quasi-Judicial Applications:

- (1) Grading or location of structures over an existing sanitary sewer;
- (2) Construction or installation of lighting above the levels and amounts allowed by the Colerain Township Zoning Resolution or by approval of the Board of Zoning Appeals;
- (3) Reduction of previously approved open space, landscaping, or buffering;
- (4) Change of use from the previously approved use;
- (5) Increase in signage from the previously approved Conditional Use; and/or



- (6) Creating a Variance or extending a previously approved Variance.
- C. **Quasi-judicial review required.** Applications to modify a previously approved conditional use that do not meet the eligibility criteria provided above must be reviewed as a new Conditional Use and follow the applicable procedures in Section 6.5 – Quasi-Judicial Applications.

### **6.3.6 – Administrative Waiver**

- A. **Applicability.** The Zoning Administrator may grant Administrative Waivers for any area or dimensional regulation that does not exceed 10% of the applicable minimum or maximum regulation. Eligible area and dimensional regulations include, but are not limited to, minimum front, side, and rear yard setbacks, maximum height of structures, and other area and dimensional regulations that are not included as ineligible requests within this Subsection.
- B. **Ineligible requests.**
  - (1) An Administrative Waiver shall not be granted for minimum lot area requirements or for any dimensional requirement related to ground signs.
  - (2) The applicant shall be required to apply for a Variance for any waiver request that exceeds 10% or other variations from this Resolution that do not qualify for Administrative Waivers.
- C. **Review criteria.** Decisions on an Administrative Waiver shall be based on consideration of the following criteria:
  - (1) The waiver will allow the proposed development to reflect the predominant development character of surrounding, similar uses and properties (e.g., similar setbacks, similar sign areas, etc.);
  - (2) Special circumstances exist that make the precise compliance with the subject standards impractical or unreasonable;
  - (3) The waiver request is minor in nature;
  - (4) The waiver will not have a detrimental impact on any surrounding properties;
  - (5) The waiver request does not substantially deviate from the development character of the surrounding properties; and
  - (6) The waiver request does not deviate from the overall purpose of this Resolution or the intent and objective of the original regulation.
- D. **Expiration.** Within 1 year of the date the Administrative Waiver is approved, the applicant must submit a completed application for a Zoning Certificate per the applicable provisions of Section 6.3– Administrative Applications, or the approval shall expire.

## SECTION 6.4 – LEGISLATIVE APPLICATIONS

### 6.4.1 – Legislative Review Procedures

**A. Amendment initiation.** Amendments or supplements to the Zoning Resolution may be initiated by:

- (1) Motion of the Zoning Commission;
- (2) Passage of a resolution by the Board of Township Trustees, who shall then certify such resolution to the Zoning Commission; or
- (3) By the filing of an application by 1 or more of the owners of property within the area proposed to be changed or affected by the proposed amendment.

**B. Review procedure step #1: preapplication conference.**

- (1) The applicant is encouraged to meet with the Colerain Township Zoning Department to discuss the initial concepts of a zoning map amendment and general compliance with applicable provisions of this Resolution prior to the submission of the application.
- (2) During this time, an applicant may also request a preliminary, informal meeting with the Zoning Commission to discuss the initial concepts.
- (3) Discussions that occur during a preapplication conference or a preliminary meeting with staff or the Zoning Commission are not binding on the Township and do not constitute official assurances or representations by Colerain Township or its officials regarding any aspects of the plan or application discussed.

**C. Review procedure step #2: application.**

- (1) Applications for any change of district boundaries, classifications of property as shown on the Zoning Map, or changes to the Resolution text shall be submitted to the Zoning Commission at the Colerain Township Zoning Department.
- (2) The application shall include all such forms, maps, and information, as may be prescribed for that purpose by the Zoning Commission to assure the fullest practicable presentation of the facts for the permanent record. A list of minimum submittal requirements may be adopted by the Board of Township Trustees.
- (3) Each application shall be signed by at least one of the owners, or the owner's authorized agent of the property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
- (4) Applications for amendments initiated by the Zoning Commission shall be accompanied by the Zoning Commission's motion pertaining to such proposed amendment.

- (5) Any person or persons desiring a change in the zoning classification of property shall file with the application for such change a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property the zoning classification of which is proposed to be changed.
- (6) All applications shall be submitted with the required fees as established in the Colerain Township fee schedule.

**D. Review procedure step #3: zoning commission hearing.**

- (1) Upon adoption of a motion, certification of a resolution, or the filing of an application for an amendment (Step #2), the Zoning Commission shall set a date for a public hearing regarding the proposed amendment.
- (2) The public hearing shall not be less than 20 or more than 40 days after the date the application (Step #2) was submitted.
- (3) Notification shall be given in accordance with Section 519.12 of the Ohio Revised Code. In addition to the notification required by the Ohio Revised Code, the Township shall mail notice to all property owners within 200 feet of a property subject to a map amendment at least 10 days prior to the public hearing.

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

**F. Review procedure step #5: trustees hearing.**

- (1) Upon receipt of the recommendation from the Zoning Commission (Step #4), the Board of Township Trustees shall set a time for a public hearing on such proposed amendment.
- (2) The date of the public hearing shall not be more than 30 days after the date of the receipt of such recommendation from the Zoning Commission.
- (3) Notification shall be given in accordance with Section 519.12 of the Ohio Revised Code. See Step #3.

**G. Review procedure step #6: decision.**

- (1) Within 20 days after its public hearing (Step #5), the Board of Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. In the event the Board of Trustees denies or modifies the

recommendation of the Zoning Commission, a majority vote of the Board of Trustees shall be required.

- (2) Any amendment adopted by the Board of Township Trustees shall become effective in 30 days after the date of such adoption, unless, within 30 days after the adoption of the amendment, there is presented to the Board of Township Trustees a petition, signed by a number of registered electors residing in the unincorporated area of the Township or part of that unincorporated area included in the zoning plan equal to not less than 15% of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Board of Township Trustees to submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a summary of its contents. In addition to meeting the requirements of this Section, each petition shall be governed by the rules specified in Sections 519.12 and 3501.38 of the Ohio Revised Code.

#### **6.4.2 – Text and Map Amendment**

- A. **Review criteria.** The following criteria, as applicable, shall be used in decisions regarding text and map amendments for this Resolution:
  - (1) 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; and
  - (2) Where more than one zoning district is available to implement the Comprehensive Plan or Land Use designation, the applicant must justify the particular zoning district being sought and show that it is best suited for the specific site, based upon the policies of the Colerain Township Comprehensive Plan.

#### **6.4.3 – Planned District Review and Amendment**

- A. **Process.** The establishment of a Planned District requires a zoning map amendment per ORC Section 519.12 and outlined in Section 6.4.1.
- B. **Minimum Size.** The minimum size for any Planned District application shall be 10 acres. This minimum size shall not be subject to variance or modification. Applications for properties of less than 10 acres shall be rejected by the Zoning Administrator.
- C. **Application Requirements.** In addition to the procedural requirements of the zoning map amendment process outlined in Section 6.4.1, the Zoning Administrator shall receive applications for Planned Districts and confirm completeness. *For Preliminary Development Plans and modifications to a Planned District, Civil plans are acceptable. Architectural*

*plans are required for Final Development Plans. A complete application includes the following information:*

- (1)** A civil or architectural plan submission that meets the requirements of a Zoning Certificate as specified in Section 6.3.2 – Zoning Certificates, and includes the following:
  - (i) Property lines, dimensions, and orientations.
  - (ii) Adjacent streets and rights-of-way.
  - (iii) Proposed new construction and site work.
  - (iv) Equipment, outbuildings, and dumpster locations that will be visible on the site.
  - (v) Proposed flood plain drainage and control measures.
  - (vi) Watershed details for site and within 200 feet around site. Include GPM calculations for expected runoff for 5, 10, and 50 year storms.
  - (vii) Proposed site drainage, including water retention/ detention and sedimentation control measures.
  - (viii) Building downspouts and storm sewer sizes and locations.
  - (ix) Existing site contours (5' minimum) and proposed grading plan.
  - (x) Impervious surface ratio (for non-single family projects).
  - (xi) Location(s) of any proposed ground signage.
  - (xii) A building plan for each building affected, showing the interior layout of the building and overall dimensions.
  - (xiii) Exterior elevations for all affected buildings shall show all major mechanical equipment, satellite dishes, etc. that will be located on the exterior of the building and the method(s) of screening these items.
  - (xiv) Exterior elevations of all sides of proposed new construction (including significant renovation). Building materials should be noted. (For additions to existing buildings, sufficient portions of the existing building shall be shown in elevation to convey an understanding of the relationship between new construction and existing.
  - (xv) A roof plan shall be submitted if any major items of equipment are to be located on the roof. (Drawings, photographs, and/or manufacturer's literature may be required to convey the size and character of these items.)
  - (xvi) Vicinity map.
  - (xvii) Existing and proposed zoning district boundaries.

- (xviii) Existing buildings and structures on property and on adjacent property within 50 feet of property line.
- (xix) Proposed demolition of existing buildings, pavement, and fencing, if applicable.
- (xx) Existing flood plain elevation.
- (xxi) Setbacks and rights-of-way.
- (xxii) Dimensions for setbacks, rights-of-way, easements, and other site restrictions.
- (xxiii) A lighting plan per Section 4.4 – Outdoor Lighting.
- (xxiv) Total gross and net acreage of the site and square footage of proposed buildings.
- (2)** Completion of the digital application, including digital copies of all plans placed into the appropriate submission fields upon the form.
- (3)** TEN (10) full size copies of the drawings listed below, signed and stamped by a registered professional preparer. These shall be folded to 8.5" x 11", with title block showing.
- (4)** A flash drive that contains all plans and submitted documents.
- (5)** Legal descriptions for easements and other site restrictions.
- (6)** Legal description of the property, including book and page numbers, owner name(s), parcel numbers, and physical location of the property.
- (7)** Parcel IDs and names of property owners adjacent to the subject property.
- (8)** All restrictive covenants required by the zone change and preliminary development plan Resolution adopted by the Colerain Township Board of Trustees, and other applicable conditions and/or restrictive covenants.
- (9)** Declaration of Condominium, if applicable.
- D.** A landscape plan per Section 4.3 – Landscape and Buffering, that includes the following:
  - (1)** Clearing limits and existing plant material that is to remain, including an indication of the size of all major trees, shrubs, etc. Existing trees of four-inch caliper and greater must be shown if subject to removal. (Size and extent may be conveyed by photograph.)
  - (2)** Proposed new landscaping including notation indicating size and species of all new plants.
  - (3)** Existing landscaping on adjacent properties must be indicated if it influences the landscape planning for the site under construction (may be conveyed by photograph).
- E.** A Master Parking Plan per Section 4.5.2

- F.** A Master Signage Plan per Section 4.7.2
- G.** A proposed set of uses that would be permitted across the development. Such a set of uses shall only include uses that are permitted outright and shall not propose any uses to be permitted as conditional uses. Furthermore, any use that is listed in Table 3.1.3-A as prohibited in all districts shall also be prohibited in Planned Districts.
- H.** Application letter signed by the property owner(s), describing the proposed zone change and project.
- I.** Letter confirming conceptual approval of sewer from MSD or OEPA, if applicable.
- J.** Hamilton County Public Works & SDS Applications.
  - (1)** A phase schedule if the development will be constructed in phases.
  - (2)** A fee as outlined in Section 6.1.3.
  - (3)** A performance bond for landscaping and/or storm drainage facilities, if applicable.
  - (4)** Development Plan plat (must be 24”x36” page), which must include a deed of approval that is signed by property owners and lists date and condition(s) of approval.
- K. Additional Requirements.** The applicant shall be required to, at the request of the Zoning Administrator, Zoning Commission, or Board of Trustees, furnish additional information, plans, studies or forms that will assist with review of the proposed Planned District.
- L. Review Criteria.** The review and consideration of the proposed Planned District by the Zoning Commission and Township Trustees shall include the follow factors
  - (1)** The proposal could not feasibly be constructed under a non-Planned district or zone.
  - (2)** The proposal would meet or exceed at least one of the land use goals, objectives, and/or recommendations of the Comprehensive Plan.
  - (3)** The proposal would support safe walking, bicycling, wheelchair, and other non-vehicular transportation to and between common destinations including residences, employment centers, educational facilities, shopping, and recreation that is provided within or adjacent to the Planned District.
  - (4)** The proposal would support access to housing for diverse ages, household sizes, and ranges of income, if the proposal includes residential uses.
- M. Conditions of Approval.** The Zoning Commission and Township Trustees may impose conditions on the approval of the Planned District to cause the development to comply with the applicable review criteria or other standards established in this Resolution.



**N. Modifications to Use Permissions in an Approved Planned District.** Requests to add or remove use permissions to a previously approved Planned District shall require a zoning map amendment per Section 6.4.1.

**O. Major Modifications to an Approved Planned District.** The following modifications shall be considered major amendments to an approved Planned District and must be approved by the Township Trustees after consideration during a public hearing:

- (1) An increase of 10 percent or more in setback reduction.
- (2) An increase of 10 percent or more on lot coverage that impacts minimum open space requirement.
- (3) An increase of 10 percent or more on any building structure height.
- (4) Any increase in signage height.
- (5) An increase of 10 percent or more in signage setback or area.
- (6) A substantial change in building materials, as determined by the Zoning Administrator.
- (7) A decrease of 10 percent or more on landscaping and screening features.
- (8) Any increase of 10 percent or more in the number of dwelling units.

**P. Minor Modifications to an Approved Planned District.**

- (1) All proposed amendments, other than those outlined in Section 6.4.3-G, shall be considered a minor modification.
- (2) Within 15 days of the submittal of a written application specifically detailing the changes requested along with a revised development plan, the Zoning Administrator may administratively approve a minor modification.
- (3) Anyone aggrieved by the Zoning Administrator’s decision on a proposed minor modification may appeal said decision to the Board of Trustees within 30 days of said decision by the Zoning Administrator. The Board of Trustees shall hear said appeal within 30 days of receiving the appeal. The Board of Trustee’s action is final and is subject to appeal through RC 2506.

**Q. Zoning Administrator Determination.** The Zoning Administrator may determine if any proposed amendments are substantial and therefore must be approved by the Township Trustees. The Township Trustees shall schedule and hold a public hearing within 30 days of receiving an application for a major amendment and provide notice of the public hearing where said modification will be considered. The purpose of the public hearing is to determine whether the owner(s) has made reasonable and diligent efforts toward the accomplishment of the original approved plan, and that such amendment is consistent with the intent of this Section. Notice shall be provided to the applicant and all owners

within, contiguous to, and directly across the street from the property for which the amendment is proposed. Said notice shall be given by regular first-class mail sent no less than 10 days prior to the public hearing. The notice shall be mailed to the addresses of those owners as they appear on the County Auditor’s current tax list. The failure of delivery of said notice shall not invalidate any action the Township Trustees may take on the request. The Township Trustees shall render a decision on the proposed amendment at the conclusion of the public hearing. The Township Trustee’s decision on the amendment is administrative in nature and is subject to appeal in accordance with RC 2506.

## **SECTION 6.5 – QUASI-JUDICIAL APPLICATIONS**

### **6.5.1 – Quasi-Judicial Review Procedures**

#### **A. Step #1 – application.**

- (1) An application for variances, conditional uses, or other review over which the Board of Zoning Appeals has original jurisdiction per Subsection 6.2.2 may be made by any property owner, including an authorized agent, or by a governmental officer, department, board, or bureau. In cases where a property has been denied an appeal by the Board of Zoning Appeals in the previous six-month period, applications for appeals may be rejected by the Zoning Administrator. Only where the request is substantially different than the previous reviewed appeal can the Zoning Administrator accept the application.
- (2) An application for appeal of administrative decision may be taken by any person aggrieved by a decision of the Zoning Administrator or by any administrative office of the Township in interpreting or applying the provisions of this Resolution. Such appeal shall be taken within 20 days of the decision in question, by filing with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the ground thereof.
- (3) All applications shall be submitted to the Zoning Administrator with the required fee as established in the Colerain Township fee schedule. The Zoning Administrator shall forthwith transmit a copy of the application to the Board of Zoning Appeals. For applications for appeal of administrative decisions, the Zoning Administrator shall also forthwith transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

#### **B. Step #2 – public hearing.**

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

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

**C. Step #3 – decision.**

- (1) Within 30 days after the hearing concludes (see Step #2), the Board of Zoning Appeals shall make a decision on the application or appeal based on all applicable criteria provided within this Resolution.
- (2) A certified copy of the Board of Zoning Appeals' decision shall be transmitted to all parties of interest. Such a decision shall be binding upon the Zoning Administrator and observed by them. They shall incorporate the terms and conditions of the decision in the permit to the applicant or appellant, whenever the Board of Zoning Appeals authorizes a Certificate.
- (3) A decision of the Board of Zoning Appeals shall not become final until the expiration of 30 days from the date such decision is made, unless the Board of Zoning Appeals finds that it is necessary for the preservation of property or personal rights that the decision be given immediate effect. Such a determination shall be stated in the record of the Board of Zoning Appeals.
- (4) For appeals, the Board of Zoning Appeals may, in conformity with the provisions of this Section, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Administrator from whom the appeal is taken.
- (5) Failure to comply with the conditions of a decision shall be deemed a violation of this Zoning Resolution.
- (6) Any party adversely affected by a decision of the Board of Zoning Appeals may appeal the decision to the Hamilton County Court of Common Pleas.

**6.5.2 – Appeal of Administrative Decision**

- A. Effect of filing application.** The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Board of Zoning Appeals, after the notice of appeal has been filed, that by reason of facts stated in the Certificate, a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed otherwise than by a restraining order that may be granted

by the Board of Zoning Appeals or by a court of record. Such applications shall be filed with the Zoning Administrator on any applicable forms available at the Township Zoning Office.

**B. Review criteria.** The following criteria shall be used to review all applications for an Appeal of Administrative Decision or for interpretation of this Resolution:

- (1) An order, decision, determination, or interpretation shall not be reversed or modified unless there is competent material and substantial evidence in the record that the order, decision, determination, or interpretation fails to comply with either the procedural or substantive requirements of this Resolution, state law, or the federal or state constitutions.
- (2) The Board of Zoning Appeals may impose conditions upon an affirmative decision to ensure that the requirements and purposes of this ordinance are followed in the order, decision, determination, or interpretation.
- (3) A properly submitted appeal shall stay all administrative proceedings by the Township in furtherance of the action appealed, unless the Planning and Zoning Department or other administrative official from whom the appeal is taken certifies to the Board of Zoning Appeals that a stay would cause imminent peril to life or property, in which case the administrative proceedings shall not be stayed unless a restraining order is granted by the Board of Zoning Appeals for good cause shown.

### **6.5.3 – Conditional Use**

**A. Conditional use review criteria.** In reviewing conditional uses, the Board of Zoning Appeals shall grant approval only when the use is consistent with the following standards:

- (1) The use is a conditional use, permitted with approval by the Board of Zoning Appeals, in the district where the subject lot is located;
- (2) The use is in accordance with the objectives of the Colerain Township Comprehensive Plan and Zoning Resolution;
- (3) The conditional use will not substantially and/or permanently injure the appropriate use of neighboring properties and will serve the public convenience and welfare; and
- (4) The use will not create excessive requirements, at public cost, for public facilities and services and will not be detrimental to the economic welfare of the community.

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

- C. Modifications to a previously approved conditional use.** Qualified applications to modify a previously approved conditional use shall be reviewed according to the procedures of Subsection 6.3.5 – Modification to a Conditional Use.

#### **6.5.4 – Variance**

- A. Variance review criteria.** The following criteria shall be used to review all applications for variances:
- (1)** The Board of Zoning Appeals shall not be authorized to grant variances for the following:
    - (i) Uses that are expressly prohibited by the Resolution in every zone.
    - (ii) Signage that is expressly prohibited by the Resolution.
  - (2)** The Board of Zoning Appeals may authorize a variance when such variance will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the resolution will result in unnecessary hardship, and so that the spirit of the resolution shall be observed, and substantial justice done.
  - (3)** No grant of a variance shall be authorized unless the Board of Zoning Appeals finds that such variance from the provisions or requirements of this Resolution will not be contrary to the public interest and owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this Resolution would cause unnecessary hardship. The Board of Zoning Appeals may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use, as it may deem necessary in the interest of the furtherance of the purposes of the Resolution and in the public interest.
  - (4)** In its determination, the Board of Zoning Appeals shall consider the following factors, commonly known as the Duncan Factors for bulk, area, and size variance requests. (Duncan v. Middlefield (1986) , 23 Ohio St. 3d 83)
    - (i) Whether the property in question will yield a reasonable return or whether there can be beneficial use of the property without the variance;
    - (ii) Whether the variance is substantial;
    - (iii) Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance;
    - (iv) Whether the variance would adversely affect the delivery of governmental services;
    - (v) Whether the property owner purchased the property with the knowledge of the zoning restriction;

- (vi) Whether the property owner’s predicament feasibly can be obviated through some method other than a variance; and
- (vii) Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

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

## SECTION 6.6 – ENFORCEMENT, PENALTIES, AND REMEDIES

### 6.6.1 – Violations

**A. Violations established.**

- (1) No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used, in violation of this Zoning Resolution.
- (2) Each day’s continuation of a violation of this Section may be deemed a separate offense.

### 6.6.2 – Penalties and Remedies

- A. Failure to acquire a zoning certificate.** An amount equal to double the normal scheduled fees shall be assessed to the property owner for failure to acquire a Zoning Certificate as required by this Article.
- B. Penalties.** Any person, firm, or corporation violating any regulation, provision, amendment, or supplement to this Zoning Resolution, or failing to obey any lawful order of the Colerain Township Zoning Administrator issued pursuant thereto, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 or the maximum amount allowed by the Ohio Revised Code. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues may be deemed a separate offense.

**C. Remedies.**

- (1) In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, or any land is or is proposed to be used in violation of Sections 519.01 to 519.99, inclusive, of the Ohio Revised Code, or in violation of this Zoning Resolution, the Board of Trustees, the Hamilton County Prosecuting Attorney, the Zoning Administrator, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or

any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

- (2) The Board of Trustees may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this Subsection.



# Article 7 – Glossary of Terms

## 7.1 – DEFINED TERMS (A-Z)

### “A” Terms

**Abutting or Adjacent.** The land, lot, or property adjoining the property in question along a lot line or separated only by an **Alley**, easement, or **Street**.

**Accessory Buildings and Features.** Structures or large items that are attached to a **Building** or are directly anchored into the ground and that are accessory to the primary use of a property. Such features and structures include but are not limited to bird baths, flag poles, fountains, game courts, garages, gardens, patios, roof-mounted solar panels, statues, swings sets and gym sets, tool sheds, wood or solid-surface decks, and woodpiles. This definition does not include **Fences**.

**Accessory Dwelling Unit.** An accessory dwelling unit (ADU) is a smaller, secondary home on the same lot as a primary dwelling. ADUs are independently habitable and provide the basic requirements of shelter, heating, cooking, and sanitation. There are two types of ADUs:

- (1) Garden cottages are detached structures. Examples include converted garages or new construction.
- (2) Accessory suites are attached to or part of the primary dwelling. Examples include converted living space, attached garages, basements or attics; additions; or a combination thereof.

**Accessory Off-Street Parking.** A parking lot that is accessory to, and on the same **Lot** as, a **Principal Use**.

**Accessory Use.** A use that is incidental to and customarily found in connection with a **Principal Building** or use; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.

**Active Park and Recreational Facility.** Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses, and other active sports facilities with the exception of bike and hike trails. This definition includes canoe ramps.

**Adult Family Home or Small Residential Facility.** A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 3 to 5 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

**Adult Group Home or Large Residential Facility.** A residence or facility, as defined and regulated in Chapter 3722 of the Ohio Revised Code, which provides accommodations for 6 to 16 unrelated adults and provides supervision and personal care services to at least 3 of the unrelated adults.

**Agricultural Use.** Farming; ranching; aquaculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur- bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production.

**Alley.** A public or private way which affords only secondary means of access to abutting properties. See also, **Street**.

**Alternative Financial Service.** Check cashing businesses, payday advance or loan businesses, pawn businesses, money transfer businesses, or car title loan businesses. This term excludes **Financial Institutions**.

**Animal Unit.** A unit of measurement used to determine the total number of single, non- domestic animal types or combination of animal types, which are fed, confined, maintained, or stabled for agriculture. One animal unit shall equal one beef feeder/slaughter animal. Other animals have different equivalents as they are larger or smaller and produce different amounts of manure. Therefore, one animal unit shall equal:

- (1) 6 chickens
- (2) 4 turkeys
- (3) 0.5 horses
- (4) 0.5 cow
- (5) 1 hog
- (6) 2 sheep

**Antennas** or **Radio Antennas.** A device designed to transmit or receive radio frequency signals. Antennas include the following defined categories:

- (1) **Commercial Radio Antennas.** Antennas other than **Noncommercial (Amateur) Radio Antennas** that are used by businesses or organizations providing communication services. Such businesses and organizations may include, but are not limited to, television stations and radio stations.
- (2) **Noncommercial (Amateur) Radio Antennas.** Antennas used by individuals or amateur radio operators for private recreation, non-profit exchanges of information, and emergency communication. Such antennas may transmit information and/or be established as receive-only antennas.

**Applicant.** An owner or an agent for the owner, including, a subdivider, developer, attorney, or similar representative, who has filed an application for development review pursuant to Article 6 – Administration, unless otherwise specified.

**Application.** The process by which the owner (or owner's agent) of a parcel of land within the Township submits a request for any type of development review or approval identified in Article 6 – Administration of this Resolution. Applications include all written documentation, verbal statements, and representation in whatever forms and quantities as required by the Township.

**Authorities Having Jurisdiction.** Any empowered agency or entity with enforcement powers applicable to the subject provision of this Resolution.

**Automotive Body Repair.** A facility that provides collision repair services, including but not limited to body frame straightening and repair or replacement of damaged parts and paint.

**Automotive Charging Service.** The retail usage of charging stations for battery-powered Vehicles.

**Automotive Fuel Service.** The retail sales of unleaded and diesel gasoline.

**Automotive Sales or Rental.** A facility where new or used vehicles, in operable condition, are sold, leased, or rented to customers.

**Automotive Service.** A building, structure, or land use for the general repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles include, but not limited to, muffler repair and replacement, oil change and lubrication, tire service and sales, installation of accessories, or engine repairs. This definition does not include **Automotive Body Repair**.

**Automotive Wash.** A facility, whether automatic, semi-automatic or manual, for washing Vehicles.

**Automotive Wrecking, Salvage, or Junk Facility.** The dismantling or wrecking of vehicles at a facility as defined and regulated in ORC Section 4738. Such uses may include the storage or sale of junk vehicles, inoperable vehicles, or parts.

**A-Weighted Sound Level (dba).** A measurement of sound pressure level that has been filtered or weighted to progressively de-emphasize the importance of frequency components below 1000 Hz and above 5000 Hz. This reflects the fact that human hearing is less sensitive at low frequencies and at extremely high frequencies relative to the mid-range of the frequency spectrum. This area of sensitivity also corresponds to the human speech band.

## **“B” Terms**

**Bank.** See **Financial Institution**.

**Banquet Hall.** A facility or building available for lease by private parties that may include kitchen facilities for the preparation or catering of food, the sale of alcoholic beverages for on-premises consumption during scheduled events not open to the public, and/or outdoor gardens, decks, or reception facilities.

**Bar or Tavern.** An establishment providing or dispensing, for on-site consumption, any fermented malt beverage, malt beverage, special malt, vinous, or spirituous liquors. The sale of food products including, but not limited to, sandwiches and light snacks may be a secondary use to the service of the aforementioned drinks.

**Basement.** That portion of a structure between the floor and ceiling which is wholly or partly below grade and having more than one-half of its height below grade.

**Bed and Breakfast Establishment.** Any place of lodging that provides four or fewer rooms for rent on a temporary basis, is the owner's personal residence, is occupied by the owner at the time of rental, and where meals may be served to guests.

**Berm.** A mound of earth typically used to shield, screen, and buffer undesirable views and to separate potentially incompatible uses, within the context of landscaping, bufferyard, or screening requirements.

**Board of Zoning Appeals.** The Colerain Township Board of Zoning Appeals as created as part of this Resolution.

**Book Barn.** See **Neighborhood Literature Redistribution Container**.

**Borrow.** Earth material acquired from an off-site location for use in grading a site.

**Brewery.** A facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, which produces more than 10,000 barrels annually and may include a restaurant, bar, tasting, and/or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking, and fermenting. The brewing operation does not include the production of any other alcoholic beverages.

**Broadcasting Studio.** Commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities located entirely within enclosed structures.

**Buffer or Bufferyard.** An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied within its entirety by any building structure, paving, or portion of such land use. A buffer or bufferyard does not include space for active recreation, parking, or interior access drives. A buffer may include a wall, fence, or **Berm** as provided in accordance with the provisions of Section 4.3 – Landscaping and Buffering.

**Building.** A temporary or permanent structure having a roof supported by walls and which can be used for shelter, business, housing, or enclosure of persons, animals, motor vehicles, boats, recreational vehicles, and other goods. This definition excludes **Fences**. This included the following defined categories:

- (1) **Building: Accessory Building.** A building that is incidental to and customarily found in connection with a **Principal Building** or **Principal Use**; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.

- (2) **Building: Principal Building.** A building that is designed for or occupied by a **Principal Use** of the lot. A lot may have more than one principal building (e.g., an apartment complex made of separate apartment buildings on one lot).

**Building Height.** The vertical distance of a building as measured pursuant to Subsection 1.6.3 – Measurement Methodologies.

## “C” Terms

**Canopy Tree.** A deciduous tree with an expected height of at least 35 feet at maturity.

**Car Title Loan Business.** An establishment that makes or facilitates short term consumer loans that leverage the equity value of a car or other vehicle as collateral. This excludes state or federally chartered banks, savings and loan associations, or credit unions engaged primarily in the business of making longer-term loans and that makes loans that leverage the total equity value of a car or vehicle as collateral.

**Carport.** An area attached to a residential structure, under the roof of the residential structure, and open on not more than three sides, intended and used primarily for the storage of motor vehicles and recreational vehicles. Such structures shall not extend beyond the front line of the primary residential structure.

**Cellar.** That portion of the building having more than one-half of the floor-to-ceiling height below the average grade of the adjoining ground.

**Cemetery.** A place for interment of human or animal remains or cremated remains, including a burial park for earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination thereof.

**Charitable Donation Container.** An outdoor receptacle made of metal, steel, or a similar product capable of resisting the effects of weathering and designed with a door, slot, or other opening that is intended to accept and store donated items such as books, clothing, or other non-perishable goods and materials capable of being placed within the container using the intended method of securing the donated item(s) from the elements. This definition does not include **Neighborhood Literature Redistribution Container**.

**Check Cashing Business.** An establishment that provides or facilitates the provision of an amount of money that is equal to the face of the check or the amount specified in the written authorization for an electric transfer of money, less any fee charged for the transaction, and where there is an agreement not to cash the check or execute an electronic transfer of money for a specified period of time. This definition excludes a state or federally chartered bank, savings and loan association, credit union, pawnshop, grocery store, or gas station.

**Clinic.** An establishment where human patients are not hospitalized overnight and examined and are treated by or under the care and supervision of doctors, dentists, or other medical practitioners. This definition does not include **Hospitals**.

**Club.** A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Commercial Message.** Any sign, wording, logo or other representation that, directly or indirectly, names, advertises or calls attention to a business, product, service or other commercial activity.

**Commercial Trailer.** Any towed vehicle, open or enclosed, specifically designed for the purpose of transporting equipment, tools, supplies, materials or other similar goods that will not permit human habitation for travel or recreation and that is not a **Utility Trailer**.

**Commercial Vehicle and Equipment Parking Area.** An area of land used for temporary (nighttime) or long-term (multi-day) storage of vehicles that are larger than a full-sized pickup truck, commercial vehicles weighing over 10,000 pounds, commercial trailers weighing over 4,000 pounds, and associated equipment.

**Common Open Space.** Land areas not occupied by **Buildings, Structures, Parking Areas, Streets, Driveways, or Alleys**. Open space shall not include upper floor decks and/or balconies.

**Compost Piles or Bins.** Containers or designated areas where organic materials, such as food scraps, yard waste, and other biodegradable items, are collected and allowed to decompose, transforming the organic matter into nutrient-rich material that is typically used for gardening.

**Condominium.** A multi-unit dwelling or development containing individual dwelling units and jointly owned and shared areas and facilities.

**Construction and Demolition Debris.** See [ORC Section 3714.01](#).

**Construction and Demolition Debris Facility.** See [ORC Section 3714.01](#).

**Contractor or Construction Sales.** Establishments or places of business primarily engaged in retail or wholesale sale of materials used in the construction of **Buildings** or other **Structures**. This term excludes **Automotive Service** establishments.

## **“D” Terms**

**Day Care Center.** A facility operated to provide care, protection, and guidance to individuals for a period of less than 24 consecutive hours. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. This term does not include public or private **Educational Facilities** or any facility offering care to individuals for a full 24-hour period.

**DBH.** Diameter-at-breast-height; a measurement of the caliper of a tree trunk at the 4.5 feet above grade level at the base of the tree.

**Decibel (dbA).** The measurement of a sound pressure relative to the logarithmic conversion of the sound pressure reference level, which is often set as 0 dbA (A-weighted). The quietest sound

that the average person can hear is near 0 dbA (A-weighted). The loudest sound that the average person can hear without pain is near 120 dbA (A-weighted).

**Density.** The quotient of the total number of **Dwelling Units** divided by total area of the site. Gross density shall be the quotient of the total number of dwelling units divided by the gross area of a site (including rights-of-way, easements, etc.). Net density shall be the total number of dwelling units divided by the total area of the site excluding any areas used for easements and/or rights-of-way.

**Development.** Any human-caused change to improved or unimproved land, including but not limited to the construction of **Buildings** or other **Structures**, mining, dredging, filling, grading, paving, excavation, or drilling.

**Distillery.** A facility for distilling spirits and liquor, including wine, for sale and distribution on-premises and/or off-site, that produces more than 50,000 proof gallons annually and that may include restaurant/bar space, tasting space, or retail space.

**Distribution Facility.** A facility where goods are received and/or stored for delivery to the customer or user at off-site locations.

**District.** See **Zoning District**.

**Domestic Animal.** An animal that is tame or domesticated and not normally found in the wild state. This term excludes hybrids of animals normally found in the wild state.

**Drive-Through Facility.** An establishment that encourages or permits customers to receive services or obtain goods while remaining in their **Vehicles**.

**Driveway.** A private way, other than a **Street** or **Alley**, which provides access to one **Lot of Record** for the use of **Vehicles** and pedestrians.

**Dwelling.** A building or portion thereof used exclusively for residential purposes, including one-unit, two-unit, and multi-unit dwellings. This term excludes **Hotels and Motels**, tents, **Recreational Vehicles**, cabins, or boarding or lodging houses. This term includes the following defined categories:

- (1) **Multi-Unit Dwelling.** A **Building** or portion thereof designed for or used exclusively for residential purposes with three or more separate housekeeping units. This term includes apartment buildings, **Condominiums**, elderly housing, and buildings where three or more **Dwelling Units** are attached by common walls or floors within a single **Structure**.
- (2) **One-Unit Dwelling.** A **Building** designed for or used exclusively for residential purposes with only one **Dwelling Unit**.
- (3) **Two-Unit Dwelling.** A **Building** or portion thereof design for or used exclusively for residential purposes with two separate housekeeping units.



- (4) **Upper-Floor Dwelling.** A portion of a multi-story **Building** other than the ground floor that provides complete housekeeping facilities for a household.

**Dwelling Unit.** A single unit of one or more rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation. This term includes **Modular Industrialized Units**. This term excludes **Manufactured Homes** that are not permanently sited, **Mobile Homes**, tents, camping equipment, cabins, **Hotels and Motels**, **Recreational Vehicles**, or other temporary or transient structures or facilities.

## “E” Terms

**Educational Facility, Higher Learning. Buildings or Structures** other than **Music, Art, or Photographic Studios or Classrooms** used to teach students at a level beyond primary schools, elementary schools, middle schools, and high schools. This term includes, but is not limited to, colleges, vocational schools, universities, training centers, and other similar uses. This term does not include **Non-Higher-Learning Educational Facilities**.

**Educational Facility, Non-Higher Learning. Buildings or Structures** other than **Music, Art, or Photographic Studios or Classrooms** used to teach students. This term includes primary schools, elementary schools, middle schools, or high schools. This term does not include **Higher-Learning Education Facilities**.

**Entry Drive.** The part of an access drive or **Driveway** leading to a vehicular use area.

**EPA.** The Environmental Protection Agency, including the Ohio EPA.

**Erosion.** The wearing away of the land surface by the action of wind, water, gravity, or other natural processes.

**Essential Service or Utility.** Services provided by public and private utilities necessary for the exercise of the **Principal Use** or service of the **Principal Building**. These services include underground, surface, and overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants. This term does not include **Buildings**.

**Evergreen Tree.** A tree that remains green throughout the year with an expected height of at least 40 feet.

**Evergreen Shrub.** A shrub that remains green throughout the year.

**Excavation.** The process of altering the **Grade** level by cutting, filling, or moving the earth. This term includes any activities by which soil or rock is cut, dug, quarried, uncovered, removed, displaced, or relocated.

**Excavation, Preliminary.** Earth-moving activities that do not exceed either (a) 5 feet in vertical depth at its deepest point or (b) a total of one-half acre of work area.

**Exotic Wildlife.** Indigenous or non-indigenous wildlife including but not limited to lions, tigers, ocelots, jaguars, leopards, mountain lions, cheetahs, lynx, bobcats, jaguarondi, bears, hyenas, wolves, coyotes, poisonous arachnids, and life-threatening and/or poisonous reptiles such as crocodilians and snakes.

## **“F” Terms**

**FAA.** The Federal Aviation Administration of the United States Department of Transportation.

**Sign: Face Change.** The replacement or revision of the logos, wording, and symbols included on the front of a **Sign** by means of replacing the physical material, by repainting over the physical material, or by implementation of a similar process. This term includes a change of business name, change in colors, copy, graphics or visual image that does not require the installation of a new or modified sign board or cabinet. This term does not include reader boards or **Changeable Copy Signs**.

**Fence.** An artificially constructed barrier of wood, masonry, stone, wire, metal, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. This definition is separate from **Buildings**. This definition includes the following categories:

- (1) **Non-Privacy Fence.** A fence that is at least 50% open.
- (2) **Privacy Fence.** A fence that is less than 50% open.

**Fill or Filling.** Any artificial or mechanical act by which earth, sand, gravel, rock, or other material is placed, pushed, dumped, pulled, transported, or moved to a new location above the **Grade** level surface of the ground or on top of the stripped surface. This term includes the material used to make a fill and this term includes the difference in elevation between a point on the original ground and a designated point of higher altitude on the filled grade.

**Financial Institution.** Establishments engaged in deposit banking. This term includes, but is not limited to, commercial banks, loan or mortgage companies, stockbrokers, savings institutions, credit unions, and other similar establishments. This term excludes **Alternative Financial Services**.

**Fireworks Manufacturing.** The manufacturing of any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in section 3743.80 of the Revised Code; and shall include “1.3G fireworks”; “1.4G fireworks” as defined within R.C. §3743.01. The term ‘Fireworks’ shall not include “Novelties and trick noisemakers” or “Fountain device” as defined within R.C. §3743.01.

**Fireworks Retail Sales.** The retail sale of any composition or device prepared for the purpose of producing a visible or an audible effect by combustion, deflagration, or detonation, except ordinary matches and except as provided in §3743.80 of the Revised Code; and shall include “1.4G fireworks” as defined within R.B. §3743.01. The term ‘Fireworks’ shall not include

“Novelties and trick noisemakers” or “Fountain device” as defined within R.B. §3743.01. The sale of “1.3G fireworks” shall be prohibited.

**Flag.** Any fabric or other flexible material attached to or designed to be flown from a flagpole or similar device.

**Floodplain Management.** The following terms used in this Resolution are defined as set forth in the regulations governing the National Flood Insurance Program ([44 CFR Section 59.1](#)). In case of conflict, the definitions with 44 CFR Section 59.1 shall apply.

- (1) **Base Flood.** The flood having a 1% chance of being equaled or exceeded in any given year.
- (2) **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulations or runoff of surface waters from any source.
- (3) **Floodplain.** The land area susceptible to inundation by water as a result of a flood and for the purposes of this Resolution shall mean the 100-year and 500-year floodplain as determined by the Federal Emergency Management Agency.
- (4) **Floodway, Regulatory.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.
- (5) **Floodway Fringe.** Those portions of the **Floodplain**, other than the **Floodway**, which can be filled or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- (6) **Zone A.** An area inundated by 100-year flooding, for which no base flood elevation has been established.
- (7) **Zone AE.** An area inundated by 100-year flooding, for which the base flood elevation has been established.
- (8) **Zone AH.** An area inundated by 100-year flooding (usually in an area of ponding), for which the base flood elevations have been determined. The flood depths range from one to three feet.
- (9) **Zone AO.** An area inundated by 100-year flooding (usually sheet flow on sloping terrain), for which average depths have been determined; flood depths range from one to three feet.

**Floor Area, Gross.** The sum of the horizontal areas of each floor of the **Building** measured from the exterior walls or from the center of party line walls, including the floor area of accessory buildings and structures.

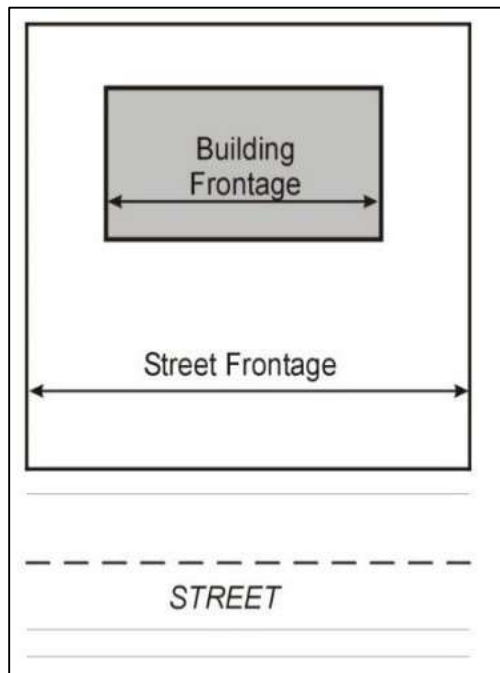
**Floor Area, Net.** The sum of the horizontal areas of each floor of the **Building**, measured from the exterior walls or from the center of party line walls, including the floor area of accessory

buildings and structures but excluding areas used exclusively for the parking of motor vehicles or for building or equipment access, such as stairs, elevator shafts, and maintenance crawl spaces or areas occupied by mechanical equipment.

**Footcandle.** A unit of illumination produced on a surface, all points of which are one foot from a uniform point source of one standard candle.

**Frontage, Building or Building Frontage.** shall mean the length of an enclosed **Building** facing a public or private **Street**. See Figure 6.6.2-A: Building and Street Frontage.

*Figure 6.6.2-A: Building and Street Frontage*



**Frontage, Street or Street Frontage.** The linear length of a lot line that runs along a **Street**. See Figure 6.6.2-A: Building and Street Frontage. See also, **Lot Frontage**.

**Funeral Service.** A **Building** or part thereof used for human funeral services, and that may include space for the embalming and other services used in the preparation of the dead for burial; the storage of caskets, funeral urns, funeral vehicles, and other related supplies; facilities for cremation, chapels, and other related uses.

### **“G” Terms**

**Garage.** A structure attached or enclosed as part of the **Principal Building** or an **Accessory Building** primarily used for the enclosed storage or shelter of motor vehicles..

**Government and Public Use.** A **Building** or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, state, county, or other recognized public entity. Such use may include, but is not limited to, township offices, public works, libraries, post offices, and other uses not defined

separately within this Article. Government and public use shall not include **Educational Facilities** or **Higher-Learning Educational Facilities** as defined elsewhere in this Article.

**Grade** or **Grade Level**. The average elevation of ground relative to a fixed point on land. For the purposes of this definition, any wall approximately parallel to and not more than five feet from a street line shall be considered as adjoining the street.

- (1) For **Buildings** having walls adjoining only one street, **Grade Level** is the elevation of the sidewalk or ground at the center of the wall adjoining the street.
- (2) For **Buildings** having walls adjoining more than one street, **Grade Level** is the average elevation of the ground at the centers of all walls adjoining the streets.
- (3) For **Buildings** having no wall adjoining the street, **Grade Level** is the average level of the finished surface of the ground adjacent to the exterior walls of the building.
- (4) See also **Slope** and **Slope, Natural**.

**Grass**. A species of perennial grass grown as permanent lawns or for landscape purposes, as distinguished from those species grown for agricultural or commercial seed purposes.

**Greenhouse**. A glass or translucent enclosure used for the cultivation and protection of plants.

**Ground Cover**. A plant growing less than two feet in height at maturity that is grown for ornamental purposes as an alternative to **Grasses**. On **Slopes**, ground cover can control erosion while eliminating the maintenance of mowing on hillsides.

**Group Home for Children**. See **Halfway Houses** or **Community Residential Centers**. .

**Guy Cable**. Any cable or wire that extends from a **Small Wind Energy Conversion System** or other utility device or communication facility for the purpose of supporting the system structure.

## “H” Terms

**Halfway Houses or Community Residential Centers**. Any dwelling unit that is being utilized as a group home for children, adult group home, or adult family home as defined by the Ohio Revised Code. This definition does not include residential facilities licensed under section 5119.34 of the Revised Code.

**High Water Mark, Normal or Ordinary**. That mark on the Great Miami River that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in ordinary years, as to mark upon the soil a character distinct from that of the abutting upland.

**Highway**. An officially designated state or federal numbered highway or other road designated as a major street on the current Hamilton County Thoroughfare Plan.

**Hillside**. See definition of “Slope.”

**Hobby Breeder**. One who breeds occasional litters of dogs, cats, or other household pets for recreation and the primary purpose of, but not limited to, improving the physical and mental

soundness of the breed and who may prove their breeding program by exhibiting in conformation, hunting, performance, or other tests.

**Home Occupation.** An occupation or profession for financial gain or profit which is incidental to and carried on entirely within a dwelling unit located on a lot by resident occupants of the dwelling unit and which occupation is clearly incidental to and accessory to the residential use of the property.

**Home, Adult Family.** See **Adult Family Home**.

**Home, Adult Group.** See **Adult Group Home**.

**Hospital.** A facility providing physical or mental health services, inpatient or over-night accommodations, and medical or surgical care for the sick or injured. Such a facility may include **Clinics**.

**Hotel or Motel.** A building in which lodging, with or without meals, is offered for compensation and in which there are more than five sleeping rooms.

**Household Pets.** See **Domestic Animal**.

**Housekeeping Unit.** One or more persons occupying a dwelling unit, living as a single group, and doing their own cooking on the premises. This definition excludes individuals or groups who are occupying a **Bed and Breakfast Establishment**, or a **Hotel or Motel**.

## **“I” Terms**

**Impervious Surface.** Any hard surfaced, constructed area that does not readily absorb or retain water, including but not limited to **Buildings**, roofs, **Parking Areas**, **Driveways**, sidewalks, and pavement.

**Indoor Recreational Facility.** Public or private recreational facilities located completely within an enclosed building.

**Industrial Use.** This includes the following defined categories:

- (1) Heavy Industrial Use.** Uses engaged in the basic processing and manufacturing of materials or products predominately from extracted or raw materials; in the storage of flammable, explosive, or hazardous materials; in manufacturing processes that utilize flammable, explosive, or hazardous materials; or in manufacturing processes that potentially involve hazardous conditions. This definition shall also include those uses engaged in the operation, parking, and maintenance of vehicles in the service of cleaning of equipment or work processes involving solvents, recycling establishments, truck terminals, public works yards, and container storage.
- (2) Light Industrial Use.** The manufacturing, processing, or assembly of products within a fully enclosed structure where noise, odor, light, and/or vibrations are not noticeable from the adjacent properties. This definition includes dry cleaning establishments. This definition excludes any uses that qualify as **Heavy Industrial Use**.

**Industrialized Unit (Modular).** A **Building** unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. This definition includes units installed on site as independent units, as a part of a group of units, or incorporated with standard construction methods to form a completed structural entity.

**Institutional Housing.** Housing for the elderly or infirm in which three or more unrelated individuals may live on a short-term or long-term basis and where both food and care are provided for compensation. This definition includes, but is not limited to, elderly housing, nursing homes, assisted living facilities, and hospices. Institutional housing shall not include **Hospitals**, medical offices/clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

### “J” Terms

[Reserved]

### “K” Terms

**Kennel: Commercial Kennel.** A facility for boarding, breeding, raising, grooming, selling, training or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

**Kennel: Private Kennel.** The home and premises of a **Hobby Breeder**. See Subsection 3.4.30 – Private Kennels.

### “L” Terms

**Laboratory.** A **Building** or part thereof in which are located facilities for scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products except as incidental to the main purpose of the laboratory.

**Landominium.** A development where an individual **Dwelling Unit** and the land it sits on is owned privately but where the landscaping and lawn is maintained by a homeowners’ or other community association.

**Landscaping.** The improvement of a lot, parcel, tract of land, or portion thereof, with grass, shrubs, and trees. Landscaping may include pedestrian walks, flower beds, trees, shrubs, and ornamental objects such as fountains, statuary, and other similar natural and artificial objects.

**Land Use.** The utilization of land for trade, industry, residence, recreation, or any other purpose including, but not limited to, all related land development activities necessary for the preparation of a site such as excavation, filling, grading, or **Building** construction for the aforementioned uses.



**Light, Cutoff.** An artificial outdoor light source designed to ensure that no light is directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 4.5 – Outdoor Lighting.

**Light, Non-Cutoff.** shall mean an artificial outdoor light source designed to allow light to be directly emitted above a horizontal line parallel to the ground as regulated and illustrated in Section 4.5 – Outdoor Lighting.

**Lighting, Outdoor.** Any source of light that is installed or mounted outside of an enclosed **Building** or **Structure**, but not including streetlights installed or maintained along public streets by a government agency or public utility.

**Little Free Library.** See **Neighborhood Literature Redistribution Container**.

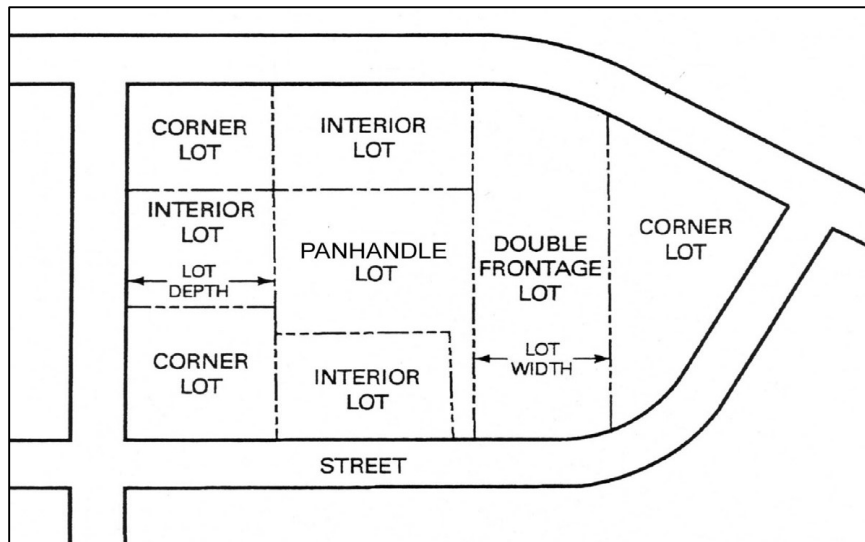
**Livestock.** Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, and similar animals. This definition shall not include dogs, cats, and other household pets.

**Loading Area/Dock.** An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Lot.** A parcel of land that is or may be occupied by a use permitted in this Resolution.

- (1) **Lot, Corner.** A **Lot** abutting two or more **Streets** at their intersection or abutting two parts of the same street and forming an interior angle of less than 135 degrees between two **Lot Lines** abutting such street or streets. See Figure 0-A: Lot Types and Measurements.
- (2) **Lot, Double Frontage.** A **Lot** having a frontage on two non-intersecting streets, as distinguished from a **Corner Lot**. See Figure 0-A: Lot Types and Measurements.
- (3) **Lot, Panhandle.** A **Lot** that is not fronting or abutting a public **Street** and where access to the public street is limited to a narrow strip of land. See Figure 0-A: Lot Types and Measurements.

*Figure 0-A: Lot Types and Measurements*



**Lot Area.** The total area within the **Lot Lines** of a **Lot**, excluding any **Street** right-of-way or other legal public dedication.

**Lot Coverage.** That portion of a **Lot** that is covered by the **Principal Building, Accessory Buildings, Structures**, and surfaces that prevent the passage or absorption of stormwater including paving and **Driveways**.

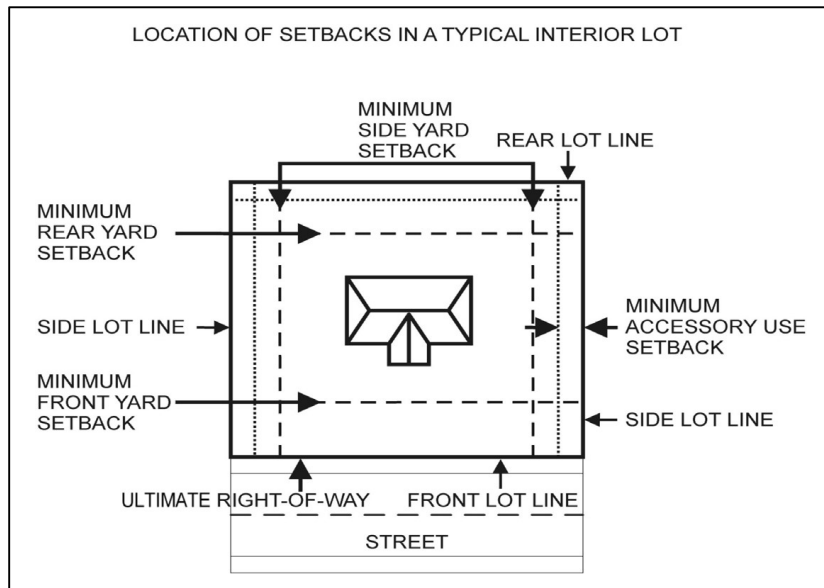
**Lot Depth.** The mean horizontal distance between the **Front Lot Line** and the **Rear Lot Line**. See Figure 0-A: Lot Types and Measurements.

**Lot Frontage.** The dimension of a **Lot** abutting a public **Street** as measured along the street right-of-way line. See also **Street Frontage**.

**Lot Lines.** The property lines bounding the **Lot**.

- (1) **Lot Line: Front Lot Line.** The lot line that is coterminous with the **Street** right-of-way. A front lot line is generally parallel to or less than 45 degrees to the rear lot line. The front lot line is generally opposite the **Rear Lot Line**. A **Corner Lot** or **Double-Frontage Lot** has more than one front lot line. See Figure 0-B: Location of Lot Lines and Setbacks/Yard on a Typical Lot.
- (2) **Lot Line: Rear Lot Line.** An internal lot line opposite a **Front Lot Line**. A rear lot line is generally parallel to or less than 45 degrees to the front street right-of-way line. A **Double-Frontage Lot** does not have a rear lot line. See Figure 0-B: Location of Lot Lines and Setbacks/Yard on a Typical Lot.
- (3) **Lot Line: Side Lot Line.** An internal lot line that is neither a **Front Lot Line** nor a **Rear Lot Line**. Side lot lines generally extend perpendicular or greater than 45 degrees from front lot lines or rear lot lines. See Figure 0-B: Location of Lot Lines and Setbacks/Yard on a Typical Lot.

*Figure 0-B: Location of Lot Lines and Setbacks/Yard on a Typical Lot*



**Lot of Record.** Any **Lot** which has been recorded in the office of the Recorder of Hamilton County; or a parcel of land, the deed to which was of record on or prior to the effective date of this Resolution. For the purpose of this Resolution, any preliminary plan of a subdivision that has been approved by official action of the Regional Planning Commission of Hamilton County or a Planning Commission of a municipality thereof, on or after January 1, 1945, shall have the same status as if the subdivision plan was officially recorded in the office of the Recorder of Hamilton County.

**Lot Width.** The linear distance of the **Street Frontage** as measured at the required setback from the **Street**. See Figure 0-A: Lot Types and Measurements.

**Luminaire.** A complete lighting unit consisting of one or more lamps together with the components designed to distribute the light, to position and protect the lamps, and to connect the lamps to the electrical power supply; also called the lighting fixture. This definition shall not include any poles used to support the luminaire.

## “M” Terms

**Manufactured Home.** A non-self-propelled building unit or assembly of closed construction fabricated in an off-site facility that conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the “Manufactured Housing Construction and Safety Standards of 1974,” and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in traveling mode, is eight body feet or more in width or 40 body feet or more in length or, when erected on site, has a gross floor area of 320 square feet or more, and which is built on a

permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. See also: **Permanently Sited Manufactured Home**.

**Massage Parlor.** A sexually oriented business engaged in massages, alcohol rubs, electric or magnetic treatments, or any other treatment or manipulation of the human body which occurs as part of or in connection with sexual activities set forth in [ORC Section 2907.01.\(C\)](#), or where any person providing such treatment, manipulation, or service related thereto exposes their specified anatomical areas as set forth in [ORC Section 2907.01.\(H\)](#). This definition excludes **Massage Therapy**, as defined herein.

**Massage Therapy.** The practice of massage in any licensed **Hospital** or **Professional or Business Office** by a licensed chiropractor, massage therapist, or osteopath; by any nurse or technician working under the supervision of a licensed physician, surgeon, chiropractor or osteopath; or by trainers for any amateur, semiprofessional, or professional athlete or athletic team or school athletic program. Massage therapy is the scientific manipulation of the soft tissues of the body for the purpose of normalizing those tissues and consists of manual techniques that include applying fixed or movable pressure, holding, and/or causing movement of or to the body.

**Maximum Extent Feasible.** The implementation of all feasible and prudent alternatives to comply with a regulation or minimize potential harm or adverse impacts.

**Medical Marijuana.** The uses related to cultivation, processing, or retail dispensing of medical marijuana and any business, building, structure, or land used for the cultivation, processing, or retail dispensing of Medical Marijuana as defined by Ohio Revised Code Section 3796.01; (A);(2).

**Meteorological Tower.** A facility consisting of a tower and related wind-measuring devices that is used solely to measure winds prior to construction of a **Small Wind Energy Conversion System**.

**Micro Antenna.** Micro antennas are defined as antennas and transmission facilities only, with no supporting structures other than brackets. Micro antennas shall be those antennas that are equal to or less than five feet in height and with an area of not more than 580 square inches.

**Micro-Brewery.** An establishment that is primarily used to produce beer and ale and that includes restaurant/bar space, tasting space, and/or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. Micro-breweries are those establishments that produce 10,000 barrels or less of beer and/or ale per year.

**Micro-Distillery.** An establishment that is primarily used to produce spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and that includes restaurant/bar space, tasting space, or retail space.

**Mineral Extraction.** Any artificial or mechanical act by which earth, sand, rock, or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or moved and shall include the conditions resulting therefrom..

**Mixed-Use Development.** The development of a **Lot, Building, or Structure** with two or more different uses such as, but not limited to, residential, office, retail, public, or institutional uses.

**Mobile Food Service.** 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 that routinely changes, or is equipped to routinely change, location and is operated from a moveable vehicle or apparatus, including but not limited to motorized vehicles, trailers, and hand propelled carts.

**Mobile Home.** A non-self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight feet or more in width and 35 feet in length, has a gross floor area of 320 square feet or more when erected on site, is transportable in one or more sections, and does not qualify as a **Manufactured Home or Industrialized Unit**.

**Modular Industrialized Unit.** See **Industrialized Unit (Modular)**.

**Money Transfer Business.** An establishment other than a bank, financial institution, or grocery store that engages in or facilitates the transmission of funds to or from a location outside the United States and its territories for a fee.

**Music, Art, or Photographic Studio or Classroom.** A facility where music, art, photography, and other forms of art are produced or studied and where models or customers may come to be photographed or have their likeness created in artistic form.

## “N” Terms

**Neighborhood Literature Redistribution Container.** Any donation container less than two feet in length, two feet in width, and two feet in height (or any combination thereof which is less than eight cubic feet in total volume) exclusive of a support on which it is mounted that allows for the deposit and free withdrawal of books, magazines, or other similar reading material.

**Nursery.** A place where plants, including flowers, shrubs, trees, and sometimes seeds, are grown and sold.

## “O” Terms

**Open Space Residential Development.** A development where minimum **Lot Areas** and other site development standards are reduced to allow for the preservation of open space.

**ORC.** The Ohio Revised Code.

**Ornamental Shrub.** A deciduous shrub with visual appeal through flowers, fruit, leaf color, or fall colors.

**Ornamental Tree.** A small- or medium-sized tree with an expected height of 20 feet at maturity that is planted for aesthetic purposes such as colorful flowers, interesting bark, or fall foliage.

**Outdoor Displays or Sales.** An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. For the purposes of this Resolution, this definition includes outdoor cafes and outdoor food service areas.

**Outdoor Storage.** The keeping of any goods, materials, merchandise, or vehicles outside of a structure or building for more than 48 consecutive hours. Outdoor storage shall not include **Vehicles** parked in **Parking Spaces**, tool rental establishments, greenhouses, or other uses where the sale of the merchandise is the primary use of the property pursuant to Subsection 3.4.28 – Outdoor Display, Sales, and Storage.

**Outdoor Wood Furnace.** Any equipment, device, appliance, apparatus, or any part thereof, that is installed, affixed, or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An outdoor wood furnace may also be referred to as an outdoor wood boiler or outdoor wood hydronic heater.

**Outdoor Wood Furnace Chimney.** Any flue or stack that carries off exhaust from an **Outdoor Wood Furnace** firebox or burn chamber.

## **“P” Terms**

**Parcel.** See **Lot**.

**Parking Aisle.** The **Driveway** or access drive by which a **Vehicle** enters or departs a **Parking Space**.

**Parking Area.** The entire paved area that encompasses all **Parking Spaces** and the access drives that provide access to those spaces. This definition does not include entry drives or **Driveways** with no direct access to a parking space.

**Parking Space.** A graded and surfaced area of not less than 171 square feet in an area either enclosed or open for the parking of a motor **Vehicle**, having adequate ingress and egress to a public **Street, Alley**, or **Parking Aisle**.

**Passive Park, Recreational Facility, or Conservation Area.** Any park or recreational facility where there is no grading of the land, construction of facilities, lighting, or development of ball fields with the exception that passive parks, recreational facilities, and conservation areas may include the development of trails and sidewalks. This definition includes canoe ramps.

**Pawn Business.** An establishment that makes or facilitates short-term loans collateralized by tangible personal property such as jewelry, consumer electronics, tools, musical instruments, or firearms.

**Payday Advance or Loan Business.** An establishment that makes or facilitates consumer loans, usually backed by postdated check or authorization to make an electronic debit against an existing financial account, where the check or debit is held for an agreed-upon term or until an applicant's next payday, and then cashed unless the customer repays the loan to reclaim such person's check.

**Permanently Sited Manufactured Home.** A **Manufactured Home** that meets the following criteria:

- (1) The structure is affixed to a permanent foundation and is connected to appropriate facilities.
- (2) The structure, excluding any addition, has a width of at least 22 feet at one point, a length of at least 22 feet at one point, and a total living area, excluding garages, porches, or attachments, of at least 900 square feet.
- (3) The structure was manufactured after January 1, 1995.
- (4) The structure is not located in a manufactured home park.

**Personal Services.** Establishments that are primarily engaged in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Private Drive.** A shared means of **Vehicular** ingress and egress located within an easement of access serving **Panhandle Lots**, not dedicated to the County by recorded instrument, and maintained by the party or parties using such private drive for private access.

**Private Recreational Facility.** A location or establishment, typically owned or operated by individuals, clubs, or organizations, which provides access to recreational activities and amenities exclusively for its members or guests. Such facilities may include sports clubs, gyms, golf courses, swimming pools, and similar venues offered for private enjoyment and not open to the general public.

**Professional or Business Office.** Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses. This definition includes **Clinics**.

## **“Q” Terms**



[Reserved]

## “R” Terms

**Rated Nameplate Capacity.** The maximum rated output of electric power production equipment for a **Small Wind Energy Conversion System**. This output is typically specified by the manufacturer with a “nameplate” on the equipment.

**Recreational Marijuana.** The uses related to cultivation, processing, or retail dispensing of recreational marijuana and any business, building, structure, or land used for the cultivation, processing, or retail dispensing of Medical Marijuana as defined by Ohio Revised Code Section 3780; (A); (2).

**Recreational Vehicle.** See **Vehicle, Recreational**.

**Religious Place of Worship.** A use of land and/or buildings that provides organized religious worship and related incidental activities.

**Residential Facility.** A home or facility in which an individual with a developmental disability resides, as defined and regulated in [Section 5123.19 of the ORC](#).

- (1) **Residential Facility, Large.** A **Residential Facility** where there is supervision in a family setting of nine to 16 persons.
- (2) **Residential Facility, Small.** A **Residential Facility** where there is supervision in a family setting of six to eight persons.
- (3) See also **Adult Family Home** and **Adult Group Home**.

**Restaurant.** An establishment whose principal business is the selling of food and beverages to the customer in a ready to consume state in individual servings.

**Retail Commercial Use.** Establishments primarily engaged in the sale of goods and materials to the public. Such uses may include, but are not limited to, bookstores, antique stores, convenience stores, bakeries, grocery stores, and other similar uses. This definition excludes the sale of medical marijuana.

**Riding Stable.** A facility where horses are boarded and cared for; where instruction in riding, jumping, and showing is offered; and/or where horses may be hired for riding.

**Roadside Stand.** The use of any land or a **Structure** for the sale of produce in accordance with the provisions of Subsection 3.4.33 – Roadside Stand.

**Rotor Diameter.** The length as measured across the center of the full spin of the rotors of a **Small Wind Energy Conversion System** turbine.



### “S” Terms

**Sanitary Landfill Facility.** A facility as defined and regulated in [ORC Section 3734](#). This definition shall include a solid waste disposal facility with a “Permit to Install” issued by the Ohio Environmental Protection Agency.

**Satellite Dish Antenna.** A specialized antenna consisting of a concave dish-shaped reflector designed to receive or transmit signals from or to communication satellites in orbit, typically to enable the transmission of data, television signals, or internet connectivity.

**Screen or Landscape Screen.** A method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements such as plants, berms, fences, walls, or any appropriate combination thereof.

**Seasonal Use.** A use dependent on a particular season of the year.

**Service Commercial Use.** Establishments that primarily engage in rendering services to businesses including but not limited to printers, equipment rental, protective services, mailing, photo finishing, and other similar uses.

**Short-Term Rentals.** See **Transient Vacation Rentals**

**Sight Triangle.** See **Vision Clearance Triangle**.

**Setback.** The distance (measured in feet) a **Principal Building** or **Accessory Building** or any other structure must be from the front, side and rear property lines. Setbacks apply to new buildings, as well as additions or remodels that change the footprint of the building.

**Sign: Face Change.** The replacement or revision of the logos, wording, and symbols included on the front of a **Sign** by means of replacing the physical material, by repainting over the physical material, or by implementation of a similar process. This term includes a change of business name, change in colors, copy, graphics or visual image that does not require the installation of a new or modified sign board or cabinet. This term does not include reader boards or **Changeable Copy Signs**.

**Sign.** Any medium including its Structure, words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names, or trademarks by which anything is made known and which are used to advertise or promote an individual, firm, association, corporation, profession, business, commodity, idea, or product and which is visible from any public Street or highway.

**Sign: Area.** The area or portion of a sign, including internal holes or vacant spaces, upon which the advertising message is displayed, including those portions used for outlines or borders. Where business names, primary images, or secondary images are mounted or hung without backing, the area shall be determined based on the smallest geometric shape which contains the entire advertising message.

**Sign: Awning or Canopy.** A three-dimensional or layered construction sign made of painted wood, acrylic, high density urethane, glass, or metal panel (or a high quality equivalent), with painted, carved, or applied letters or individual cut metal letters located on the valance of a shelter supported entirely from the exterior wall of a building which extends over a building feature such as a door or window or a site feature such as a patio, deck, or courtyard.

**Sign: Banner Sign.** A sign that is made of or printed on flexible material like fabric or vinyl and designed to be quickly installed or easily removed, upon which copy is written and which is mounted to the ground or supported between poles or sticks or fastened to buildings or other structures, or to the wall of a building or structure, that is erected on a temporary basis and removed when the time period has expired.

**Sign: Base.** The part of a sign that is attached to the ground.

**Sign: Billboard.** A business use in a fixed location which displays either off-site commercial messages on leased or rented space or constitutes principal use of the parcel on which it is located, or, both.

**Sign: Blade Sign.** A low-profile sign attached to and projecting outward from a building face or wall, generally at a right angle to the building. This term includes a sign that is located entirely or partially in the public right-of-way, as well as a sign that is located entirely on private property.

**Sign: Canopy Edge.** A canopy sign placed at or near the edge of a structural canopy that is parallel to the face of the building from which the canopy extends, and which extends above or below the canopy.

**Sign: Channel Letters.** Three-dimensional individually cut letters or figures whether or not illuminated, affixed to a structure.

**Sign: Classification.** Signage that shares common qualities, characteristics, requirement, and restrictions.

**Sign: Combustible Sign.** Any sign that makes the use of fire or flame, heat, or other combustible elements used to draw attention to the sign.

**Sign: Copy.** Any graphic, word, numeral, symbol, insignia, text, sample, model, device, or combination thereof that is primarily intended to advertise, identify, or notify.

**Sign: Curb Cut.** A low-profile, ground mounted sign placed on 1-2 poles or on top of a base to guide the safe movement of vehicle and pedestrian traffic into the lot of a business or industrial use.

**Sign: Drive-Thru & Drive-In Menus.** Signage installed at a drive-through facility listing the services or goods sold by the business, the price thereof, and may include incidental advertising or the business logo.

**Sign: Electronic Sign.** A sign employing animation, flashing, actual motion, the illusion of motion, or still images, words, or numbers, achieved through mechanical, electrical, or programmable electronic means. This prohibition does not include electronic copy signs attached to monument signs at fuel stations that display the price of up to three different grades or types of fuel in a reasonable size with, or, signs on parcels with a primary use of ‘institutional’ that show text against a plain background.

**Sign: Face.** The area or display surface within a Sign that is used for the message.

**Sign: Freestanding Pole Sign.** A sign composed of a sign cabinet or base and a sign pole or pylon by which it connects to the ground.

**Sign: Gateway Monument Sign.** A low-profile, ground mounted sign placed on top of a base at the entrance to subdivisions with 31 or more dwelling units, commercial developments with at least three tenants; at least 250,000 square feet of leasable retail space; and at least 500 feet of frontage along the main right of way, or industrial parks with at least 1.25 million square feet of warehouse space.

**Sign: Government or Legally Required Sign.** Governmental signs include governmental flags, address identification signs that are attached to the primary structure of a lot, and traffic control signs. Such signs may only include three colors, including black and white, unless otherwise required by government regulation. Legally required signs refer to signs that are required by a state or federal statute; by an order of a court of competent jurisdiction; by public utilities in their rights-of-way or on their facilities; by a transit with a franchise or other right to operate in Hamilton County, where such signs are installed along its routes and on its equipment; or by officials of a state or federal agency in the course of official duties.

**Sign: Ground Sign.** A freestanding detached sign whose support structure is embedded in the ground in such a manner that the sign appears to be resting.

**Sign: Height.** The vertical distance measured from the lowest adjacent Grade to the highest point of the Sign or sign structure.

**Sign: High Rise Sign.** An on-site sign, taller than 12', which is constructed to attract the attention of interstate travelers and is located within 1000 feet of the interstate right of way.

**Sign: Human Sign.** A sign held by or attached to a human for the purposes of advertising or otherwise drawing attention to an individual, business, commodity, service, idea, or product. This can also include a person dressed in costume for the purpose of advertising or drawing attention to an individual, business, commodity, service, idea, or product.

**Sign: Illumination.** Any artificial means of illuminating a sign, including but not limited to illumination by electricity, gas, or reflecting or phosphorescent light. This definition includes internal, external, and halo illumination.

**Sign: Inflatable Sign.** Any balloon or object enlarged or inflated which floats, is tethered in the air, is activated by air or moving gas, or is located on the ground or on a building with or without copy or other graphic.

**Sign: Joint Identification Monument Sign.** A low-profile, ground mounted sign placed on top of a base that serves as a common or collective identification for two or more businesses or other non-residential uses in the same building or development with all of the following: At least two tenants or offices; at least 250,000 square feet of leasable retail space; and at least 500 feet of frontage along the main public right of way of the development. Businesses or storefronts with single identification signs shall not be featured on joint identification signs. *Also known as Multi-Tenant Signs.*

**Sign: Landscaped Radius.** The area surrounding the base of a ground sign that must be maintained with ground covering a landscaping. For signage mounted to a pole or poles, the landscaped radius shall include the area beneath the signage.

**Sign: Master Sign Plan.** A plan submitted by a property owner and maintained by the Township that documents all legal signs that exist on a lot or parcel or within a development.

**Sign: Motion Sign.** A sign where the sign, sign structure, or any part of the sign or sign structure physically moves or rotates by mechanical means including, but not limited to, search lights, pennants, streamers and spinners.

**Sign: Mural.** A picture on an exterior surface of a structure.

**Sign: Off-Premises Sign.** A sign which advertises any business, product, person, activity, event or service not conducted, sold, manufactured, offered, or located on the premises where the sign is located.

**Sign: Per Side Per Sign.** Tables that show a maximum number of square feet allowed 'per side per sign' allow the number of square feet shown on each side of each sign. The totals shall not be aggregated to allow a total square footage split between signs and sides of signs.

**Sign: Placemaking Art Sign.** A larger projecting or ground sign that offers an applicant or property owner more freedom with design and materiality to create a highly unique presence for their location. In turn, the design contributes to a diverse visual culture in the Township.

**Sign: Portable Sign.** An on-premises sign which is self-supporting, designed to be movable, and not structurally attached to the ground, a building, a structure or another sign, including sandwich board signs, A-frame signs, and other similar sign.

**Sign: Primary Façade.** the portion of a frontage that serves as the main access point to a building or building unit, which is used to calculate the approvable surface area of wall signage.

**Sign: Primary Image.** A logo or trademark commonly used to identify the business.

**Sign: Real Estate Sale or Leasing Sign.** A sign erected by the owner, or his/her agent, advertising the currently listed real estate upon which the sign is located for rent, lease or sale, or one directing to such property.

**Sign: Residential Information Sign.** An on-site sign erected for the safety or convenience of the public including “no trespassing”, “beware of dog”, and other signs of similar nature that do not promote or advertise a business.

**Sign: Residential Yard Sign.** An on-site temporary sign at a residential dwelling used to publicize or announce non-commercial information at the discretion of the homeowner or tenant of the property such as, but not limited to, congrats grad signs, political signs, or school affiliation signs.

**Sign: Roof Sign.** A sign erected upon, against or directly above a roof or on top of or above the parapet of a building.

**Sign: Secondary Façade.** Any building façade that does not qualify as the Primary Façade.

**Sign: Secondary Image.** A picture that contains a commercial message indirectly but does not contain the business name, logo, or trademark commonly used to identify the business.

**Sign: Setbacks.** The distance in feet from the applicable lot line, or other stated point of measurement, to the closest point on the sign structure

**Sign: Single Identification Monument Sign.** A low-profile, ground mounted sign placed on top of a base that advertises one business or storefront only.

**Sign: Snipe Sign.** Signs that are applied to trees, utility poles, supporting structures for governmental signs, bus shelters, benches, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary support device.

**Sign: Structure.** The sum of the sign base, sign face, channel letters, and any decorative towers, cornices, or other elements attached to the sign.

**Sign: Temporary Sign.** A **Banner Sign**, **Residential Yard Sign**, **Residential Information Sign**, or **Real Estate or Leasing Sign**, that does not require a **Master Sign Plan** and is erected on a temporary basis and removed when the time period has expired. Temporary **Banner Signs** require a Zoning Certificate.

**Sign: Wall Sign.** A three-dimensional or layered construction sign made of painted wood, acrylic, high density urethane, glass, or metal panel (or a high quality equivalent), with painted, carved, or applied letters or individual cut metal letters applied directly to the building erected against the wall of a building or structure with the exposed face of the sign in a plane

parallel to the plane of the wall and not extending more than 18 inches therefrom and which does not project above the roofline or beyond the corner of the building.

**Sign: Wayfinding Sign.** A low-profile, ground mounted sign placed on 1-2 poles or on top of a base to guide the safe movement of vehicle and pedestrian traffic while navigating through the lot of a business or industrial use.

**Sign: Window Sign.** A metal leaf, vinyl, painted, etched cut, or sandblasted lettering sign that is applied directly to the interior surface of the glass or door, or a sign located near a window within a building for the purpose of being visible to and read from the outside of the building.

**Site.** Any **Lot** or parcel of land or contiguous combination thereof, upon which excavation or filling is, has been, or will be performed.

**Slope.** An inclined ground surface, the inclination of which is measured by determining the ratio of vertical rise to horizontal distance.

**Slope, Natural.** The **Slope** of the land surface as it exists prior to any clearing, grading, excavation, cuts, or fills.

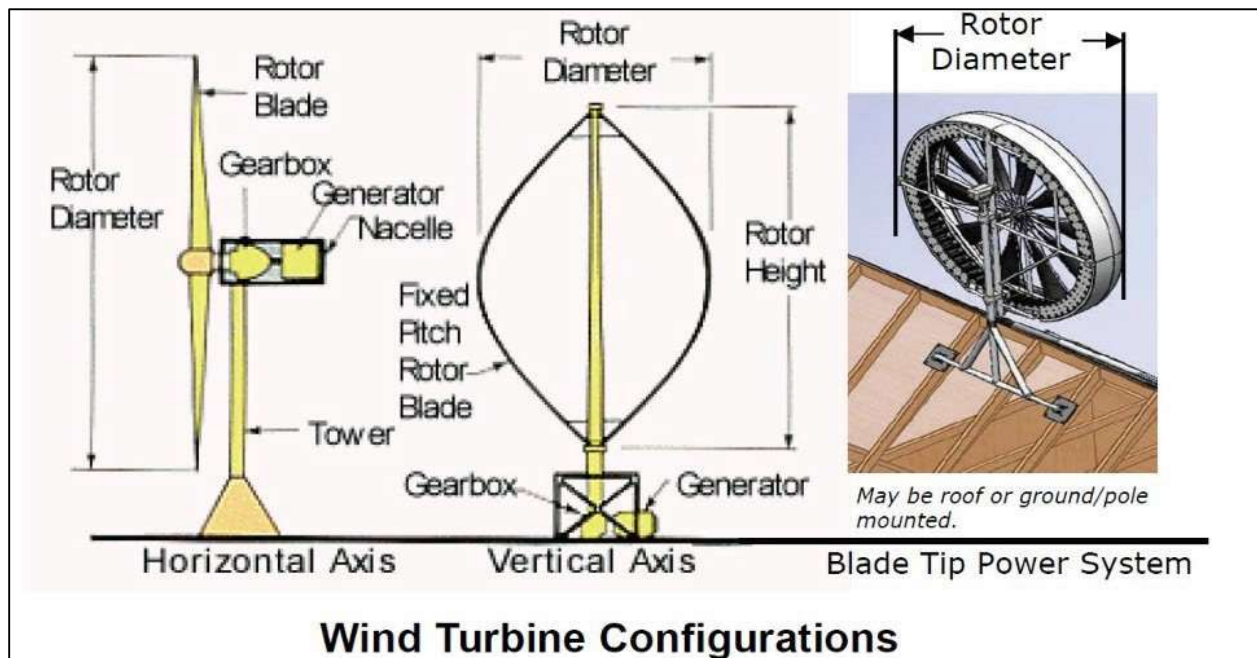
**Small Cellular Telecommunication Facility.** Cellular **Telecommunications Towers** between eight and 30 feet in height, including Distributed Antenna Systems (DAS) and small cells sites, communication nodes, antennas, fiberoptic cables, radio transceivers, and any additional equipment associated with transmission, which are typically used to supplement the service of, and reduce the need for additional, larger telecommunications towers. (See Subsection 3.4.40 – Telecommunications Towers)

**Small Wind Energy Conversion System (SWECS).** A wind energy conversion system consisting of a wind turbine, tower, and associated control or conversion electronics that generates power for an individual property for the purpose of reducing on-site energy consumption with a **Rated Nameplate Capacity** of 100kW or less. This definition includes, but is not limited to, storage, electrical collection and supply equipment, and transformers. Excess electrical power generated, and not presently needed for on-site use, may be utilized by the utility company.

SWECS shall include Horizontal Axis Wind Turbines (HAWTs), Vertical Axis Wind Turbines (VAWTs), and Blade Tip Power System Turbines (BTPSs) as shown in Figure 0-A: Wind Turbine Configurations.



Figure 0-A: Wind Turbine Configurations



**Solar Panel.** A solar photovoltaic panel or solar hot air or water panel collector device (and associated equipment) that relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat. This includes the following defined categories:

- (1) **Ground-Mounted Solar Panels.** Solar panels that are not mounted onto a building and are anchored (with supporting features such as framework) directly into the ground.
- (2) **Roof-Mounted Solar Panels.** Solar panels that are mounted directly onto and cover a portion of the roof of a **Building**.

**Solid Waste.** See [ORC Section 3734](#).

**Solid Waste Disposal Facility.** Any site, location, tract of land, installation, or **Building** used for incineration, composting, sanitary landfilling, transferring, or other methods of disposal of solid wastes; for collection, storage, or processing of the solid wastes if the solid wastes consist of scrap tires; for the treatment of infectious wastes; or for the storage, treatment, or disposal of hazardous waste.

**Solid Waste Transfer Facility.** See [ORC Section 3734](#).

**Stacking Space.** A lane or area that is specifically designated for **Vehicles** to “stack” in while utilizing drive-up services or **Drive-Through Facilities** at uses that may include, but are not limited to, car washes, **Restaurants**, and **Financial Institutions**.

**Storage Facility.** A **Building** or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of residential or commercial customer’s goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

**Story.** That portion of a **Building**, other than a **Cellar** as defined herein, included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. For the purposes of measurement, one story shall not exceed 12 feet in height.

**Story, Half.** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than 3 feet above the top floor level, and in which space not more than 2/3 of the floor area is finished for human occupation.

**Street.** All property dedicated or intended or used, whether public or private, for **Vehicular** and pedestrian movement, including Streets, highways, freeways, or other motorway rights-of-way, and, except where limited or controlled access, affording the principal means of access to abutting property.

- (1) **Street, Private.** A shared means of **Vehicular** ingress and egress located within an easement of access serving as frontage for **Lots** in a residential development where the **Street** is not dedicated to the County by a recorded instrument and that is maintained by the party or parties using such private street for private access.
- (2) **Street, Public.** A publicly dedicated or owned right-of-way constructed to Hamilton County Engineer standards, intended or used for **Vehicular** and pedestrian movement, and, except where limited or controlled access, affording the principal means of access to abutting properties.

**Street Line.** The dividing line between a Lot, tract, or parcel of land and the contiguous right-of-way.

**Structure.** Anything constructed or erected, the use of which requires location on the ground or attached to something having a permanent location on the ground.

**Structure, Nonconforming.** Any structure lawfully existing on the effective date of this Resolution that does not comply with all current applicable standards and regulations of this Resolution or any amendments thereto.

**Structural Alterations.** Any change in the supporting members of a **Building**, such as bearing walls or partitions, columns, beams or girders, or any increase or decrease in the occupiable volume of a building.

**Swimming Pool, Lake, or Bathhouse.** A facility or building that provides amenities and services related to swimming and bathing. Swimming pools typically include constructed, water-filled structures designed for swimming, recreational use, and aquatic activities. Lakes typically include natural or constructed bodies of water, often used for swimming, boating, and other water-based activities. Bathhouses typically include buildings or structures located near pools and lakes designed with changing rooms, showers, and restrooms.

## **“T” Terms**

**Telecommunications Tower.** Any free-standing **Structure** or any structure to be attached to a **Building** or other structure that meets all of the following criteria. Telecommunications towers may also be called “wireless telecommunications facilities,” “telecommunications site,” and “personal wireless facility.”

- (1) The freestanding or attached structure is proposed to be constructed on or after October 31, 1996.
- (2) The freestanding or attached structure is proposed to be owned or principally used by a public utility engaged in the provision of telecommunications services.
- (3) The freestanding or attached structure is proposed to be in an unincorporated area of a township, in an area zoned for residential use.
- (4) The freestanding structure is proposed to top at a height that is greater than either the maximum allowable height of residential structures within the zoned area as set forth in the applicable zoning regulations, or the maximum allowable height of such a freestanding structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- (5) The attached structure is proposed to top at a height that is greater than either the height of the building or other structure to which it is to be attached, or the maximum allowable height of such an attached structure as set forth in any applicable zoning regulations in effect immediately prior to October 31, 1996, or as those regulations subsequently are amended.
- (6) The freestanding or attached structure is proposed to have attached to it radio frequency transmission or reception equipment.

**Temporary Entertainment Building.** A temporary building associated with the operation of festivals, circuses, concerts, and similar limited-duration events and uses.

**Temporary Incidental Construction Buildings.** Temporary buildings or structures that are necessary for, and incidental to, the construction activities on a given lot and that will be removed from the lot after completion of such construction activities. Such buildings or structures may be occupiable. Such buildings or structures may include enclosed or open-air storage of construction materials.

**Temporary Storage Container.** A portable structure or container that allows for storage of goods or materials on or off-site and that is not permanently affixed to a foundation. Temporary storage containers can include semi-tractor trailers if they are used for storage and not transport.

**Temporary Tent for Outdoor Displays or Sales.** A tent that is erected for a limited amount of time, is not permanently mounted into the ground, is not permanently mounted onto a building, and is used for **Outdoor Displays or Sales**.

**Theater.** A **Building** or part thereof that is used to show motion pictures or dramatic, dance, musical, or other live performances.

**Tower Height.** The total height of a **Small Wind Energy Conversion System** above finished **Grade** of the fixed portion of the tower, excluding the wind turbine blades.

**Transient Vacation Rentals and Short-Term Rentals.** A residential dwelling unit, or part a residential dwelling unit, with fewer than five rooms which may or may not allow access to all rooms of the unit with a universal key or key card, that is catered and marketed to public consumers for a predetermined rental fee on a hosting website, application, or other online source, where the owner of the property shall not be present during the guest’s stay and meals are not prepared and served by the owner. Such units are advertised and rented out typically for a period of seven to fourteen days, but no more than thirty consecutive days.

**Type-A Family Day Care Home.** A permanent residence of the provider in which child day care or publicly funded day-care is provided for seven to 12 children at one time or is the permanent residence of the provider in which child day care is provided to four to 12 children at one time if four or more children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises shall be counted. This definition does not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. This definition does not include any child day camp as defined in [ORC Section 5104.01](#).

**Type-B Family Day Care Home.** A permanent residence of the provider in which child day care is provided for one to six children at one time and in which no more than three children are under two years of age at one time. In counting children for the purposes of this definition, any children under six years of age who are related to the provider and who are on the premises shall be counted. This definition does not include homes where all of the children being cared for are siblings and the residence is the home of the siblings. This definition does not include any child day camp as defined in [ORC Section 5104.01](#).

**Turbine.** Specific parts of a **Small Wind Energy Conversion System** including the blades, generator, and tail.

## “U” Terms

**Use.** Any purpose for which a **Lot**, **Building**, or other **Structure**, or a tract of land may be designated, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building or other structure or on a tract of land.

- (1) **Use: Accessory Use.** A use that is incidental to and customarily found in connection with a **Principal Building** or **Principal Use**; is subordinate to and serves a principal building or use; is subordinate in area, extent, or purpose to the principal building or use served; and is located on the same lot as the principal building or use served.

- (2) **Use: Nonconforming Use.** Any use lawfully being made of any land, **Building**, or **Structure** on the effective date of this Resolution or any amendment thereto rendering such use nonconforming, which does not comply with all the regulations of this Resolution or any amendment thereto.
- (3) **Use: Principal Use.** A use that is the primary function of land or building(s) on a **Lot**.
- (4) **Use: Temporary Use.** A **Use** that may be permitted for a specified period of time.

**Utility Trailer.** Any towed **Vehicle**, open or enclosed, specifically designed for the purposes of transporting equipment, tools, supplies, materials, or goods of a similar nature that will not permit human habitation for travel, recreation, vacations, or other transient purposes and that is no more than eight feet in length and five feet in width and has no more than one axle. A utility trailer is primarily designed for personal use and not commercial use.

## “V” Terms

**Vacant Building.** A **Building** that is unoccupied and devoid of permitted human activity.

**Vacant Lot.** A lot that does not contain a **Principal Building** or that does not contain an actively operating principal use (where such use is not customarily associated with buildings).

**Vapes.** An establishment that sells or otherwise distributes, as one of the primary purposes of that establishment, electronic smoking devices, vapor products, alternative nicotine products with characterizing flavor, flavored electronic smoking devices, and/or flavored vapor products.

**Vehicle.** Any contrivance that is used in the public or private transportation of one or more persons, for goods over public or private property on roadways, or for commercial or agricultural enterprises. This definition includes any contrivance that is designed to be pushed, pulled, or towed by any self-propelled vehicle.

**Vehicle, Recreational.** A vehicular-type portable structure without permanent foundation that can be towed, hauled, or driven, that may be designed for temporary living accommodations, and that is used for recreational, camping, and travel use. This definition may include, but is not limited to, truck trailers, truck campers, pop-up tents, boats, jet skis, personal watercraft, snowmobiles, camping trailers, and self-propelled campers.

**Vehicle, Junk.** A **Vehicle** as defined in [ORC Section 4513.63](#) and/or the Colerain Township Junk Vehicle Resolution.

**Vendor Market.** A site where individual stalls or spaces are provided for vendors to display, buy, sell, or exchange retail goods.

**Veterinary Facility.** A facility where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. This **Use** may include an accessory **Commercial Kennel** that is limited to short-term boarding and that is incidental to the veterinarian facility.

**Vision Clearance Triangle.** A triangular geographic area extending from right-of-way intersections and/or intersections among driveways, curb cuts, and rights-of-way that must remain clear of obstructions to allow clear views among vehicle operators, bicyclists, and/or pedestrians.

## “W” Terms

**Warehouse. Structures** used for the storage or distribution of goods where there is no sale of items to retailers or the public unless permitted as an **Accessory Use**.

**Wetlands.** Those areas that are inundated or saturated by surface or ground water at a frequency and duration that are sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. This definition includes swamps, marshes, bogs, and similar areas that are delineated in accordance with the 1987 United States Army Corps of Engineers Wetland Delineation Manual and any other procedures and requirements adopted by the United States Army Corps of Engineers for delineating wetlands.

**Wholesale Commercial Use.** The sale of merchandise to retail and service commercial uses, office uses, institutional uses, or other wholesalers. This definition includes offices of agents or brokers who are buying or selling merchandise. This definition excludes the sale of merchandise to the public.

**Wing Wall.** A wall that does not support a roof and that is secondary in scale to, and projects from, a primary wall.

**Wood Furnace (Outdoor).** A heating system designed to burn wood and/or wood products typically for the purpose of heating an area, a nearby building, or water.

## “X” Terms

[Reserved]

## “Y” Terms

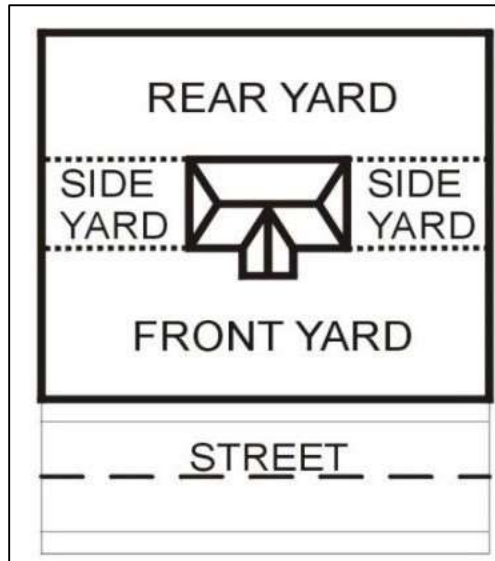
**Yard.** An open space unoccupied and unobstructed by any portion of a **Structure** from the ground upward, except as otherwise provided herein, on the same **Lot** with a **Building**. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the nearest portion of the **Principal Building** shall be used.

- (1) **Yard: Front Yard.** A **Yard** extending across the front of a **Lot** between the **Side Lot Lines** and being the minimum horizontal distance between the **Street Line** and the



**Principal Building** or any projection thereof, other than the projection of the usual steps or entranceway. See Figure 0-A: Yards in a Typical Lot.

*Figure 0-A: Yards in a Typical Lot*



- (2) **Yard: Rear Yard.** A **Yard** extending across the rear of a **Lot** between the **Side Lot Lines** and being the minimum horizontal distance between the **Rear Lot Line** and the **Principal Building** or any projection thereof, other than steps, unenclosed balconies, or unenclosed porches. See Figure 0-A: Yards in a Typical Lot.
- (3) **Yard: Side Yard.** A **Yard** between the **Principal Building** and the **Side Lot Line** of the **Lot** extending from the **Front Yard** to the **Rear Yard**. See Figure 0-A: Yards in a Typical Lot.

## **“Z” Terms**

**Zoning Administrator.** The Zoning Inspector who has the primary responsibility for administering the duties of the Colerain Township Zoning Commission and other responsibilities as required by this Resolution, as directed by the Board of Trustees, and as defined by the **ORC**.

**Zoning Commission.** The Colerain Township Zoning Commission.

**Zoning District.** A section or sections of the unincorporated territory of Colerain Township for which regulations governing the **Use of Buildings** and premises, the height of buildings, development standards, **Yards**, **Lot Areas**, and other standards are uniform.

- (1) **Residential Zoning Districts.** A collective reference to the RER, STR, and MUR districts.

- (2) **Commercial Zoning Districts.** A collective reference to the NBM, AMN, AMC, and AMS districts.
- (3) **Nonresidential Zoning Districts.** A collective reference to all commercial zoning districts and the LIT, GOR, and SLF districts.





# DISTRICT NAME CHANGE COMPARISON CHART

| <u>2024 Resolution</u> |                                                 | <u>2006 Resolution</u> |                                          | <u>1996 Resolution</u> |                                       |
|------------------------|-------------------------------------------------|------------------------|------------------------------------------|------------------------|---------------------------------------|
| <b>RER</b>             | Rural-Estate Residential District               | R-1                    | Rural Residential District               |                        | No equivalent district                |
|                        |                                                 | R-2                    | Estate Residential District              | A-A                    | Residence District                    |
| <b>STR</b>             | Single & Two Unit Residential District          | R-3                    | Suburban - Low Residential District      | A                      | Residence District                    |
|                        |                                                 | R-4                    | Suburban – Medium Residential District   | A-2                    | Residence District                    |
|                        |                                                 | R-5                    | Suburban - High Residential District     | B                      | Residence District                    |
|                        |                                                 | R-6                    | Urban Residential District               | B-2                    | Residence District                    |
| <b>MUR</b>             | Multi-Unit Residential District                 | R-7                    | Multi-Family Residential District        | D                      | Residence District                    |
| <b>NBM</b>             | Neighborhood Mixed District                     | B-1                    | Neighborhood Business District           | B-2T                   | B-2 Transition District               |
|                        |                                                 |                        |                                          | Some E                 | Some areas of “E” were rezoned to B-1 |
| <b>LIT</b>             | Light Intensity Industry District               | I-1                    | Industrial District                      | G                      | Heavy Industrial District             |
| <b>GOR</b>             | Greenspace, Open Space, and Recreation District | No Equivalent          |                                          |                        |                                       |
| <b>AMN</b>             | Avenue Mixed District - North                   | B-2                    | General Business District                | E                      | Retail Business District              |
| <b>AMC</b>             | Avenue Mixed District - Central                 |                        |                                          |                        |                                       |
| <b>AMS</b>             | Avenue Mixed District - South                   |                        |                                          |                        |                                       |
| <b>SLF</b>             | Sanitary Landfill                               | SWD                    | Solid Waste Disposal District            | E-F                    | Excavation and Landfill District      |
| <b>PD</b>              | Planned District                                | PD-R                   | Residential Planned Development District | All CUPs               | All Community Unit Plans              |
|                        |                                                 |                        |                                          | D-D                    | Planned Multi-Family District         |
|                        |                                                 | PD-B                   | Business Planned Development District    | E-E                    | Planned Retail District               |
|                        |                                                 |                        |                                          | O-O                    | Planned Office District               |
|                        |                                                 | PD-I                   | Industrial Planned Development District  | F-F                    | Planned Light Industrial District     |
|                        |                                                 | PD-M                   | Mixed Use Planned Development District   | G-G                    | Planned Heavy Industrial District     |
|                        |                                                 |                        |                                          | No Equivalent          |                                       |
| <b>FHO</b>             | Flood Hazard Overlay District                   | RF                     | Riverfront District                      | H                      | Riverfront District                   |
|                        |                                                 |                        |                                          | FPM                    | Flood Plain Management District       |
| <b>HDO</b>             | Hillside Development Overlay District           | HDO                    | Hillside Development Overlay District    | HD                     | Hillside Development Overlay District |
| Defunct Districts      |                                                 | B-3                    | Commerce District                        | F                      | Light Industrial District             |
|                        |                                                 | O-1                    | Office District                          | O                      | Office District                       |
|                        |                                                 | ME                     | Mineral Extraction District              | E-F                    | Excavation and Landfill District      |

COLERAIN

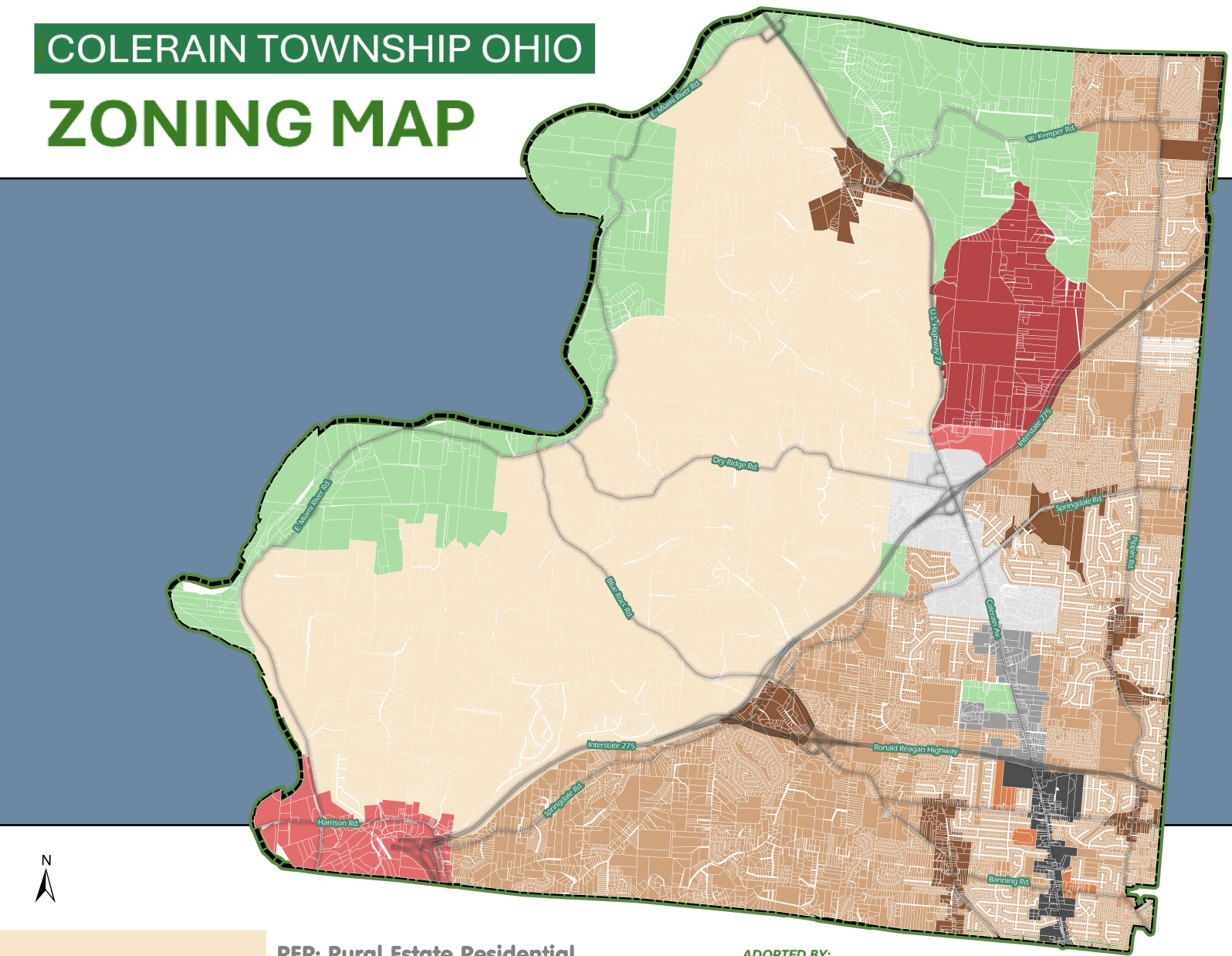
Colerain Township  
Planning & Zoning

EST  
1996

NOTE: The above chart is for information purposes only. Individual parcels are subject to rezoning by the Township in a manner that does not reflect the above chart.

# COLERAIN TOWNSHIP OHIO

## ZONING MAP



|  |                                                 |
|--|-------------------------------------------------|
|  | <b>RER: Rural Estate Residential</b>            |
|  | <b>STR: Single &amp; Two Family Residential</b> |
|  | <b>MUR: Multi Unit Residential</b>              |
|  | <b>NBM: Neighborhood Business Mixed</b>         |
|  | <b>AMN: Colerain Avenue North</b>               |
|  | <b>AMC: Colerain Avenue Central</b>             |
|  | <b>AMS: Colerain Avenue South</b>               |
|  | <b>LIT: Light Intensity Industrial</b>          |
|  | <b>SLF: Sanitary Landfill</b>                   |
|  | <b>GOR: Green Space</b>                         |

### ADOPTED BY:

Cathy Ulrich, Township Trustee

Dan Unger, Township Trustee

Matt Wahlert, Township Trustee

**EFFECTIVE DATE: October 10, 2024**

Jeff Baker, Fiscal Officer

COLERAIN

0 0.38 0.75 1.5 2.25 3 Miles

# ADMINISTRATION

---

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #5: Continuously Improve the Operations of the Township  
Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

---

Motion to Set Special Meeting of the Board of Trustees for Capital Budget and Policy Book Work Session for October 22, 2024 at 6PM

Recommend ADOPTION of the Motion.

Rationale:

Per the Board of Trustees rules of procedure, the Board will meet annually to review capital expenditures as part of the 2025 budget development process.

As part of the strategic plan, staff has gone through and reviewed all of the policies in the Township handbook. As part of this meeting, staff will offer proposed changes to policies for consideration.

# CONSENT ITEMS

---

Department: Fire  
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

---

Donation Acceptance - Department of Fire and EMS - Cincinnati Moose Lodge #2 - \$1,738.79  
Recommend approval of all consent items.

Rationale:  
Colerain Township Department of Fire and EMS is grateful for a \$1,738.79 donation from Cincinnati Moose Lodge #2.

# CONSENT ITEMS

---

Department: Police  
Department Director: Ed Cordie, Police Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

---

Donation Acceptance - Police Department - Cincinnati Moose Lodge #2 - \$1,738.79  
Recommend approval of all consent items.

Rationale:  
Colerain Township Police Department is grateful for a \$1,738.79 donation from Cincinnati Moose Lodge #2.

# CONSENT ITEMS

Department: Fire  
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

Promotion - Full-Time Firefighter/EMT - Department of Fire and EMS - Nathan Niehaus - \$22.43 per hour  
Recommend approval of all consent items.

- Rationale:  
The position of Firefighter/Paramedic was posted, applications were received, and interviews were conducted. A conditional offer of employment was extended to the following individual:
- Nathan Niehaus

The wage for this job is \$22.43 per hour. Contingent upon Board approval, Nathan Niehaus would be eligible to begin work on September 15, 2024.

# CONSENT ITEMS

---

Department: Fire  
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

---

Reclassification of Employee - Part-time Firefighter/Paramedic - Department of Fire and EMS - Linnea Head - \$21.83  
Recommend approval of all consent items.

Rationale:  
Reclassification of Employee - Part-time Firefighter/Paramedic - Department of Fire and EMS - Linnea Head - \$21.83. Contingent upon Board approval, she would be eligible to begin work on September 15, 2024.



# CONSENT ITEMS

---

Department: Fire  
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

---

New Hire - Part-time Firefighter/EMT - Department of Fire and EMS - Lukas Wilms - \$17.46 per hour  
Recommend approval of all consent items.

Rationale:  
Rationale:

The position of Part-time Firefighter/EMT was posted, applications were received, and interviews were conducted. A conditional offer of employment was extended to the following individual:

- Lukas Wilms

The wage for this job is \$17.46 per hour, and the applicant will work less than 30 hours per week. Contingent upon Board approval, Lukas Wilms would be eligible to begin work on September 15, 2024.

# CONSENT 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

---

Contract - Duke Energy - Utility Work for Colerain Avenue Sidewalks - \$2,648

Recommend approval of all consent items.

Rationale:

The attached agreement with Duke Energy for \$2,648 will cover the cost of utility relocation work that was not included in the original contract for the Colerain Avenue sidewalk project and was found while on site.

## BILLING AUTHORIZATION

Job/Agreement No.

54960372

The Undersigned hereby agrees to pay the Utility Company indicated below the amount specified below for the work performed by the Utility Company pursuant to the above referenced Job/Agreement or, in the event of no referenced Job/Agreement No., for the work described below. The entire amount shall be due and payable upon receipt of an invoice.

### The Invoiced Amount Will Be

\$2,648

(Flat)

Utility Company

- ☒ Duke Energy - Ohio  
☐ Duke Energy - Kentucky  
☐ Duke Energy - Indiana



Utility Company Representative

Chris Tepe

Date

8/28/2024

### **Description and Location of Work:**

Remove existing anchor and install new anchor with extension rod to accommodate 2' of fill.  
Project HAM-90-3.89 PID 113713.

Invoice To:

Street Address:

City:

State:

Zip:

Attn:

Phone:

Signature:

A handwritten signature in blue ink, appearing to read "Chris Tepe", written over a horizontal line.

Date:

8/29/24

# CONSENT ITEMS

---

Department: Administration  
Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

---

Contract - Alta Fiber - Fire Station Loop Connection - \$735  
Recommend approval of all consent items.

Rationale:  
The attached agreement is with Alta Fiber for a total cost of \$735. This agreement authorizes Alta Fiber to build out the line to connect the new fire stations into the Township's specific fiber loop for IT purposes.



## **A Service Agreement for Colerain Township**

**Q-00083305**

DOCUMENT CREATED DATE: 08/30/2024



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Section 1: Signatures

1.1 Signatures

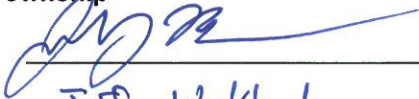
Colerain Township ("Customer") and Cincinnati Bell Telephone Co. LLC d/b/a altafiber Network Solutions and Cincinnati Bell Extended Territories LLC d/b/a altafiber Connected Services (collectively "altafiber"), for itself and its Affiliates agree to engage for the Services described in this Service Agreement: Q-00083305 ("Service Agreement").

This Service Agreement is effective as of the date of last execution below (the "Effective Date") and entered into by and between altafiber, a Delaware corporation, with its principal place of business at 221 East 4th Street, Cincinnati, OH 45202 and Colerain Township with a place of business at 4200 Springdale Rd, Cincinnati, OH 45251-1419.

This Service Agreement provides details of the Services (detailed in Section 2 below), related Products if any, Service Level Agreements, Service-specific terms, Customer rights and responsibilities, one-time and recurring fees, early termination charges, change control, and third party license agreements as applicable.

IN WITNESS WHEREOF, the parties have caused this Service Agreement to be executed by their duly authorized representatives.

**Cincinnati Bell Telephone Co. LLC d/b/a altafiber**  
By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Colerain Township**  
By:   
Print Name: Jeff Weckbach  
Title: Administrator  
Date: 9/4/24

**Colerain Township Point of Contact:**  
Name: Rob Shepherd  
Office: 513-923-5007  
Mobile: \_\_\_\_\_  
E-Mail: RSHEPHERD@COLERAIN.ORG



## Section 2: Pricing and Contract Term

### 2.1 Location: 4200 Springdale Rd, CINCINNATI, OH, United States, 45251

#### General Pricing

| Line Item | Product              | Description                                 | QTY | MRC per | MRC Subtotal | NRC per  | NRC Subtotal |
|-----------|----------------------|---------------------------------------------|-----|---------|--------------|----------|--------------|
| 1         | Metro Ethernet - New | Internet                                    | 1   | 0.00    | 0.00         | -        | -            |
| 2         | Metro Ethernet - New | Metro Ethernet E&C Fiber - Additional ports | 1   | 0.00    | 0.00         | -        | -            |
| 3         | Metro Ethernet - New | 100 Mbps - Additional ports                 | 1   | 215.00  | 215.00       | -        | -            |
| 4         | Metro Ethernet - New | 100 Mbps (One Time) - Additional ports      | 1   | -       | -            | 0.00     | 0.00         |
| Subtotal  |                      |                                             |     |         | 215.00       | Subtotal | 0.00         |

### 2.2 Location: 8282 Clara Ave, Cincinnati, OH, United States, 45239

#### General Pricing

| Line Item | Product              | Description                              | QTY | MRC per | MRC Subtotal | NRC per  | NRC Subtotal |
|-----------|----------------------|------------------------------------------|-----|---------|--------------|----------|--------------|
| 1         | Metro Ethernet - New | Internet                                 | 1   | 0.00    | 0.00         | -        | -            |
| 2         | Metro Ethernet - New | Metro Ethernet E&C Fiber - Initial ports | 1   | 0.00    | 0.00         | -        | -            |
| 3         | Metro Ethernet - New | 100 Mbps - Initial ports                 | 1   | 260.00  | 260.00       | -        | -            |
| 4         | Metro Ethernet - New | 100 Mbps (One Time) - Initial ports      | 1   | -       | -            | 0.00     | 0.00         |
| 5         | Metro Ethernet - New | No Demarc Extension Required             | 1   | -       | -            | 0.00     | 0.00         |
| Subtotal  |                      |                                          |     |         | 260.00       | Subtotal | 0.00         |

### 2.3 Location: 3955 Generation Dr, Cincinnati, OH, United States, 45251

#### General Pricing

| Line Item | Product              | Description                              | QTY | MRC per | MRC Subtotal | NRC per   | NRC Subtotal |
|-----------|----------------------|------------------------------------------|-----|---------|--------------|-----------|--------------|
| 1         | Metro Ethernet - New | Internet                                 | 1   | 0.00    | 0.00         | -         | -            |
| 2         | Metro Ethernet - New | Metro Ethernet E&C Fiber - Initial ports | 1   | 0.00    | 0.00         | -         | -            |
| 3         | Metro Ethernet - New | 100 Mbps - Initial ports                 | 1   | 260.00  | 260.00       | -         | -            |
| 4         | Metro Ethernet - New | 100 Mbps (One Time) - Initial ports      | 1   | -       | -            | 0.00      | 0.00         |
| Subtotal  |                      |                                          |     |         | 260.00       | Subtotal  | 0.00         |
| MRC Total |                      |                                          |     |         | USD 735.00   | NRC Total | USD 0.00     |

#### Contract Term; Terms and Conditions

Unless otherwise provided in the Terms and Conditions Supplements attached hereto and incorporated herein by reference <https://www.altafiber.com/about-us/policies/service-terms-and-conditions> (as applicable):



The initial term of this Service Agreement will be thirty six (36) months beginning on the date that Company first invoices Customer for the Minimum Commitment Amount (as defined in the Pricing sections) for each service, and shall remain in effect unless earlier terminated pursuant to Section 5.10 of the General Terms and Conditions Supplement, to the terms herein, or until all CCRs or Addenda issued pursuant to this Service Agreement have been terminated or expire, whichever is last to occur ("Initial Term"). Following the expiration of the Initial Term, this Service Agreement shall automatically renew at the current contract rate for additional twelve (12) month periods (each a "Renewal Term") unless either Party terminates this Agreement by providing sixty (60) days advance written notice of termination to the other Party prior to the expiration of the then current Term ("Term" shall mean collectively Initial and/or Renewal Term).

Company reserves the right to adjust rates at any time after the expiration of the Initial Term upon sixty (60) days prior written notice to Customer, during which time Customer shall have the right to terminate the Agreement, without incurring termination charges, if Customer does not agree to the stated rate adjustment. In the event Customer does not provide written notice of termination during the sixty (60) day period, Customer shall be deemed to accept the rate adjustment.



## Section 3: Ethernet Terms and Conditions Supplement

The Ethernet Supplemental Terms and Conditions ("Ethernet") is attached to and made a part of the Service Agreement Number Q-00083305 ("Service Agreement") and contains additional terms specific to Ethernet provided by altafiber Telephone Company LLC, and the terms of this Section will supersede any contradictory language contained elsewhere in this Service Agreement.

### 3.1 Definitions.

- 3.1.1 **Ethernet.** The engineering, installation, maintenance and repair services provided by altafiber to Customer necessary to interconnect multiple LANs to form a MAN for data transmission.
- 3.1.2 **Customer's location.** A location specified by the Customer for the purposes of terminating network such as the Customer's premises or the building where the off-premises extension terminates.
- 3.1.3 **Demarcation Point.** The point of physical separation of altafiber's network, and associated responsibilities, from Customer's network and associated responsibilities. The location of the Demarcation Point shall be the physical interface for Ethernet service presented by altafiber to Customer.
- 3.1.4 **Local Area Network (LAN).** A network connecting computers and other peripheral equipment for data communications over a limited geographical area, usually within a single building or among a few buildings.
- 3.1.5 **Metropolitan Area Network (MAN).** A network connecting computers and other peripheral equipment for data communications over a larger geographical area than a LAN, usually within a city or region.
- 3.1.6 **Permanent Virtual Circuits (PVC).** A static logical connection used in packet and cell switched networks between two end points. Permanent Virtual Circuits support long-term ongoing connections between data termination equipment. Permanent logical paths are assigned exclusively to each permanent circuit in the network.
- 3.1.7 **Quality of Service (QoS).** Defined as a way to prioritize service for applications that are sensitive to latencies or delays. It is the primary form of intelligent bandwidth management that allows service levels to be specified for different traffic types.
- 3.1.8 **Unprotected Ethernet.** The standard Ethernet service.
- 3.1.9 **Virtual LAN (VLAN).** A static logical connection used in packet networks for point-to-point, point-to-multipoint, and multipoint-to-multipoint. Virtual LANs support long-term ongoing connections between data termination equipment. Permanent logical paths are assigned exclusively to each VLAN in the network, and are enforced by using VLAN Tagging.
- 3.1.10 **VLAN Tagging (802.1q).** A way to label different traffic types so they may be differentiated from each other. It is another form of intelligent bandwidth management that can allow service levels for different traffic types.

### 3.2 Services and Rates.

- 3.2.1 Ethernet service will be provided as specified on the attached Pricing Agreement.
- 3.2.2 Customer may move the location of its Ethernet service to a location where sufficient central office capacity and outside plant facilities are available and retain the current contract term and monthly rates, but initial nonrecurring charges will be reapplied. The termination charges outlined in this Supplement are applicable if Customer terminates this Agreement because of a move to a location where sufficient central office capacity or outside plant facilities are not available.
- 3.2.3 Customer will be responsible for all taxes, assessments or other charges (excluding taxes based on altafiber's net income) imposed upon or relating to the provision or use of the products and services provided hereunder.
- 3.2.4 Customer may add additional ports to its Ethernet service at the rates in effect at the time of such addition, provided altafiber has sufficient existing equipment capacity and outside plant facilities to support such addition. If sufficient equipment capacity or outside plant facilities are not available, Customer will be responsible for any special construction or other charges required adding such additional port(s) to its Ethernet service.
- 3.2.5 Any other regulated services not listed herein which are provided by altafiber to Customer, shall be governed by the rates, terms, and conditions of the appropriate tariff. altafiber shall comply with all applicable laws, rules, regulations, ordinances, and codes (collectively, "Legal Requirements") in connection with the provision of the Ethernet service.



### 3.3 Provisioning.

- 3.3.1 altafiber will provide Ethernet service for one or more of the following types of LANs, as specified by Customer on the attached Services Agreement: Ethernet LANs operating at a variety of speeds. Permanent Virtual Circuits (PVC) and/or VLANs, facilities redundancy, and other "optional" features relating to Ethernet are also available to Customer at rates, terms and conditions to be agreed upon.
- 3.3.2 altafiber will provision Ethernet service in proper working order on altafiber's side of the Demarcation Point by the agreed upon installation date. Customer will provide appropriate environmental conditions for altafiber's customer premise equipment, which shall include, but not be limited to the following: 110/125 volt AC; 15 or 20 amp non switched circuit on UPS, if possible; Standard 110 3 – prong grounded outlet. Temperature between 40 and 100 degrees F. Humidity between 5% and 90% non-condensing. Security Access to this space that houses the Ethernet Service equipment must be restricted to authorized personnel only
- 3.3.3 Ethernet will be available twenty-four (24) hours per day, seven (7) days per week, except as required to update, enhance, maintain and/or repair Ethernet. altafiber reserves the right to perform these tasks, as needed, during the off-peak hours, normally on Sundays from 12:00 a.m. to 6:00 a.m. altafiber will attempt to notify the Customer in advance according to the attached Ethernet Service Agreement.
- 3.3.4 If a major outage to altafiber's network occurs, including Ethernet, altafiber will use reasonable efforts to restore Ethernet service as soon as reasonably possible, subject to any federal or state laws or regulations that may specify priority for restoration of telephone service, including without limitation, the National Security Emergency Preparedness Telecommunications Service Priority System.
- 3.3.5 altafiber will furnish Customer with a telephone number, which Customer will use to report any trouble with Ethernet.
- 3.3.6 Unless otherwise agreed in writing, altafiber will provide Ethernet service for data transmission only.
- 3.3.7 The electrical signals of Ethernet operate in compliance with the following American National Standard Institute ("ANSI") or IEEE standards for Ethernet LANs operating at a Native Mode of 384 Kbps, 768 Kbps, 1.544 Mbps, 3 Mbps, 4.5 Mbps, 6 Mbps, 10 Mbps, IEEE Standard 802.3 or 100 Mbps and 1000 Mbps (a.k.a., GigE or 1 Gigabit), IEEE Standard 802.3u (Carrier Sense Multiple Access with Collision Detection (CSMA/CD) Access Method and Physical Layer Specifications).
- 3.3.8 Ethernet supports the following interfaces:(i) RJ45 10 base T and 100 base T connections, for Ethernet LANs operating at a variety of speeds, and (ii) SX or LX Gigabit Interface Connectors for Ethernet LANs operating at a Native Mode of 1000 Mbps (a.k.a., GigE or 1 Gigabit).The standard equipment setting for a 1.5Mbps to 10Mbps circuit is 10Mbps full duplex setting. Circuit speed greater than 10Mbps, but, less than 100Mbps will be hard-coded 100Mbps full duplex setting. Gig-E speed is set at auto-negotiate.
- 3.3.9 An initial port is required in order to provide Ethernet to a Customer's location. Additional ports are only available to a Customer's location with at least one initial port.
- 3.3.10 Additional port discounts do not apply to different Customers at the same location.
- 3.3.11 The Customer must subscribe to the initial port in order to subscribe to an additional port. If the initial port is terminated at a Customer's location, then all Ethernet service will be terminated at that location unless Customer wants to re-specify one of the additional ports as the initial port with the appropriate rates applied. An additional port can be terminated without terminating the initial port to a Customer's location.
- 3.3.12 If the Customer subsequently orders an additional port and the contract period for the initial port has not expired, then the following applies: a) the contract period selected for an additional port must be equal or shorter than the remaining contract for the initial port or b) the contract period for the initial port will be extended to be coterminous with the contract period selected for the additional ports.

### 3.4 Construction Costs.

- 3.4.1 altafiber is offering Ethernet Services at the stated pricing subject to availability, and to the condition that altafiber's costs to deliver the Services to Customer be reasonable. If altafiber in its sole discretion determines that its construction costs to build the facilities to deliver the Services is excessive, then altafiber and Customer agree to enter good faith renegotiation of this Services Agreement as follows: (1) altafiber will within 10 business days of the last signature below return to Customer with an exact quote of the construction costs, at which time (2) altafiber and Customer will have five (5) business days to renegotiate to mutual agreement.



### 3.5 Repair – Response Time.

- 3.5.1 altafiber will use its best efforts to repair any inoperable Ethernet port within four (4) hours after a reactive or proactive trouble ticket is opened with altafiber that such port is inoperable. If such port remains inoperable for more than eight (8) hours after a trouble ticket has been opened, altafiber will credit Customer's account for an amount equal to one-thirtieth (1/30) of the applicable monthly charge for such port. The same credit will apply for each additional eight (8) hour period that the port remains inoperable. The total amount of all credits for any one (1) inoperable port will not exceed the monthly port charge for such inoperable port. The credit referred to herein shall be altafiber's entire liability and Customer's exclusive remedy for any damages resulting from such inoperable port.
- 3.5.2 Performance Standards of the Ethernet Network are as follows: Mean time to respond at the port level: 30 minutes and Mean time to repair at the port level: 2 hours. Response Time shall mean that altafiber is aware of the problem, and a ticket is opened either reactively or proactively and altafiber is beginning to take action to resolve the issue.

### 3.6 Maintenance.

- 3.6.1 When a Customer reports a trouble to altafiber and the problem is not found in the altafiber's facilities, the Customer is responsible for a payment of Maintenance of Service charge for the period of time from when the technician is dispatched to when the work is completed. The Maintenance of Service charges is as follows: (a) \$ 31.50 for the first fifteen (15) minutes or fraction thereof and (b) \$ 9.00 for each additional fifteen (15) minutes or fraction thereof.
- 3.6.2 If altafiber personnel initially fail to find trouble in altafiber facilities, but later discover that the trouble was indeed facilities related, then Maintenance of Service charges will not apply.
- 3.6.3 altafiber can continue to test/diagnose the problem on the Customer's premise at the rate of \$175.00 per hour, billable in half-hour increments, with a two-hour minimum.
- 3.6.4 altafiber can also be contracted to engineer and optimize the Customer's network by working on the Customer's premise. The rate for this enhanced service is \$250.00 per hour, billable in half-hour increments, with a two (2) hour minimum. This service would typically be independent of a troubleshooting dispatch, or in conjunction with a major problem/initiative, and would be initiated by the Customer.

### 3.7 Cancellation, Delay or Modification of Service Orders.

- 3.7.1 Cancellation of Service Order. If Customer cancels a Service Order before altafiber has completed installation of the Ethernet service, Customer must reimburse altafiber for its costs. If Customer cancels a Service Order after the Ethernet service has been installed, the termination liability set forth in Section 11 below will apply. All requests by Customer to cancel a pending Service Order are effective only if provided in writing.
- 3.7.2 Requests to Delay Installation. Customer may request to delay installation for up to thirty (30) days following the original Firm Order Commitment ("FOC") due date for no charge if such request is provided in writing to altafiber within two (2) business days of receiving the FOC due date. If Customer submits its request to delay installation after the two (2) business days after receipt of the FOC, then altafiber will bill \$100.00 for any request to change the FOC due date. However, if the customer requests a change of due date within five (5) business days prior to the communicated FOC due date, altafiber will charge \$300.00 for the FOC due date change.
- 3.7.3 Failure to Notify of Installation Delay. If the Customer fails to notify altafiber of an installation delay pursuant to Section 7.2 above, altafiber will bill for the Monthly Recurring Charge for such Ethernet service from the original FOC due date to the actual date of installation. Customer will be required to notify altafiber in writing to reschedule an installation date.
- 3.7.4 Modification of Service Orders. If Customer requests modifications to pending Service Orders, Customer must reimburse altafiber for its actual costs incurred in reengineering and modifying the Ethernet service, including any third-party charges assessed against altafiber as a result of such modification.

### 3.8 Testing.

- 3.8.1 altafiber will notify Customer when the Ethernet service has been successfully installed, on a circuit-by-circuit basis, and is available for Customer's use ("Service Date"). Unless Customer notifies altafiber by the close of the second business day following the Service Date that the Service is not operational, the Service Term will commence on the Service Date. Customer also has thirty (30) days following the Service Date to conduct



additional testing of the Ethernet services. If such testing indicates that the Ethernet service is not operating properly, and Customer notifies altafiber and reasonably identifies the problem, altafiber will work with Customer to remedy the problem. If altafiber reasonably determines that the problem is due to altafiber's Network or altafiber Equipment or third-party telecommunications facilities arranged by altafiber on altafiber's side of the demarcation point, then Customer will be credited for the MRCs associated with the Ethernet service from the Service Date through the date that the Ethernet service is made operational. If altafiber reasonably determines that the problem is not being caused by altafiber's Network, altafiber Equipment, or third-party telecommunications facilities arranged by altafiber on altafiber's side of the demarcation point, the Service Date will remain unchanged. altafiber is not responsible for testing failures resulting from problems with Customer's equipment.

### **3.9 Billing and Payment.**

- 3.9.1 Unless Customer notifies altafiber otherwise, charges for Ethernet services will commence on the Service Date as defined in Section 8 above. The Service Date will not be delayed due to Customer's failure to be ready for delivery of the Ethernet service on the agreed upon installation date.

### **3.10 Title to Equipment and Facilities.**

- 3.10.1 All equipment and facilities used by altafiber in providing Dedicated FUSE Internet Access service hereunder will remain the sole property of altafiber, whether or not attached to or embedded in realty, unless otherwise agreed to in writing by the Parties with respect to specific equipment.
- 3.10.2 Upon disconnection of Ethernet service, Customer agrees to allow altafiber reasonable access to its facility in order to recover altafiber-owned, customer edge equipment within thirty (30) days of the disconnection date. In the event Customer does not allow altafiber reasonable access to its facility within thirty (30) days of the disconnection date, Customer agrees to pay an "unclaimed equipment fee" equal to the amount of altafiber's actual cost incurred for the customer edge equipment. The actual cost for the service access switch model D fee is \$1,000. The actual cost for the service access switch model T fee is \$5,000.
- 3.10.3 Customer will be asked to execute an Access Agreement and/or other formal right of entry document authorizing altafiber to enter the premises to install and maintain altafiber facilities relating to the provision of Ethernet service. At all times, including but not limited to periods before and after installation, such facilities shall be owned by, exclusively, and shall remain the property of altafiber. The Access Agreement or other right of entry document shall continue in full force and effect until superseded by a subsequent agreement or other right of entry document. Upon Customer's request, altafiber will provide an installation plan in recognition of considerations regarding aesthetics and space. Questions regarding Access Agreements or right of entry documents should be directed to [accessagreement@altafiber.com](mailto:accessagreement@altafiber.com).

### **3.11 Termination Charges.**

- 3.11.1 If Customer cancels, in whole or in part, any requested addition, rearrangement, relocation or other modification to Ethernet prior to completion thereof, Customer will reimburse altafiber for the actual expenses incurred by altafiber in connection with such modification prior to altafiber's receipt of notice of cancellation; provided, however, the amount of such reimbursement will not exceed the service, construction, installation, termination and other charges for which Customer would have otherwise been responsible.
- 3.11.2 If nonrecurring charges associated with the installation of Ethernet service are waived and the Ethernet is then terminated prior to the expiration of the Term, the Customer will become liable for payment of the waived charges.

## **Section 4: General Terms and Conditions**

### **4.1 Definitions.**

- 4.1.1 The following definitions shall apply to the Service Agreement and, unless otherwise provided therein, shall also apply to the Supplements, which are incorporated into and made a part of the Service Agreement. The definitions shall apply equally to both the singular and plural forms of the terms defined. Whenever the context



may require, any pronoun shall include the corresponding masculine, feminine and neuter forms. The words "include," "includes" and "including" shall be deemed to be followed by the phrase "without limitation". The words "shall" and "will" are used interchangeably throughout this Agreement and the use of either connotes a mandatory requirement. The use of one or the other shall not mean a different degree or right or obligation for either Party. The use of the term "Agreement" shall be deemed to refer to the entire agreement between the Parties consisting of the Service Agreement and the Supplement(s).

- 4.1.2 Applicable Laws - means all applicable federal, state, and local statutes, laws, rules, regulations, codes, final and non-appealable orders, decisions, injunctions, judgments, awards and decrees that relate to a Party's obligations under this Agreement.
- 4.1.3 Information - means any writing, drawing, sketch, model, sample, data, computer program, software, verbal communication, e-mail, recording or documentation of any kind.
- 4.1.4 Party - means (i) altafiber parent company, its affiliates and subsidiaries (collectively "altafiber") or (ii) Customer; and "Parties" means (i) and (ii).
- 4.1.5 Proprietary Information - means any Information communicated, whether before, on or after the Effective Date, by a Party ("Disclosing Party") to the other Party ("Receiving Party"), pursuant to this Agreement and if written, is marked "Confidential" or "Proprietary" or by similar notice or if oral or visual, is identified as "Confidential" or "Proprietary" at the time of disclosure; or if by electronic transmission (including, but not limited to, facsimile or electronic mail) in either human readable or machine readable form, and is clearly identified at the time of disclosure as being "Proprietary" or "Confidential" by an appropriate and conspicuous electronic marking within the electronic transmission, which marking is displayed in human readable form along with any display of the "Proprietary" or "Confidential" information; or if by delivery of an electronic storage medium or memory device which is clearly identified at the time of disclosure as containing "Proprietary" or "Confidential" information by an appropriate and conspicuous marking on the storage medium or memory device itself and by an appropriate and conspicuous electronic marking of the stored "Proprietary" or "Confidential" information, which marking is displayed in human readable form along with any display of the "Proprietary" or "Confidential" information.

## 4.2 Services.

- 4.2.1 The rates, fees, and charges for a particular service to be provided by altafiber appear in the Service Agreement (Pricing and Contract Term section) above or in the applicable Supplement. Regulated services not listed in this Agreement that are provided by altafiber to Customer shall be governed by the rates, terms, and conditions of the appropriate tariff. altafiber shall comply with all applicable laws, rules, regulations, ordinances, and codes (collectively, "Legal Requirements") in connection with the provision of the Service(s). The specific terms and conditions applicable to the particular Services to be provided pursuant to this Agreement, including the description of the services to be provided and the obligations of each Party in connection therewith, termination rights, performance obligations and service parameters are or shall be set forth herein. Any future Supplements entered into between the parties shall reference and be governed by and incorporated into this Agreement. In the event of a conflict between the terms of this Agreement and a Supplement, the terms of the Supplement shall prevail.

## 4.3 Equipment Warranty, Use and Maintenance.

- 4.3.1 Except for Customer Provided Equipment for Ethernet service, altafiber will maintain, in good working order, the equipment used to provide service under the Supplement(s), during the term specified in the Service Agreement or the applicable Supplement, The Warranty Exclusions set forth herein shall apply. Customer will permit altafiber access to equipment located on Customer's premises that is used to provide service hereunder and altafiber will comply with the Customer's security and safety regulations at Customer's site. Repair parts or replacement parts may be new, remanufactured or refurbished at the discretion of altafiber. Customer shall not modify the equipment used to provide service hereunder in any way, without the written permission of altafiber. Customer shall be responsible for paying the cost of any repairs necessitated by any such unauthorized modification(s).

## 4.4 Warranty Exclusions.

- 4.4.1 The warranties provided under Section three (3) do not cover services required to repair damages, malfunctions or failures caused by: (a) Customer's failure to follow altafiber's written operation or maintenance instructions provided to Customer; (b) Customer's unauthorized repair, modifications or relocation of



equipment used to provide services hereunder, or attachment to such equipment of non-altafiber equipment; and (c) Customer's abuse, misuse or negligent acts. altafiber may perform services in such instances on a time and materials or contract basis.

- 4.4.2 altafiber will not be liable to Customer or third parties for any claims, loss or expense of any kind or nature caused directly or indirectly by: (i) interruption or loss of use or loss of business; or (ii) any consequential, indirect, special or incidental damages suffered by Customer or third parties whatsoever.
- 4.4.3 Except as specified in this Agreement, altafiber, its subcontractors and suppliers make no warranties, express or implied, and specifically disclaim any warranty or merchantability of fitness for a particular purpose.

#### **4.5 Title or Risk of Loss of Equipment.**

- 4.5.1 For equipment sold to Customer and installed by altafiber, title shall pass to Customer on the In-Service Date. Risk of loss shall pass at the time of delivery.
- 4.5.2 For all other equipment used in the provision of services under any Supplement, title shall remain solely with altafiber, whether or not attached to or embedded in realty, unless otherwise agreed to in writing by the parties. altafiber will bear the risk of loss or damage to the equipment used in the provision of service, except that Customer will be liable to altafiber for the cost of repair or replacement of equipment lost or damaged as a result of Customer's negligence, intentional acts, unauthorized installation or maintenance or other causes within the control of Customer, its employees, agents or contractors.

#### **4.6 Confidential Information.**

- 4.6.1 During the term of this Agreement and for two years thereafter, each Party shall maintain the confidentiality of the terms and pricing contained in this Agreement and all other confidential information disclosed by the other Party. Confidential information shall remain the property of the disclosing Party and shall be labeled as either "Confidential" or "Proprietary".

#### **4.7 Resolution of Disputes and Governing Law.**

- 4.7.1 The Parties will attempt, in good faith, to promptly resolve any controversy or claim arising out of or relating to this Agreement through discussions between themselves at the operational level. In the event a resolution cannot be reached at the operational level, the disputing Party shall give the other Party written notice of the dispute and such controversy or claim shall be negotiated between appointed counsel or senior executives of the Parties who have authority to settle the controversy. If the Parties fail to resolve such controversy or claim within thirty (30) days of the disputing Party's notice, either Party may seek arbitration as set forth below.
- 4.7.2 Any controversy or claim arising out of or relating to this Agreement, or a breach of this Agreement, shall be finally settled by arbitration in Cincinnati, Ohio and shall be resolved under the laws of the State of Ohio without regard to choice of law provisions. The arbitration shall be conducted before a single arbitrator in accordance with the commercial rules and practices of the American Arbitration Association then in effect.
- 4.7.3 The arbitrator shall have the power to order specific performance if requested. Any award, order, or judgment pursuant to such arbitration shall be deemed final and binding and may be enforced in any court of competent jurisdiction. The Parties agree that the arbitrator shall have no power or authority to make awards or issue orders of any kind except as expressly permitted by this Agreement, and in no event shall the arbitrator have the authority to make any award that provides for punitive or exemplary damages. All such arbitration proceedings shall be conducted on a confidential basis. The arbitrator may, as part of the arbitration award, permit the substantially prevailing Party to recover all or part of its attorney's fees and other out-of-pocket costs incurred in connection with such arbitration.

#### **4.8 Terms of Payment.**

- 4.8.1 Invoices for Services are due and payable in U.S. dollars within thirty (30) days of invoice date ("Invoice Due Date"). Customer shall allow for up to three (3) days for payment processing within such thirty (30) day period. Payments not received by Invoice Due Date are considered past due. In addition to altafiber undertaking any of the actions set forth in this Agreement, altafiber may apply late payment fees or take any action in connection with any other right or remedy altafiber may have under this Agreement in law or in equity. Late payment fees will: (i) be assessed on any past due balance; (ii) be calculated as 2% of the past due balance if the past due balance includes regulated products or the greater of \$11.95 or 2% of the past due balance if the past due balance does not include regulated products; and (iii), will be added to the past due balance and



included in future billing cycles. Customer shall be in default if Customer fails to make payment as required and such failure remains uncured for five (5) calendar days after the Invoice Due Date. If Customer in good faith disputes any portion of any altafiber invoice, Customer shall submit to altafiber by the Invoice Due Date, full payment of the undisputed portion of any altafiber invoice and written documentation identifying and substantiating the disputed amount. If Customer does not report a dispute within sixty (60) days following the date on the applicable invoice, Customer shall have waived its right to dispute that invoice. altafiber and Customer agree to use their respective best efforts to resolve any dispute within thirty (30) days after altafiber receives written notice of the dispute from Customer. Any disputed amounts resolved in favor of Customer shall be credited to Customer's account on the next invoice following resolution of the dispute. Any disputed amounts determined to be payable to altafiber shall be due within (10) days of resolution of the dispute.

- 4.8.2 Customer shall pay taxes levied upon any sale, transfer of ownership, installation, license or use of products or services, unless Customer provides a tax exemption certificate. Excluded are taxes on altafiber's net income.

#### **4.9 Termination.**

- 4.9.1 Notwithstanding provisions regarding the Term and Termination Charges specified in the Service Agreement or any Supplement, and in addition to the Parties' rights of termination specifically provided elsewhere in this Agreement, the following shall apply:
- 4.9.2 In the event Customer provides timely notice to altafiber that it does not intend to renew an automatically renewing contract, altafiber will continue to provide service to Customer after the expiration of the then current contract term on a month-to-month basis. The provision of such month-to-month service shall be subject to the terms and conditions and the month-to-month tariff / service agreement rates in effect at the time. Either Party may terminate the month-to-month service, without termination penalty, upon thirty (30) days advance written notice to the other Party.
- 4.9.3 In the event that one Party breaches any material obligation (other than payment obligations) in this Agreement the other Party shall give the breaching Party written notice of the breach and request that the breach be cured ("Cure Notice"). If the breaching Party fails to cure the specified breach within thirty (30) days of receipt of the Cure Notice (or such other mutually agreed upon time), the other Party shall have the right to terminate the applicable Supplement, effective upon five (5) days prior written notice to the breaching Party ("Termination Notice"). The right of altafiber and the Customer to terminate in any such case shall be in addition to any other rights and remedies available hereunder or at law or in equity.
- 4.9.4 A Party may, at its option, terminate a Supplement immediately upon written notice on the event of an occurrence of an "Insolvency Event of Default" (as defined below) with respect to the other Party. The occurrence of any one or more of the following events shall constitute an "Insolvency Event of Default": the other Party admits in writing its inability to pay its debts generally or makes a general assignment for the benefit of creditors; any affirmative act of insolvency by the other Party or the filing by or against the other Party (which is not dismissed within ninety (90) days of any petition or action) under any bankruptcy, reorganization, insolvency arrangement, liquidation, dissolution or moratorium law, or any other law or laws for the relief of, or relating to, debtors; or the subjection of a material part of the other Party's property to any levy, seizure, assignment or sale for or by any creditor, third party or governmental agency.
- 4.9.5 If Customer cancels, in whole or in part, any requested addition, rearrangement, relocation or other modification to Services prior to completion thereof, Customer will reimburse altafiber for the actual expenses incurred by altafiber in connection with such modification prior to altafiber's receipt of notice of cancellation; provided, however, the amount of such reimbursement will not exceed the service, construction, installation, termination and other charges for which Customer otherwise would have been responsible.
- 4.9.6 Customer shall have the right to terminate any Supplement for convenience at any time upon thirty (30) days prior written notice to altafiber. In the event that any service under this Agreement is terminated by Customer for convenience or for reasons other than altafiber's breach of this Agreement prior to the expiration of the then- current Term, the Customer will pay a Termination Charge equal to all remaining amounts due or to become due, including but not limited to all monthly charges for which Customer would have been responsible if the Customer had not terminated prior to the expiration of the then-current Term. The termination charge will be considered to be liquidated damages and will be altafiber's sole remedy against Customer for early termination, except for outstanding charges. Nothing contained in this Agreement is intended to indicate that the applicable Utility Commission has approved or sanctioned any particular termination charge(s).
- 4.9.7 One or more Supplements may be terminated by the Parties without causing a termination of this Agreement or other Supplements.

## 4.10 Indemnification.

*DN/9-4-24*

- 4.10.1 *To the extent Permitted by law* Customer shall indemnify, defend and hold harmless altafiber and its parent company, affiliates, employees, directors, officers, and agents from and against all claims, demands, actions, causes of actions, damages, liabilities, losses, and expenses (including reasonable attorney's fees) incurred as a result of claims for damage to property and/or personal injuries (including death) arising directly out of the Customer's performance of obligations under this Agreement. A Party shall notify the other Party and describe the claim or action within fourteen (14) days of becoming aware of the claim or action itself. Customer may undertake the defense of any such claim or action and permit altafiber to participate therein. The settlement of any such claim or action by Customer without altafiber's prior written consent, shall release altafiber from any and all obligations hereunder with respect to such claim or action so settled.

## 4.11 Responsibilities of Each Party.



- 4.11.1 Each Party has and hereby retains the right to exercise full control of and supervision over its own performance of its obligations under this Agreement and retains full control over the employment, direction, compensation and discharge of their respective employees assisting in the performance of such obligations. Each Party will be solely responsible for all matters relating to payment of such employees, including compliance with social security taxes, withholding taxes and all other regulations governing such matters. Except as otherwise provided in this Agreement, each Party will be responsible for its own acts and those of its employees, agents, and contractors during the performance of such Party's obligations hereunder.

#### **4.12 Limitations of Liability.**

- 4.12.1 altafiber's liability arising out the provision of: (i) Services; (ii) delays in the restoration of Services; or (iii) mistakes, accidents, omissions, interruptions, errors or defects in transmission, or delays caused by judicial or regulatory authorities, shall be subject to the limitations set forth below and in the applicable Tariff. In no event shall altafiber be liable to customer, customer's own customers, or any other third party with respect to the subject matter of this agreement under any contract, warranty, negligence, strict liability, or other theory for any type of indirect, consequential, incidental, reliance, special, or punitive damages, or for any lost profits, lost revenues, or lost savings of any kind, arising out of or relating to this agreement whether or not altafiber or Customer was advised of the possibility of such damages and whether or not such damages were foreseeable. For purposes of this section, "altafiber" is deemed to include altafiber, its parent company, and their respective affiliates, subsidiaries, directors, officers, employees, agents, representatives, subcontractors and suppliers.
- 4.12.2 The Parties hereto agree that the Termination Charges and the limitations on liability contained herein are fair and reasonable adjustments to the uncertain and difficult to ascertain damages which might arise under this Agreement and are intended to be reasonable allocations by the Parties of their inherent business risks.

#### **4.13 Security and Access.**

- 4.13.1 Employees and agents of altafiber and its subsidiaries, while on the premises of Customer, will comply with all reasonable rules, regulations and security requirements of Customer.

#### **4.14 Work on Customer's Premises.**

- 4.14.1 In performance of its obligations hereunder, altafiber shall comply with all applicable laws and will indemnify and hold Customer harmless from and against any claims, demands, suits, losses, damages, costs and expenses arising out of altafiber's noncompliance with any such laws. If altafiber's work related to this Agreement involves operations by altafiber on the premises of Customer, altafiber shall take reasonable precautions necessary to prevent the occurrence of any injury to person or property during the performance of such work. Except to the extent an injury to person or property is the result of Customer's negligence or willful misconduct, altafiber shall defend, indemnify and hold harmless Customer against any claims, demands, suits, losses, damages, costs and expenses which are directly and proximately caused by negligent or willful conduct of altafiber's employees, agents or subcontractors.

#### **4.15 Customer Obligations.**

- 4.15.1 Prior to requesting repair service from altafiber, Customer will use its best efforts, including but not limited to performing reasonable diagnostic tests, to verify whether any trouble with the Service is a result of the Customer's equipment or facilities. Customer shall be responsible for any such trouble resulting from the Customer's equipment or facilities. Customer will cooperate with any joint testing of the Service reasonably requested by altafiber.

#### **4.16 System Maintenance.**

- 4.16.1 In the event altafiber determines that it is necessary to interrupt Services or that there is a potential for Services to be interrupted for the performance of system maintenance, altafiber will use good faith efforts to notify Customer prior to the performance of such maintenance and will schedule such maintenance during non-peak hours (midnight to 6:00 am. local time). In no event shall interruption for system maintenance constitute a failure of performance by altafiber.

#### **4.17 Subcontracting.**



- 4.17.1 altafiber may subcontract work to be performed under this Agreement, but shall retain responsibility for the work.

#### **4.18 Changes in Laws.**

- 4.18.1 This Agreement is predicated upon current state and federal laws and regulations. If new laws or regulations or new applications of current law and regulations affect this Agreement, either Party may request, upon thirty (30) days' written notice, that one or more provisions be renegotiated consistent with the change in circumstances.

#### **4.19 Force Majeure.**

- 4.19.1 No Party shall be held liable for any delay or failure in performance of any part of this Agreement including any Supplement, caused by a force majeure condition. A Force Majeure condition shall include fires, pandemics, embargoes, explosions, power blackouts, earthquakes, volcanic action, floods, wars, water, the elements, labor disputes (such as a work stoppage), civil disturbances, government requirements, civil or military authorities, acts of God or a public enemy, inability to secure raw materials, inability to secure product of manufacturers or outside vendors, inability to obtain transportation facilities, acts or omissions of transportation common carriers, or other causes beyond its reasonable control whether or not similar to the foregoing conditions. If any force majeure condition occurs, the Party whose performance fails or is delayed because of such force majeure condition ("Delayed Party") shall promptly give written notice thereof to the other Party. The Delayed Party shall use all best efforts to avoid or mitigate performance delays despite a force majeure condition, and shall restore performance as soon as the force majeure condition is removed.

#### **4.20 Good Faith Performance.**

- 4.20.1 Each Party shall act in good faith in its performance under this Agreement and, in each case in which a Party's consent or agreement is required or requested hereunder, such Party shall not unreasonably withhold or delay such consent or agreement.

#### **4.21 No License.**

- 4.21.1 Except as expressly provided in this Agreement, no license under patents, copyrights, trademarks, service marks, trade names or other indicia of origins, or any other intellectual property right (other than the limited license to use consistent with the terms, conditions and restrictions of this Agreement) is granted by either Party or shall be implied or arise by estoppel with respect to any transactions contemplated under this Agreement.

#### **4.22 Amendments; Waivers.**

- 4.22.1 Except as otherwise provided in this Agreement, no amendment or waiver of any provision of this Agreement, and no consent to any default under this Agreement, shall be effective unless the same shall be in writing and signed by an authorized official of the Party against whom such amendment, waiver or consent is claimed. In addition, no course of dealing or failure of any Party to strictly enforce any term, right or condition of this Agreement shall be construed as a waiver of such term, right or condition.

#### **4.23 Notices.**



- 4.23.1 All notices, demands, requests, elections, or other communications provided under this Agreement or which may be given by one Party to the other Party under this Agreement (including but not limited to any notice relating to an alleged breach or termination), such notice shall be made in writing, unless specifically provided otherwise herein. Unless otherwise specifically required by this Agreement any such notice is to be delivered to the other party's designated Point of Contact or if no such designation, to the other party's signatory to this Agreement. Such notice shall be (a) delivered personally, (b) delivered by express delivery service, (c) mailed, first class, certified mail postage prepaid, return receipt requested or (d) delivered by telecopy provided that a confirmation copy is sent by the method described in (a), (b) or (c) of this Section. Such notice shall be addressed to the other party at the address set forth in the Service Agreement. Notices will be deemed given as of the earlier of (i) the date of actual receipt, (ii) the next business day when notice is sent via express mail or personal delivery, (iii) four (4) business days after mailing in the case of first class, certified U.S. mail or (iv) on the date set forth on the confirmation in the case of telecopy.
- 4.23.2 Changes in notice designation shall be made in writing and shall be deemed effective upon receipt.

#### **4.24 No Rights to Third Parties.**

- 4.24.1 This Agreement shall not be deemed to provide third parties with any remedy, claim, right of action or other right.

#### **4.25 Severability.**

- 4.25.1 If any term, condition, or provision of this Agreement shall be invalid or unenforceable for any reason, such invalidity or unenforceability shall not invalidate or render unenforceable the remainder of this Agreement; and, unless such construction would be unreasonable, this Agreement shall be construed as if not containing the invalid or unenforceable provision or provisions and the rights and obligations of each Party shall be construed and enforced accordingly. If necessary to affect the intent of the Parties, the Parties shall negotiate in good faith to amend this Agreement to replace the unenforceable language with enforceable language that reflects such intent as closely as possible.

#### **4.26 Assignment.**

- 4.26.1 Customer will not resell or permit any third party to use any of the services provided by altafiber hereunder. Neither Customer nor altafiber may assign this Agreement without the prior written consent of the other Party, which shall not be unreasonably withheld or delayed. altafiber shall not be required to obtain consent in the case of a sale of all or substantially all the assets of altafiber or an assignment to an entity directly or indirectly owning or controlling, owned or controlled by, or under common control with the assigning Party. Notwithstanding the foregoing, altafiber shall retain the right to terminate this Agreement without further obligation or liability to Customer, its successors or assigns, if, in its sole and exclusive judgment any assignment or purported assignment by Customer is to be made to a competitor of altafiber.

#### **4.27 Entire Agreement; Continuing Obligations.**

- 4.27.1 The Service Agreement, along with which applicable Supplement(s) and Terms & Conditions, constitutes the entire Agreement between the Parties concerning the subject matter hereof. All prior agreements, representations, statements, negotiations, understandings, proposals, and undertakings, oral or written, with respect to the subject matter hereof are superseded and replaced by the provisions of this Agreement.
- 4.27.2 Any liability or obligation of any Party to the other Party for acts or omissions prior to the cancellation or termination of this Agreement, any obligation of any Party to make payments, any obligation of any Party under the provisions regarding Confidential Information, resolution of disputes, indemnification, limitations of liability, and any provisions that, by their terms, are contemplated to survive (or be performed after) termination of this Agreement, shall, in each case, survive cancellation or termination of this Agreement.
- 4.27.3 The rights and obligations under this Agreement shall survive any merger or sale of either Party and shall be binding upon the successors and permitted assigns of each Party.
- 4.27.4 Under federal law, Customer has a right, and altafiber has a duty, to protect the confidentiality of information regarding the telecommunications services Customer buys from altafiber, including the amount, type, and destination of Customer's service usage; the way altafiber provides services to Customer; and Customer's calling and billing records. Together, this confidential information is described as Customer Propriety Network Information ("CPNI"). Customer hereby consents to altafiber sharing its CPNI with altafiber affiliates,



subsidiaries and any other current or future direct or indirect subsidiaries of the altafiber parent company as well as altafiber agents and authorized sales representatives, to develop or bring new products or services to Customer's attention.

#### **4.28 Regulatory Approval; Tariffs.**

- 4.28.1 This Agreement is subject to applicable regulatory requirements. In the event of any conflict between the terms of this Agreement and applicable regulatory requirements, such regulatory requirements shall control. The obligations of altafiber and Customer under this Agreement may be contingent upon approval of this Agreement by applicable regulatory agencies, including the Public Utilities Commission of Ohio and Public Services Commission of Kentucky. The regulations and rates specified herein are in addition to applicable regulations and rates set forth in altafiber's tariffs on file with regulatory agencies.

#### **4.29 Executed in Counterparts.**

- 4.29.1 This Agreement may be executed in any number of counterparts, each of which shall be an original, but such counterparts shall together constitute but one and the same instrument.

#### **4.30 Headings.**

- 4.30.1 The titles and headings of Articles and Sections of this Agreement have been inserted for convenience of reference only and are not to be considered a part hereof and shall in no way define, modify, or restrict the meaning or interpretation of the terms or provisions of this Agreement.







# CONSENT ITEMS

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Department: Fire  
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

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Grant Award Acceptance - Ohio Department of Public Safety - Ohio Emergency Medical Services - \$1,200.00  
Recommend approval of all consent items.

Rationale:

Board of Trustees approval to accept the EMS 2024-2025 P1- Training & Equipment Grant for \$1,200.00.

**Guidelines for the purchase of training and equipment:**

- 1) Purchases for software and hardware for the purpose of reporting to EMSIRS are limited to \$1,500.00 annually.
- 2) Only EMS agencies that are Ohio EMS-accredited training institutions or approved CE sites may be reimbursed for training equipment.
- 3) Invoices must be submitted no later than 30 days following the end of the grant cycle to be eligible for reimbursement.
  - a. An EMS organization shall forfeit any remaining money in a grant award and may not be eligible for an award in the following grant year if the EMS organization:
    - I. leaves an unexpended balance of \$300.00 or more by the end of the grant cycle; OR
    - II. has a remaining balance of \$300.00 or more after the reimbursement deadline (30 days after end of grant cycle) ; OR
    - III. uses grant funds to purchase items not approved by the Ohio EMFTS Board



Ohio Division of EMS  
Notice of Contract Award  
2024 - 2025 Award Year

|                                                                      |                                                            |                                   |
|----------------------------------------------------------------------|------------------------------------------------------------|-----------------------------------|
| <b>Grant Description</b><br>2024-2025 P1- Training & Equipment Grant | <b>Funding Period</b><br>July 01, 2024 - December 31, 2024 | <b>Award Amount</b><br>\$1,200.00 |
| <b>Agency ID#:</b><br>31-103                                         | <b>Agency Name:</b> Colerain Twp Fire Dept                 | <b>Tax ID:</b><br>316000567       |

This document represents approval of your EMS **2024-2025 P1- Training & Equipment Grant** application. This notification supersedes all other notification of grant awards. **Failure to use all of the awarded funds within the award period of July 01, 2024 - December 31, 2024 will result in a forfeiture of all unexpended funds.**

Grantees may submit invoices for reimbursement as frequently as once a month. Grantees needing funds in advance should complete the Agency Hardship Application available at [www.ems.ohio.gov](http://www.ems.ohio.gov) and fax the form to 614-351-6006. **Any applicant who leaves a balance of \$300 or more by the end of the grant cycle, or uses grant funds to purchase items not on the approved on the Training & Equipment List will forfeit any remaining award and will forfeit a grant for one year. (See additional restrictions below for Economic Hardship and Board Priority awards.)**

**Guidelines for the purchase of training and equipment:**

- 1) Purchases for software and hardware for the purpose of reporting to EMSIRS are limited to \$1,500.00 annually.
- 2) Only EMS agencies that are Ohio EMS accredited training institutions or approved CE sites may be reimbursed for training equipment.
- 3) Invoices must be submitted by no later than **30 days** following the end of the grant cycle in order to be eligible for reimbursement.
  - a. An EMS organization shall forfeit any remaining money in a grant award and may not be eligible for an award in the following grant year, if the EMS organization:
    - I. leaves an unexpended balance of \$300.00 or more by the end of the grant cycle; OR
    - II. has a remaining balance of \$300.00 or more after the reimbursement deadline (30 days after end of grant cycle) ; OR
    - III. uses grant funds to purchase items not approved by the Ohio EMFTS Board.

**Supplemental Economic Hardship & Board Priority Grantees:**

If you have been awarded Supplemental Board Priority or Economic Hardship funds your agency has been approved to purchase the equipment items provided by your agency in the supplemental funds application. Under the application agreement, these funds are **only** for the purchase of the equipment or training Item(s) on your approved grant application. Failure to expend these funds on the approved equipment items listed on this document will result in a forfeiture, and repayment of these grant funds to the Division by your agency.