

# 6

## Article 6: Establishment of Zoning Districts

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**ARTICLE 6: ESTABLISHMENT OF ZONING DISTRICTS**

**6.1 Purpose**

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

- 6.1.1 Realize the general purpose set forth in Article 1 (Purpose) of this Zoning Resolution;
- 6.1.2 Classify, regulate and restrict the location of industries, residences, recreation, trades, and other land uses and the location of building designated for specified uses;
- 6.1.3 Regulate and limit the percentages of lot areas which may be occupied;
- 6.1.4 Establish building setback lines, sizes of yards, and other open spaces within and surrounding such buildings; and
- 6.1.5 Regulate the density of population within Colerain Township to the fullest extent allowed by law.

**6.2 Establishment of Zoning Districts**

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

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

## 6.3 Official Zoning District Map

- 6.3.1 The boundaries of the established zoning districts are indicated upon the Official Zoning Map for Colerain Township.
- 6.3.2 This Official Zoning Map is hereby made a part of this Resolution.
- 6.3.3 The Official Zoning Map of Colerain Township, Hamilton County, Ohio, and all the quotations, references, and other matters shown thereon, shall be as much a part of this Resolution as if the notations, references and other matters set forth by said map were all fully described herein.
- 6.3.4 The Official Zoning Map is properly attested and is on file in the offices of the Colerain Township Zoning Department.
- 6.3.5 Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Zoning Resolution to provide the flexibility in its administration to allow for future expansion and amendments.

## 6.4 Interpretation of District Boundaries

- 6.4.1 The district boundary lines of the Official Zoning Map are intended to follow either streets or alleys lot lines, and where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley such boundary is otherwise indicated on the map.
- 6.4.2 The district boundary lines for the RF District are intended to follow the special flood hazard area boundaries as designated by the Federal Emergency Management Agency, and where the districts on the map are bounded approximately by such area boundaries, the boundaries are otherwise indicated on the map.
- 6.4.3 Where a zoning line does not follow a street, alley, or lot line, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.

## 6.5 Vacation of Public Ways

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

## 6.6 Relationship to Overlay Districts

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

## **6.7 References to Previous Zoning Districts**

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

# 7

## Article 7: Residential Zoning Districts

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## **ARTICLE 7: RESIDENTIAL ZONING DISTRICTS**

### **7.1 Districts and Purpose Statements**

#### **7.1.1 General Purpose and Intent**

The districts contained in this section are created to:

- (A) Provide appropriately located areas for residential development that are consistent with the Colerain Township Comprehensive Plan, the Colerain Township Land Use Plan and with standards of public health and safety established by this Resolution and any other appropriate governmental body;
- (B) Ensure adequate light, air, privacy and open space for each dwelling;
- (C) Protect residents from the harmful effects of excessive noise, population density, traffic congestion, and other significant adverse environmental effects;
- (D) Develop new housing where adequate public services can be provided economically; and
- (E) Provide high-quality residential neighborhood environments.

#### **7.1.2 Residential Districts and Specific Purpose Statements**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 7.2 Permitted Uses

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

### 7.2.1 Permitted Uses

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

### 7.2.2 Permitted Uses with Conditions

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

**7.2.3 Conditional Uses**

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

**7.2.4 Prohibited Uses**

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

**7.2.5 Numerical References**

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

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

**Table 7-1: Residential Use Table**

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

(Amended 3/10/09)

## 7.3 Site Development Standards

- 7.3.1** All buildings and lots shall meet the minimum site development standards set forth in Table 7-2 (on the following page) unless otherwise specified in use-specific regulations of Section 7.4 (Agricultural and Residential Use-Specific Regulations) as referenced in Table 7-1 above.
- 7.3.2** In order to rezone a property to an R-3, R-4, R-5, R-6, R-7, or PD District, a public or approved private water system and centralized sewer system shall be available for the development.
- 7.3.3** The Hamilton County General Health District may establish larger minimum lot area requirements than established in Table 7-2 for structures that require on-site wastewater treatment.
- 7.3.4** All permitted uses shall be located on an individual and separate lot with the following exceptions:
- (A) Two dwelling units may be located on a single lot within the R-5, R-6, and R-7 District.
  - (B) Multiple dwelling units may be located on a single lot for permitted uses within the R-7 District.

## 7.4 Agricultural and Residential Use-Specific Regulations

### 7.4.1 Active Parks and Recreational Areas

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

### 7.4.2 Agricultural Uses

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

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

### 7.4.3 Bed and Breakfast Establishments

- (A) Bed and breakfast establishments shall be within an owner-occupied unit or the owner may live in an adjacent home.
- (B) There shall be a maximum of 5 guest rooms.
- (B) There shall be a minimum of 2 parking spaces for the owners of the property and an additional parking space for each guest room. On-street parking spaces may count toward the required parking.

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

#### 7.4.4 Cemeteries

- (A) Cemeteries shall have a minimum lot area of 20 acres.
- (B) All chapels, mausoleums, accessory structures, or other structures shall be located a minimum of 100 feet from all lot lines in a residential zoning district. Such uses shall meet the minimum setback requirements of the applicable zoning district in a business zoning district.
- (C) Gravestones or grave markers shall meet all setbacks of the applicable zoning district.

#### 7.4.5 Educational Facilities

- (A) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district. (See also 12.2.2(B))
- (B) Educational facilities shall meet the buffer requirements of uses within the B-2 Zoning District (see Table 14-1).
- (C) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback shall be landscaped with grass and planting areas and shall be well maintained.

#### 7.4.6 Institutional Housing

- (A) The maximum density of institutional housing shall be 7 units or 7 beds per acre, whichever is less.
- (B) In a residential district, there shall be a maximum of 21 units or beds per site.
- (C) All buildings shall be set back 50 feet from all lot lines.
- (D) All units shall be rented or sold to the elderly, the handicapped, or the disabled in order to qualify as institutional housing. Mixed development, such as a retirement village with some independent living, shall be built under the multi-family dwelling regulations or as part of a planned development.
- (E) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

**Table 7-2: Residential Site Development Standards**

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

(Amended 9/13/11)

### 7.4.7 Multi-Family Dwellings

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

- (A) The dwelling units are attached by a common wall.
- (B) Each unit shall have a separate exterior entrance.
- (C) There shall be a maximum of 4 units per structure.
- (D) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

### 7.4.8 Open Space Residential Developments

#### (A) Purpose

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

#### (B) Property Requirements

- (1) Open space residential developments are permitted where the subject parcel(s) contains a minimum of 20 contiguous acres, not separated by a road or other right-of-way prior to development.
- (2) The developer (applicant) must own in fee simple or have an option to purchase all lands within the open space residential development.
- (3) Any lawful ownership arrangement including, but not limited to fee simple lots, is permitted in an open space residential development.
- (4) The arrangement of dwelling units shall comply with all development standards contained in the applicable zoning district as modified in this section.

#### (C) Permitted Density

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

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

**(D) Allowable Uses**

- (1) The uses allowed in an open space residential development are those permitted uses listed in the applicable zoning district.
- (2) Multi-family dwelling uses are prohibited in open space residential developments.
- (3) Private roads connecting one residence to another and/or for means of ingress and egress for the open space residential development are permitted, subject to the following conditions:
  - a.) The private roads must be designed and constructed to meet Hamilton County Engineer requirements for design, materials, and construction.
  - b.) The length, location, distance and other relevant siting factors must comply with all of the Hamilton County requirements for subdivision roads.

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

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

(1) Lot Area Requirements

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

(2) Minimum Yard Depths and Setbacks

- a.) Individual buildings in a proposed development shall be setback a minimum of 15 feet from a proposed internal public or private roadway and 35 feet from an existing township or county road.
- b.) Individual buildings shall be setback a minimum of 50 feet from any lot line that represents the boundary of the proposed open space residential development.

- c.) There shall be a minimum separation of 60 feet between the rear of two principal buildings or between the rear and front of two principal buildings.
- d.) The minimum separation between the sides of two principal buildings (side yards) in the proposed development shall be 20 feet.
- e.) Accessory uses shall be setback 10 feet from all lot lines.

**(F) Sewage Disposal**

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

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

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

**(H) Mandatory Open Space Requirements**

- (1) All open space residential developments shall include a minimum of 50 percent of the total site acreage as required open space. The following areas shall be completely preserved in their natural state as part of the open space requirements:
  - a.) Wetlands; and
  - b.) Areas with a natural slope of 20 percent or more.
- (2) In the case of phased developments, open space shall be provided in a proportional manner with a developed area (i.e., if a 100 acre site is to be developed in two phases of 50 acre each, 25 acres of open space, or 50 percent of the first phase, shall have to be provided with the first phase).
- (3) The following areas shall not count toward the minimum open space requirements:
  - a.) Private and public roads, and associated rights-of-way.
  - b.) Public or private parking areas, access ways, and driveways.
  - c.) Required setbacks between buildings, parking areas, and project boundaries.
  - d.) Required setbacks between buildings and streets,
  - e.) Required minimum spacing between buildings and parking areas.
  - f.) Private yards, including front, back and sides.
  - g.) Land that is subject to preexisting conservation easements or similar limitations on development.

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

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

- (1) Open space shall be designed and intended for the use and/or enjoyment of residents of the proposed development or the general public.
- (2) Areas designated for required open spaces shall be preserved in its natural state unless otherwise permitted as follows:
  - a.) They are designated to be utilized for farming when authorized in a conservation easement or in a homeowners association's covenants and restrictions; or
  - b.) They are designated to be used for underground drainage fields for individual or community septic systems or other underground components of on-site septic systems. Other components of on-site sewage disposal septic systems that extend above grade and are visible may not be within required open space. Easements shall be required to enable the maintenance of these facilities; or
  - c.) They are designated to be utilized as wet or dry stormwater management ponds or basins. These ponds or basins may be located partially or entirely within the required open space. Easements shall be required to enable the maintenance of these facilities; or
  - d.) They are designated to be used as active recreation areas designed and intended for the use and/or enjoyment of residents of the development, or the general public. These active recreation areas shall be located in areas with the least impact on natural amenities and wildlife habitats, of a useable size and shape for the intended purpose, and limited to 20 percent of the total acreage devoted to required open space. Such uses shall not include structures under a roof.

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

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

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

- (1) All required open space shall be restricted from further subdivision or development by deed restriction, conservation easement, or other agreement in a form acceptable to Colerain Township and duly recorded in the office of the Hamilton County Recorder.
- (2) Subject to permanent restrictions as set forth above, required open space in an open space residential development shall be owned by an Homeowners Association, Colerain Township (with its consent), a land trust or other conservation organization recognized by Colerain Township, or by a similar entity.

- (3) Required open space may be held by the individual members of a Homeowners Association as tenants-in-common or may be held in common ownership by a Homeowners Association, Community Association, or other similar legal entity.
- (4) To obtain Township approval of the ownership of open space and common areas, the association must submit documents with the development plan showing that the association's bylaws and/or code of regulations require the following:
  - a.) Membership in the Association shall be mandatory for all purchasers of lots in the development.
  - b.) The Association shall be responsible for maintenance, control, and insurance of all common areas, including required open space.

**(L) Conservation Easements**

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

**(M) Development Plan Submission Requirements**

- (1) Development plans are not subject to the review procedure established for planned development districts as defined in Section 4.5 (Planned Development District Review).
- (2) All proposed open space residential developments shall provide a site analysis and a development plan to document compliance with all requirements of this section.
- (3) A site analysis and development plan together with any required application forms shall be transmitted in a form and number as prescribed by the Zoning Commission.
- (4) The site analysis and development plan shall be submitted to and reviewed by the Zoning Administrator in the manner described herein.

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

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

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

(1) Distribution of Submitted Material

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

2) Review and Approval by Colerain Township Zoning Administrator

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

- a.) Approve the application and proposed development plan based upon a determination that the proposed plan complies with the standards set forth in this Resolution; or
- b.) Deny approval of the application and proposed development plan. The decision to deny the application shall include a written description of specific changes required for the proposed plan to conform to the requirements of this section. A decision to deny the application and proposed development plan may be appealed to the Board of Zoning Appeals in accordance with the requirements in Section 4.4 (Appeals, Variances, and Conditional Uses).

**(O) Approval Criteria**

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

**(P) Time Limits**

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

**(Q) Amendments**

- (1) After an open space residential development has been approved, adjustments, or rearrangements of buildings, parking areas, entrances, heights, or yards may be requested.
- (2) Changes, as defined herein, are allowed and may be approved by the Zoning Administrator, provided such requests conform to applicable standards defined in this section.

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

(Amended 12/11/07)

#### **7.4.9 Permanently Sited Manufactured Homes**

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

- (A) They meet the definition of a permanently sited manufactured home; and
- (B) They comply with all zoning requirements of a single-family dwelling in the applicable zoning district.
- (C) Travel trailers, park trailers, and mobile homes, as defined in Section 4501.01 of the ORC, and that do not qualify as a permanently sited manufactured home shall be prohibited

#### **7.4.10 Religious Places of Worship**

- (A) All buildings, activity areas, and parking areas shall be located a minimum of 50 feet from all lot lines when located within or adjacent to a residential zoning district.
- (B) Religious places of worship shall meet the buffer requirements of uses within the B-2 Zoning District (see Table 14-1).
- (C) No part of a parking area shall be closer than 5 feet to the side and rear lot line unless it is adjacent to a residential district where it shall be set back 50 feet from the property line adjacent to the residential district. All setback areas shall be landscaped with grass and planting areas and shall be well maintained.

#### **7.4.11 Riding Stables**

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

- (A) The use meets the definition of a riding stable.
- (B) All buildings, exterior storage, refuse, or supplies shall be set back a minimum of 100 feet from all lot lines.
- (C) A maximum of one animal unit shall be permitted per acre.

#### **7.4.12 Telecommunications Towers**

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

#### **Goals, Guidelines, and Objectives**

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

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

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

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

#### Telecommunications Towers in Residential Districts

- (A) Any person who plans to construct a telecommunications tower in a residential zoning district shall provide both of the following by certified mail:
- (1) Written notice to each owner of property, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language:
    - a.) The person's intent to construct the tower;
    - b.) A description of the property sufficient to identify the proposed location; and
    - c.) The property owner has a maximum of 15 days after the date of the mailing to give written notice to the Board of Township Trustees requesting that the Board of Zoning Appeals review the telecommunications tower pursuant to the authority granted by Sections 519.02 to 519.25 of the Ohio Revised Code as they apply to the proposed location of the tower.

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

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

#### **(B) Responses to Notification**

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

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

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

The application shall include the following:

- (1) A map showing the location of all of the applicant's and other providers' existing telecommunications towers and antennas within the Township and contiguous political subdivisions or within a 3-mile radius, whichever is greater;
  - (2) The general location(s) of the applicant's planned future telecommunications towers in the Township and contiguous political subdivisions;
  - (3) For each location shown on the plans, there must be a schedule showing:
    - a.) The type and size of telecommunications tower;
    - b.) The type of equipment located or proposed on each tower;
    - c.) The space available on the telecommunications tower for additional equipment;
    - d.) The ground network, if any, served by the telecommunications tower;
    - e.) A site plan showing the parcel on which any existing telecommunications tower is located.
- (D) The Board of Zoning Appeals shall approve a telecommunications tower as a conditional use if the Board finds that the applicant has satisfied all of the following standards:
- (1) The application shall comply with the general standards for a conditional use as established in Subsection 4.4.3 (Conditional Use Review Criteria);
  - (2) Proof shall be provided by the applicant in a form satisfactory to the Board that the proposal has been approved by all agencies and governmental entities with jurisdiction, including but not limited to the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communication Commission, or the successors to their respective functions.
  - (3) The applicant shall demonstrate by clear and convincing evidence that its tower antennae cannot be located on any other communication tower or facility in the vicinity, and that all reasonable means have been undertaken to avoid any undue negative impact caused by the "clustering" of towers within an area. In the event of the construction of new facilities by the applicant, the applicant shall agree to the use of such facilities by other cellular communications companies, telephone, radio, television companies, etc. upon payment of reasonable fees for such use.
  - (4) An application shall be denied unless the applicant demonstrates that technically suitable and feasible sites are not available in a non-residential district and that the site is located in the least restrictive district that includes a technically suitable and feasible site.

- (5) The applicant shall demonstrate that the proposed tower is the least aesthetically intrusive facility for the neighborhood and function. All buildings and structures shall be architecturally compatible with the architecture of the adjacent buildings and structures.
- (6) Pole, tower and/or structure placement shall be established on a lot meeting the minimum square footage requirements of the applicable zoning district and shall maintain a minimum setback of 100 feet from every lot line.
- (7) For reasons of aesthetics and public safety such facilities shall be effectively screened on each side which adjoins premises in any residence district. Screening shall consist of:
  - a.) A solid masonry wall or solid fence, not less than 4 nor more than 6 feet in height;
  - b.) A tight screen or hardy evergreen shrubbery; or
  - c.) Natural or existing screening not less than 4 feet in height.
- (8) The use of razor or barbed wire shall be prohibited.
- (9) Screening walls and fences shall be located not less than 30 feet from each lot line.
- (10) Spaces between any screening device and adjacent lot lines shall be buffered by the use of landscape plant materials including grass, hardy shrubs, evergreen ground cover. All screening devices and landscape materials shall be maintained in good condition and in compliance with the maintenance standards of Article/Section 14.7: Landscaping and Buffering, Maintenance.
- (11) The applicant (or its successors) shall, within 30 days of ceasing operation at the site of a telecommunication tower, give written notice of such ceasing of operation to the Zoning Commission. Facilities shall be removed from the site within 12 months of ceasing operations. Resale or renting of facilities is permissible only to other cellular communications systems subject to obtaining a Zoning Certificate from the Zoning Commission.
- (12) Any conditional use permit issued under this section shall be revocable and may be revoked after notice and hearing if any continuing condition of the certificate has been violated and is not remedied within 30 day of written notice from the Zoning Commission.

(E) Expert Review

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

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

*(Amended 2/22/11)*

#### **7.4.13 Group Homes for Children**

- (A) All buildings in which a Group Home for Children is established shall be residential in character.
- (B) Each Dwelling Unit in which a Group Home for Children is established shall be deemed to be a separate Group Home for Children.
- (C) A Dwelling Unit in which a Group Home for Children is established shall be not closer than 600 feet to the next closest Dwelling Unit used as a Group Home for Children.

*(Amended 3/10/09)*